

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

# HOUSE BILL 2183

## AN ACT

AMENDING SECTIONS 28-101, 28-645, 28-647, 28-672, 28-695, 28-3101, 28-3158, 28-3164, 28-3303, 28-3306, 28-3307 AND 28-3321, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3323; AMENDING TITLE 28, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.1; AMENDING SECTION 28-5101, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 13, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-5101.01, 28-5101.02 AND 28-5101.03; AMENDING SECTIONS 28-5102, 28-5104, 28-5107, 28-5108, 28-6991, 32-2351, 32-2353, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 28-101, Arizona Revised Statutes, is amended to  
3 read:  
4 28-101. Definitions  
5 In this title, unless the context otherwise requires:  
6 1. "Alcohol" means any substance containing any form of alcohol,  
7 including ethanol, methanol, propynol and isopropynol.  
8 2. "Alcohol concentration" if expressed as a percentage means either:  
9 (a) The number of grams of alcohol per one hundred milliliters of  
10 blood.  
11 (b) The number of grams of alcohol per two hundred ten liters of  
12 breath.  
13 3. "All-terrain vehicle" means either of the following:  
14 (a) A motor vehicle that satisfies all of the following:  
15 (i) Is designed primarily for recreational nonhighway all-terrain  
16 travel.  
17 (ii) Is fifty or fewer inches in width.  
18 (iii) Has an unladen weight of one thousand two hundred pounds or  
19 less.  
20 (iv) Travels on three or more nonhighway tires.  
21 (v) Has a seat to be straddled by the operator and handlebars for  
22 steering control.  
23 (vi) Is operated on a public highway.  
24 (b) A recreational off-highway vehicle that satisfies all of the  
25 following:  
26 (i) Is designed primarily for recreational nonhighway all-terrain  
27 travel.  
28 (ii) Is sixty-four or fewer inches in width.  
29 (iii) Has an unladen weight of one thousand eight hundred pounds or  
30 less.  
31 (iv) Travels on four or more nonhighway tires.  
32 (v) Has a nonstraddle seat and a steering wheel for steering control.  
33 4. "Authorized emergency vehicle" means any of the following:  
34 (a) A fire department vehicle.  
35 (b) A police vehicle.  
36 (c) An ambulance or emergency vehicle of a municipal department or  
37 public service corporation that is designated or authorized by the department  
38 or a local authority.  
39 (d) Any other ambulance, fire truck or rescue vehicle that is  
40 authorized by the department in its sole discretion and that meets liability  
41 insurance requirements prescribed by the department.  
42 5. "Aviation fuel" means all flammable liquids composed of a mixture  
43 of selected hydrocarbons expressly manufactured and blended for the purpose  
44 of effectively and efficiently operating an internal combustion engine for

1 use in an aircraft but does not include fuel for jet or turbine powered  
2 aircraft.

3 6. "Bicycle" means a device, including a racing wheelchair, that is  
4 propelled by human power and on which a person may ride and that has either:

5 (a) Two tandem wheels, either of which is more than sixteen inches in  
6 diameter.

7 (b) Three wheels in contact with the ground, any of which is more than  
8 sixteen inches in diameter.

9 7. "Board" means the transportation board.

10 8. "Bus" means a motor vehicle designed for carrying sixteen or more  
11 passengers, including the driver.

12 9. "Business district" means the territory contiguous to and including  
13 a highway if there are buildings in use for business or industrial purposes  
14 within any six hundred feet along the highway, including hotels, banks or  
15 office buildings, railroad stations and public buildings that occupy at least  
16 three hundred feet of frontage on one side or three hundred feet collectively  
17 on both sides of the highway.

18 10. "Combination of vehicles" means a truck or truck tractor and  
19 semitrailer and any trailer that it tows but does not include a forklift  
20 designed for the purpose of loading or unloading the truck, trailer or  
21 semitrailer.

22 11. "Controlled substance" means a substance so classified under  
23 section 102(6) of the controlled substances act (21 United States Code  
24 section 802(6)) and includes all substances listed in schedules I through V  
25 of 21 Code of Federal Regulations part 1308.

26 12. "Conviction" means:

27 (a) An unvacated adjudication of guilt or a determination that a  
28 person violated or failed to comply with the law in a court of original  
29 jurisdiction or by an authorized administrative tribunal.

30 (b) An unvacated forfeiture of bail or collateral deposited to secure  
31 the person's appearance in court.

32 (c) A plea of guilty or no contest accepted by the court.

33 (d) The payment of a fine or court costs.

34 13. "County highway" means a public road constructed and maintained by  
35 a county.

36 14. "Dealer" means a person who is engaged in the business of buying,  
37 selling or exchanging motor vehicles, trailers or semitrailers and who has an  
38 established place of business.

39 15. "Department" means the department of transportation acting directly  
40 or through its duly authorized officers and agents.

41 16. "Director" means the director of the department of transportation.

42 17. "Drive" means to operate or be in actual physical control of a  
43 motor vehicle.

44 18. "Driver" means a person who drives or is in actual physical control  
45 of a vehicle.

1           19. "Driver license" means a license that is issued by a state to an  
2 individual and that authorizes the individual to drive a motor vehicle.

3           20. "Electric personal assistive mobility device" means a  
4 self-balancing two nontandem wheeled device with an electric propulsion  
5 system that limits the maximum speed of the device to fifteen miles per hour  
6 or less and that is designed to transport only one person.

7           21. "Farm" means any lands primarily used for agriculture production.

8           22. "Farm tractor" means a motor vehicle designed and used primarily as  
9 a farm implement for drawing implements of husbandry.

10          23. "Foreign vehicle" means a motor vehicle, trailer or semitrailer  
11 that is brought into this state other than in the ordinary course of business  
12 by or through a manufacturer or dealer and that has not been registered in  
13 this state.

14          24. "Golf cart" means a motor vehicle that has not less than three  
15 wheels in contact with the ground, that has an unladen weight of less than  
16 one thousand eight hundred pounds, that is designed to be and is operated at  
17 not more than twenty-five miles per hour and that is designed to carry not  
18 more than four persons including the driver.

19          25. "Hazardous material" means a material, and its mixtures or  
20 solutions, that the United States department of transportation determines  
21 under 49 Code of Federal Regulations is, or any quantity of a material listed  
22 as a select agent or toxin under 42 Code of Federal Regulations part 73 that  
23 is, capable of posing an unreasonable risk to health, safety and property if  
24 transported in commerce and that is required to be placarded or marked as  
25 required by the department's safety rules prescribed pursuant to chapter 14  
26 of this title.

27          26. "Implement of husbandry" means a vehicle designed primarily for  
28 agricultural purposes and used exclusively in the conduct of agricultural  
29 operations, including an implement or vehicle whether self-propelled or  
30 otherwise that meets both of the following conditions:

31           (a) Is used solely for agricultural purposes including the preparation  
32 or harvesting of cotton, alfalfa, grains and other farm crops.

33           (b) Is only incidentally operated or moved on a highway whether as a  
34 trailer or self-propelled unit. For the purposes of this subdivision,  
35 "incidentally operated or moved on a highway" means travel between a farm and  
36 another part of the same farm, from one farm to another farm or between a  
37 farm and a place of repair, supply or storage.

38          27. "Limousine" means a motor vehicle providing prearranged ground  
39 transportation service for an individual passenger, or a group of passengers,  
40 that is arranged in advance or is operated on a regular route or between  
41 specified points and includes ground transportation under a contract or  
42 agreement for services that includes a fixed rate or time and is provided in  
43 a motor vehicle with a seating capacity not exceeding fifteen passengers  
44 including the driver.

- 1           28. "Livery vehicle" means a motor vehicle that:  
2           (a) Has a seating capacity not exceeding fifteen passengers including  
3 the driver.  
4           (b) Provides passenger services for a fare determined by a flat rate  
5 or flat hourly rate between geographic zones or within a geographic area.  
6           (c) Is available for hire on an exclusive or shared ride basis.  
7           (d) May do any of the following:  
8           (i) Operate on a regular route or between specified places.  
9           (ii) Offer prearranged ground transportation service as defined in  
10 section 28-141.  
11           (iii) Offer on demand ground transportation service pursuant to a  
12 contract with a public airport, licensed business entity or organization.  
13           29. "Local authority" means any county, municipal or other local board  
14 or body exercising jurisdiction over highways under the constitution and laws  
15 of this state.  
16           30. "Manufacturer" means a person engaged in the business of  
17 manufacturing motor vehicles, trailers or semitrailers.  
18           31. "Moped" means a bicycle that is equipped with a helper motor if the  
19 vehicle has a maximum piston displacement of fifty cubic centimeters or less,  
20 a brake horsepower of one and one-half or less and a maximum speed of  
21 twenty-five miles per hour or less on a flat surface with less than a one per  
22 cent grade.  
23           32. "Motor driven cycle" means a motorcycle, including every motor  
24 scooter, with a motor that produces not more than five horsepower.  
25           33. "Motor vehicle":  
26           (a) Means either:  
27           (i) A self-propelled vehicle.  
28           (ii) For the purposes of the laws relating to the imposition of a tax  
29 on motor vehicle fuel, a vehicle that is operated on the highways of this  
30 state and that is propelled by the use of motor vehicle fuel.  
31           (b) Does not include a motorized wheelchair, an electric personal  
32 assistive mobility device or a motorized skateboard. For the purposes of  
33 this subdivision:  
34           (i) "Motorized skateboard" means a self-propelled device that has a  
35 motor, a deck on which a person may ride and at least two tandem wheels in  
36 contact with the ground.  
37           (ii) "Motorized wheelchair" means a self-propelled wheelchair that is  
38 used by a person for mobility.  
39           34. "Motor vehicle fuel" includes all products that are commonly or  
40 commercially known or sold as gasoline, including casinghead gasoline,  
41 natural gasoline and all flammable liquids, and that are composed of a  
42 mixture of selected hydrocarbons expressly manufactured and blended for the  
43 purpose of effectively and efficiently operating internal combustion engines.  
44 Motor vehicle fuel does not include inflammable liquids that are specifically  
45 manufactured for racing motor vehicles and that are distributed for and used

1 by racing motor vehicles at a racetrack, use fuel as defined in section  
2 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the  
3 mixture created at the interface of two different substances being  
4 transported through a pipeline, commonly known as transmix.

5 35. "Motorcycle" means a motor vehicle that has a seat or saddle for  
6 the use of the rider and that is designed to travel on not more than three  
7 wheels in contact with the ground but excluding a tractor and a moped.

8 36. "Neighborhood electric vehicle" means a self-propelled electrically  
9 powered motor vehicle to which all of the following apply:

10 (a) The vehicle is emission free.

11 (b) The vehicle has at least four wheels in contact with the ground.

12 (c) The vehicle complies with the definition and standards for low  
13 speed vehicles set forth in federal motor vehicle safety standard 500 and 49  
14 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

15 37. "Nonresident" means a person who is not a resident of this state as  
16 defined in section 28-2001.

17 38. "Off-road recreational motor vehicle" means a motor vehicle that is  
18 designed primarily for recreational nonhighway all-terrain travel and that is  
19 not operated on a public highway. Off-road recreational motor vehicle does  
20 not mean a motor vehicle used for construction, building trade, mining or  
21 agricultural purposes.

22 39. "Operator" means a person who drives a motor vehicle on a highway,  
23 who is in actual physical control of a motor vehicle on a highway or who is  
24 exercising control over or steering a vehicle being towed by a motor vehicle.

25 40. "Owner" means:

26 (a) A person who holds the legal title of a vehicle.

27 (b) If a vehicle is the subject of an agreement for the conditional  
28 sale or lease with the right of purchase on performance of the conditions  
29 stated in the agreement and with an immediate right of possession vested in  
30 the conditional vendee or lessee, the conditional vendee or lessee.

31 (c) If a mortgagor of a vehicle is entitled to possession of the  
32 vehicle, the mortgagor.

33 41. "Pedestrian" means any person afoot. A person who uses an electric  
34 personal assistive mobility device or a manual or motorized wheelchair is  
35 considered a pedestrian unless the manual wheelchair qualifies as a bicycle.  
36 For the purposes of this paragraph, "motorized wheelchair" means a  
37 self-propelled wheelchair that is used by a person for mobility.

38 42. "Power sweeper" means an implement, with or without motive power,  
39 that is only incidentally operated or moved on a street or highway and that  
40 is designed for the removal of debris, dirt, gravel, litter or sand whether  
41 by broom, vacuum or regenerative air system from asphaltic concrete or cement  
42 concrete surfaces, including parking lots, highways, streets and warehouses,  
43 and a vehicle on which the implement is permanently mounted.

44 43. "Public transit" means the transportation of passengers on  
45 scheduled routes by means of a conveyance on an individual passenger

1 fare-paying basis excluding transportation by a sight-seeing bus, school bus  
2 or taxi or a vehicle not operated on a scheduled route basis.

3 44. "Reconstructed vehicle" means a vehicle that has been assembled or  
4 constructed largely by means of essential parts, new or used, derived from  
5 vehicles or makes of vehicles of various names, models and types or that, if  
6 originally otherwise constructed, has been materially altered by the removal  
7 of essential parts or by the addition or substitution of essential parts, new  
8 or used, derived from other vehicles or makes of vehicles. For the purposes  
9 of this paragraph, "essential parts" means integral and body parts, the  
10 removal, alteration or substitution of which will tend to conceal the  
11 identity or substantially alter the appearance of the vehicle.

12 45. "Residence district" means the territory contiguous to and  
13 including a highway not comprising a business district if the property on the  
14 highway for a distance of three hundred feet or more is in the main improved  
15 with residences or residences and buildings in use for business.

16 46. "Right-of-way" when used within the context of the regulation of  
17 the movement of traffic on a highway means the privilege of the immediate use  
18 of the highway. Right-of-way when used within the context of the real  
19 property on which transportation facilities and appurtenances to the  
20 facilities are constructed or maintained means the lands or interest in lands  
21 within the right-of-way boundaries.

22 47. "School bus" means a motor vehicle that is designed for carrying  
23 more than ten passengers and that is either:

24 (a) Owned by any public or governmental agency or other institution  
25 and operated for the transportation of children to or from home or school on  
26 a regularly scheduled basis.

27 (b) Privately owned and operated for compensation for the  
28 transportation of children to or from home or school on a regularly scheduled  
29 basis.

30 48. "Semitrailer" means a vehicle that is with or without motive power,  
31 other than a pole trailer, that is designed for carrying persons or property  
32 and for being drawn by a motor vehicle and that is constructed so that some  
33 part of its weight and that of its load rests on or is carried by another  
34 vehicle. For the purposes of this paragraph, "pole trailer" has the same  
35 meaning prescribed in section 28-601.

36 49. "State" means a state of the United States and the District of  
37 Columbia.

38 50. "State highway" means a state route or portion of a state route  
39 that is accepted and designated by the board as a state highway and that is  
40 maintained by the state.

41 51. "State route" means a right-of-way whether actually used as a  
42 highway or not that is designated by the board as a location for the  
43 construction of a state highway.

1           52. "Street" or "highway" means the entire width between the boundary  
2 lines of every way if a part of the way is open to the use of the public for  
3 purposes of vehicular travel.

4           53. "Taxi" means a motor vehicle that has a seating capacity not  
5 exceeding fifteen passengers, including the driver, that is registered as a  
6 taxi in this state or any other state, that provides passenger services and  
7 that:

8           (a) Does not operate on a regular route or between specified places.

9           (b) Offers local transportation for a fare determined primarily on the  
10 basis of the distance traveled.

11           54. "TRAFFIC SURVIVAL SCHOOL" MEANS A SCHOOL THAT OFFERS EDUCATIONAL  
12 SESSIONS TO DRIVERS WHO ARE REQUIRED TO ATTEND AND SUCCESSFULLY COMPLETE  
13 EDUCATIONAL SESSIONS PURSUANT TO THIS TITLE THAT ARE DESIGNED TO IMPROVE THE  
14 SAFETY AND HABITS OF DRIVERS AND THAT ARE APPROVED BY THE DEPARTMENT.

15           ~~54.~~ 55. "Trailer" means a vehicle that is with or without motive  
16 power, other than a pole trailer, that is designed for carrying persons or  
17 property and for being drawn by a motor vehicle and that is constructed so  
18 that no part of its weight rests on the towing vehicle. A semitrailer  
19 equipped with an auxiliary front axle commonly known as a dolly is deemed to  
20 be a trailer. For the purposes of this paragraph, "pole trailer" has the same  
21 meaning prescribed in section 28-601.

22           ~~55.~~ 56. "Truck" means a motor vehicle designed or used primarily for  
23 the carrying of property other than the effects of the driver or passengers  
24 and includes a motor vehicle to which has been added a box, a platform or  
25 other equipment for such carrying.

26           ~~56.~~ 57. "Truck tractor" means a motor vehicle that is designed and  
27 used primarily for drawing other vehicles and that is not constructed to  
28 carry a load other than a part of the weight of the vehicle and load drawn.

29           ~~57.~~ 58. "Vehicle" means a device in, on or by which a person or  
30 property is or may be transported or drawn on a public highway, excluding  
31 devices moved by human power or used exclusively on stationary rails or  
32 tracks.

33           ~~58.~~ 59. "Vehicle transporter" means either:

34           (a) A truck tractor capable of carrying a load and drawing a  
35 semitrailer.

36           (b) A truck tractor with a stinger-steered fifth wheel capable of  
37 carrying a load and drawing a semitrailer or a truck tractor with a dolly  
38 mounted fifth wheel that is securely fastened to the truck tractor at two or  
39 more points and that is capable of carrying a load and drawing a semitrailer.

40           Sec. 2. Section 28-645, Arizona Revised Statutes, is amended to read:

41           28-645. Traffic control signal legend

42           A. If traffic is controlled by traffic control signals exhibiting  
43 different colored lights or colored lighted arrows successively one at a time  
44 or in combination, only the colors green, red and yellow shall be used,

1 except for special pedestrian signals carrying a word legend. The lights  
2 shall indicate and apply to drivers of vehicles and pedestrians as follows:

3 1. Green indication:

4 (a) Vehicular traffic facing a green signal may proceed straight  
5 through or turn right or left unless a sign at that place prohibits either  
6 turn. Vehicular traffic, including vehicles turning right or left, shall  
7 yield the right-of-way to other vehicles and to pedestrians lawfully within  
8 the intersection or an adjacent crosswalk at the time the signal is  
9 exhibited.

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in  
11 combination with another indication, may cautiously enter the intersection  
12 only to make the movement indicated by such arrow or such other movement as  
13 is permitted by other indications shown at the same time. Vehicular traffic  
14 shall yield the right-of-way to pedestrians lawfully within an adjacent  
15 crosswalk and to other traffic lawfully using the intersection.

16 (c) Unless otherwise directed by a pedestrian control signal as  
17 provided in section 28-646, pedestrians facing any green signal, except if  
18 the sole green signal is a turn arrow, may proceed across the roadway within  
19 any marked or unmarked crosswalk.

20 2. Steady yellow indication:

21 (a) Vehicular traffic facing a steady yellow signal is warned by the  
22 signal that the related green movement is being terminated or that a red  
23 indication will be exhibited immediately thereafter when vehicular traffic  
24 shall not enter the intersection.

25 (b) Unless otherwise directed by a pedestrian control signal as  
26 provided in section 28-646, pedestrians facing a steady yellow signal are  
27 advised by the signal that there is insufficient time to cross the roadway  
28 before a red indication is shown and a pedestrian shall not then start to  
29 cross the roadway.

30 3. Red indication:

31 (a) Except as provided in subdivisions (b) and (c) of this paragraph,  
32 vehicular traffic facing a steady red signal alone shall stop before entering  
33 the intersection and shall remain standing until an indication to proceed is  
34 shown. On receipt of a record of judgment for a violation of this  
35 subdivision or an act in another jurisdiction that if committed in this state  
36 would be a violation of this section, the department shall order the person  
37 to attend and successfully complete traffic survival school ~~training and~~  
38 educational sessions within sixty days after the department issues the order.  
39 Notwithstanding section 28-3315, if the person fails to attend or  
40 successfully complete traffic survival school ~~training and~~ educational  
41 sessions, the department shall suspend the person's driving privilege  
42 pursuant to section 28-3306 until the person attends and successfully  
43 completes traffic survival school ~~training and~~ educational sessions. A  
44 person whose driving privilege is suspended pursuant to this subdivision may  
45 request a hearing. If the person requests a hearing, the department shall

1 conduct the hearing as prescribed in section 28-3306. A law enforcement  
2 officer or a jurisdiction issuing a citation to a person who violates this  
3 subdivision shall provide written notice to the person that if eligible, the  
4 person may attend defensive driving school or, if not eligible or if the  
5 person chooses not to attend defensive driving school and is ~~convicted~~ FOUND  
6 RESPONSIBLE or enters a plea of responsible for a violation of this  
7 subsection, the person must attend and successfully complete traffic survival  
8 school ~~training and~~ educational sessions. The notice shall include a  
9 reference to red light violations and state that if the person is required to  
10 attend traffic survival school the person will receive notice from the motor  
11 vehicle division.

12 (b) The driver of a vehicle that is stopped in obedience to a red  
13 signal and as close as practicable at the entrance to the crosswalk on the  
14 near side of the intersection, or if there is no crosswalk, then at the  
15 entrance to the intersection, may make a right turn but shall yield the  
16 right-of-way to pedestrians and other traffic proceeding as directed by the  
17 signal. A right turn may be prohibited against a red signal at any  
18 intersection if a sign prohibiting the turn is erected at the intersection.

19 (c) The driver of a vehicle on a one-way street that intersects  
20 another one-way street on which traffic moves to the left shall stop in  
21 obedience to a red signal but may then make a left turn into the one-way  
22 street. The driver shall yield the right-of-way to pedestrians and other  
23 traffic proceeding as directed by the signal at the intersection, except that  
24 such left turn may be prohibited if a sign prohibiting the turn is erected at  
25 the intersection.

26 (d) Unless otherwise directed by a pedestrian control signal as  
27 provided in section 28-646, a pedestrian facing a steady red signal alone  
28 shall not enter the roadway.

29 B. If an official traffic control signal is erected and maintained at  
30 a place other than an intersection, this section applies except as to those  
31 provisions of this section that by their nature can have no application. Any  
32 stop required shall be made at a sign or marking on the pavement indicating  
33 where the stop shall be made, but in the absence of a sign or marking the  
34 stop shall be made at the signal.

35 C. The driver of a vehicle approaching an intersection that has an  
36 official traffic control signal that is inoperative shall bring the vehicle  
37 to a complete stop before entering the intersection and may proceed with  
38 caution only when it is safe to do so. If two or more vehicles approach an  
39 intersection from different streets or highways at approximately the same  
40 time and the official traffic control signal for the intersection is  
41 inoperative, the driver of each vehicle shall bring the vehicle to a complete  
42 stop before entering the intersection and the driver of the vehicle on the  
43 left shall yield the right-of-way to the driver of the vehicle on the right.

1           Sec. 3. Section 28-647, Arizona Revised Statutes, is amended to read:  
2           28-647. Flashing signals

3           If an illuminated flashing red or yellow signal is used in a traffic  
4 sign or signal it requires obedience by vehicular traffic as follows:

5           1. Flashing red stop signal. If a red lens is illuminated with rapid  
6 intermittent flashes, drivers of vehicles shall stop before entering the  
7 nearest crosswalk at an intersection or at a limit line if marked, or if  
8 none, then before entering the intersection, and the right to proceed is  
9 subject to the rules applicable after making a stop at a stop sign. On  
10 receipt of a record of judgment for a violation of this paragraph, the  
11 department shall order the person to attend and successfully complete traffic  
12 survival school ~~training and~~ educational sessions within sixty days after the  
13 department issues the order. Notwithstanding section 28-3315, if the person  
14 fails to attend or successfully complete traffic survival school ~~training and~~  
15 educational sessions, the department shall suspend the person's driving  
16 privilege pursuant to section 28-3306 until the person attends and  
17 successfully completes traffic survival school ~~training and~~ educational  
18 sessions. A person whose driving privilege is suspended pursuant to this  
19 paragraph may request a hearing. If the person requests a hearing, the  
20 department shall conduct the hearing as prescribed in section 28-3306. A law  
21 enforcement officer or a jurisdiction issuing a citation to a person who  
22 violates this paragraph shall provide written notice to the person that if  
23 eligible, the person may attend defensive driving school or, if not eligible  
24 or if the person chooses not to attend defensive driving school and is  
25 ~~convicted~~ FOUND RESPONSIBLE or enters a plea of responsible for a violation  
26 of this paragraph, the person must attend and successfully complete traffic  
27 survival school ~~training and~~ educational sessions. The notice shall include  
28 a reference to red light violations and state that if the person is required  
29 to attend traffic survival school the person will receive notice from the  
30 motor vehicle division.

31           2. Flashing yellow caution signal. If a yellow lens is illuminated  
32 with rapid intermittent flashes, drivers of vehicles may proceed through the  
33 intersection or past the signal only with caution.

34           Sec. 4. Section 28-672, Arizona Revised Statutes, is amended to read:  
35           28-672. Causing serious physical injury or death by a moving  
36                           violation; time limitation; penalties;  
37                           classification; definition

38           A. A person is guilty of causing serious physical injury or death by a  
39 moving violation if the person violates any one of the following and the  
40 violation results in an accident causing serious physical injury or death to  
41 another person:

- 42           1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 43           2. Section 28-729.
- 44           3. Section 28-771.
- 45           4. Section 28-772.

1           5. Section 28-773.

2           6. Section 28-792.

3           7. Section 28-794.

4           8. Section 28-797, subsection F, G, H or I.

5           9. Section 28-855, subsection B.

6           10. Section 28-857, subsection A.

7           B. A person who violates this section shall attend and successfully  
8 complete traffic survival school ~~training and~~ educational sessions that are  
9 designed to improve the safety and habits of drivers and that are approved by  
10 the department. In addition, the court may order the person to perform  
11 community restitution.

12           C. The court shall report a conviction for a violation of this section  
13 to the department and:

14           1. For a first violation of this section, may direct the department to  
15 suspend the person's driving privilege for not more than ninety days if the  
16 violation results in serious physical injury and not more than one hundred  
17 eighty days if the violation results in death.

18           2. For a second or subsequent violation of this section within a  
19 period of thirty-six months, shall direct the department to suspend the  
20 person's driving privilege for ninety days if the violation results in  
21 serious physical injury and one hundred eighty days if the violation results  
22 in death.

23           D. If a person's driving privilege is suspended pursuant to any other  
24 statute because of an incident involving a violation of this section, the  
25 suspension period prescribed in subsection C of this section shall run  
26 concurrently with the other suspension period.

27           E. If a person fails to successfully complete traffic survival school  
28 ~~training and~~ educational sessions or perform community restitution pursuant  
29 to this section, the court shall notify the department and the department  
30 shall promptly suspend the driver license or permit of the driver or the  
31 privilege of a nonresident to drive a motor vehicle in this state until the  
32 order is satisfied.

33           F. If the person who suffers serious physical injury as a result of a  
34 violation of this section appears before the court in which the action is  
35 pending at any time before trial and acknowledges receipt of satisfaction for  
36 the injury, on payment of the costs incurred, the court shall order that the  
37 prosecution be dismissed and the defendant be discharged. The reasons for  
38 the order shall be set forth and entered of record, and the order shall be a  
39 bar to another prosecution for the same offense.

40           G. Restitution awarded pursuant to section 13-603 as a result of a  
41 violation of this section shall not exceed ten thousand dollars.

42           H. A prosecution for a violation of this section must be commenced  
43 within two years after actual discovery of the offense by the state or the  
44 political subdivision having jurisdiction or discovery by the state or the

1 political subdivision that should have occurred with the exercise of  
2 reasonable diligence, whichever first occurs.

3 I. A person who violates this section is guilty of a class 3  
4 misdemeanor, except that if the violation results in the death of another  
5 person the maximum fine for the person shall be one thousand dollars.

6 J. For the purposes of this section, "serious physical injury" has the  
7 same meaning prescribed in section 13-105.

8 Sec. 5. Section 28-695, Arizona Revised Statutes, is amended to read:  
9 28-695. Aggressive driving; violation; classification;  
10 definition

11 A. A person commits aggressive driving if both of the following occur:

12 1. During a course of conduct the person commits a violation of either  
13 section 28-701, subsection A or section 28-701.02 and at least two of the  
14 following violations:

15 (a) Failure to obey traffic control devices as provided in section  
16 28-644.

17 (b) Overtaking and passing another vehicle on the right by driving off  
18 the pavement or main traveled portion of the roadway as provided in section  
19 28-724.

20 (c) Unsafe lane change as provided in section 28-729.

21 (d) Following a vehicle too closely as provided in section 28-730.

22 (e) Failure to yield the right-of-way as provided in article 9 of this  
23 chapter.

24 2. The person's driving is an immediate hazard to another person or  
25 vehicle.

26 B. A person convicted of aggressive driving is guilty of a class 1  
27 misdemeanor.

28 C. In addition to any other penalty prescribed by law:

29 1. A person convicted of a violation of this section shall attend and  
30 successfully complete approved traffic survival school ~~training and~~  
31 educational sessions that are designed to improve the safety and habits of  
32 drivers and that are approved by the department.

33 2. The court shall forward the abstract of conviction to the  
34 department and may order the department to suspend the person's driving  
35 privilege for thirty days.

36 D. If a person who is convicted of a violation of this section has  
37 been previously convicted of a violation of this section within a period of  
38 twenty-four months:

39 1. The person is guilty of a class 1 misdemeanor.

40 2. In addition to any other penalty prescribed by law, the court shall  
41 forward the abstract of conviction to the department. On receipt of the  
42 abstract of conviction, the department shall revoke the driving privilege of  
43 the person for one year.

44 E. The dates of the commission of the offense determine whether  
45 subsection D of this section applies. A second or subsequent violation for

1 which a conviction occurs as provided in this section does not include a  
2 conviction for an offense arising out of the same series of acts.

3 F. For the purposes of this section "course of conduct" means a series  
4 of acts committed during a single, continuous period of driving.

5 Sec. 6. Section 28-3101, Arizona Revised Statutes, is amended to read:  
6 28-3101. Driver license classes

7 A. Except as provided in subsections B and C of this section and  
8 section 28-3102, the following driver license classes are valid:

9 1. Class A. A class A license is valid for operating either of the  
10 following:

11 (a) A motor vehicle that tows a vehicle with a gross vehicle weight  
12 rating of more than ten thousand pounds if the combined gross vehicle weight  
13 rating is twenty-six thousand one or more pounds.

14 (b) A vehicle that requires a class B, C or D license.

15 2. Class B. A class B license is valid for operating any of the  
16 following:

17 (a) A single motor vehicle with a gross vehicle weight rating of  
18 twenty-six thousand one or more pounds.

19 (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
20 thousand one or more pounds that tows a vehicle with a gross vehicle weight  
21 rating of ten thousand pounds or less.

22 (c) A vehicle that requires a class C or D license for operation.

23 3. Class C. A class C license is valid for operating any of the  
24 following:

25 (a) A single motor vehicle with a gross vehicle weight rating of  
26 twenty-six thousand pounds or less.

27 (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
28 thousand pounds or less that tows a vehicle with a gross vehicle weight  
29 rating of ten thousand pounds or less.

30 (c) A motor vehicle with a gross vehicle weight rating of twenty-six  
31 thousand pounds or less that tows a vehicle with a gross vehicle weight  
32 rating of more than ten thousand pounds, if the combined gross vehicle weight  
33 rating is less than twenty-six thousand one pounds.

34 (d) A vehicle that is required to be placarded for hazardous  
35 materials.

36 (e) A bus or school bus.

37 (f) A vehicle that requires a class D license for operation.

38 4. Class D. A class D license is valid for operating any of the  
39 following:

40 (a) A single motor vehicle with a gross vehicle weight rating of  
41 twenty-six thousand pounds or less.

42 (b) A motor vehicle with a gross vehicle weight rating of twenty-six  
43 thousand pounds or less that tows a vehicle with a gross vehicle weight  
44 rating of ten thousand pounds or less.

1 (c) A motor vehicle with a gross vehicle weight rating of twenty-six  
2 thousand pounds or less that tows a vehicle with a gross vehicle weight  
3 rating of more than ten thousand pounds if the combined gross vehicle weight  
4 rating is less than twenty-six thousand one pounds.

5 (d) A MOTORIZED TOURING VEHICLE. FOR THE PURPOSES OF THIS  
6 SUBDIVISION, "MOTORIZED TOURING VEHICLE" MEANS A MOTOR VEHICLE THAT IS ALL OF  
7 THE FOLLOWING:

8 (i) OWNED BY A COMMERCIAL ENTITY.

9 (ii) RENTED FOR USE DURING A SIGHTSEEING TOUR THAT IS GUIDED BY AN  
10 EMPLOYEE OF THE COMMERCIAL ENTITY THAT RENTS THE MOTOR VEHICLE.

11 (iii) DESIGNED TO TRAVEL WITH THREE WHEELS ON THE GROUND.

12 (iv) CAPABLE OF A MAXIMUM SPEED OF FORTY-FIVE MILES PER HOUR.

13 5. Class G. A class G license is valid for operating a single motor  
14 vehicle with a gross vehicle weight rating of twenty-six thousand pounds or  
15 less.

16 6. Class M. A class M license is valid for operating a motorcycle,  
17 motor driven cycle or moped. For the purpose of licensing a driver, the  
18 department may endorse a class M license classification on a valid class A,  
19 B, C, D or G license.

20 B. A class A, B, C, D or G license is not valid for operating a  
21 vehicle that requires a class M license or a vehicle that requires a special  
22 endorsement unless the proper endorsement appears on the license.

23 C. A commercial driver license is not required to operate a vehicle  
24 described in subsection A, paragraph 1, 2 or 3 of this section if the vehicle  
25 has been issued a historic vehicle license plate pursuant to section 28-2484  
26 and the department provides in the vehicle registration record both of the  
27 following:

28 1. That the vehicle is classified as a noncommercial vehicle and may  
29 not be used as a commercial vehicle.

30 2. The vehicle's gross vehicle weight is entered as zero.

31 Sec. 7. Section 28-3158, Arizona Revised Statutes, is amended to read:

32 28-3158. Driver license or instruction permit application

33 A. A person who applies for an instruction permit or for a driver  
34 license shall use a form furnished by the department.

35 B. An applicant shall pay the fee prescribed by section 28-3002 for a  
36 driver license or for an instruction permit issued under section 28-3154,  
37 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section  
38 entitles the applicant to not more than three attempts to pass the written  
39 examination or road test within twelve months from the date of the  
40 application. The department shall refund an application fee pursuant to  
41 section 28-373. ~~An applicant who submits documentation of successful  
42 completion of a driver education course approved by the department is not  
43 required to take the road test.~~

1 C. An applicant for an instruction permit or a driver license shall  
2 give the department satisfactory proof of the applicant's full legal name,  
3 date of birth, sex and residence address and that the applicant's presence in  
4 the United States is authorized under federal law.

5 D. The application for an instruction permit or a driver license shall  
6 state the following:

7 1. A brief description of the applicant and any other identifying  
8 information required by the department.

9 2. Whether the applicant has been licensed, and if so, the type of  
10 license issued, when the license was issued and what state or country issued  
11 the license.

12 3. Whether the license was suspended or revoked or whether an  
13 application was ever refused, and if so, the date of and reason for the  
14 suspension, revocation or refusal.

15 4. If the applicant was never licensed, the applicant's last previous  
16 state or country of residence.

17 5. The social security number of the applicant unless the application  
18 is for a nonresident commercial driver license.

19 E. The department shall:

20 1. Verify that a social security number provided by an applicant is a  
21 valid number assigned to that applicant.

22 2. Retain the social security number in its records.

23 F. The social security number provided to the department pursuant to  
24 subsection D of this section for an applicant's driver license or instruction  
25 permit shall not appear on an applicant's driver license or instruction  
26 permit unless the applicant requests that the social security number appear  
27 on the applicant's driver license or instruction permit as the driver license  
28 or instruction permit number. Except as provided in sections 28-455 and  
29 41-1954, the department shall not release the social security number to any  
30 person unless the applicant requests that the social security number appear  
31 on the applicant's driver license or instruction permit as the driver license  
32 or instruction permit number. The provisions of this subsection shall be  
33 included in each application.

34 G. The department may adopt and implement procedures to deny a driver  
35 license or instruction permit to a person who has been deported. The  
36 department may adopt and implement procedures to reinstate a person's  
37 privilege to apply for a driver license or permit if the person's legal  
38 presence status is restored.

39 H. On request of an applicant, the department shall allow the  
40 applicant to provide on the license or permit a post office box address that  
41 is regularly used by the applicant.

42 I. The department may request an applicant who appears in person for a  
43 license, a duplicate license or reinstatement of a driving privilege to  
44 complete satisfactorily the vision screening prescribed by the department.

1 J. If a driver license applicant submits satisfactory proof to the  
2 department that the applicant is a veteran, on request of the applicant, the  
3 department shall allow a distinguishing mark to appear on the license that  
4 identifies the person as a veteran.

5 Sec. 8. Section 28-3164, Arizona Revised Statutes, is amended to read:  
6 28-3164. Original applicants: examination

7 A. The department may **DO ANY OF THE FOLLOWING:**

8 1. Examine an applicant for an original driver license. ~~or the~~  
9 ~~department may~~

10 2. Accept the examination conducted by an authorized third party  
11 pursuant to chapter 13 of this title ~~or documentation of successful~~  
12 ~~completion of a driver education course approved by the department.~~  
13 **BEGINNING JULY 1, 2014, THE THIRD PARTY MUST BE AUTHORIZED PURSUANT TO**  
14 **SECTION 28-5101.01 OR 28-5101.03.**

15 3. **ACCEPT DOCUMENTATION OF SUCCESSFUL COMPLETION OF A DRIVER TRAINING**  
16 **COURSE APPROVED BY THE DEPARTMENT. BEGINNING JULY 1, 2014, FOR A CLASS D OR**  
17 **G LICENSE THE DOCUMENTATION MUST BE PROVIDED BY A THIRD PARTY AUTHORIZED**  
18 **PURSUANT TO SECTION 28-5101.02.**

19 4. **ACCEPT DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED**  
20 **EDUCATION ON SPECIAL PERFORMANCE EQUIPMENT AND MEDICALLY RELATED DRIVING**  
21 **CIRCUMSTANCES. BEGINNING JULY 1, 2014, THE DOCUMENTATION MUST BE PROVIDED BY**  
22 **A THIRD PARTY AUTHORIZED PURSUANT TO SECTION 28-5101.02.**

23 5. **ACCEPT DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED**  
24 **DRIVER EDUCATION LESSONS PROVIDED BY AN INSTRUCTOR WHO IS CERTIFIED BY THE**  
25 **SUPERINTENDENT OF PUBLIC INSTRUCTION.**

26 B. The examination shall include all of the following:

27 1. A test of the applicant's:

28 (a) Eyesight.

29 (b) Ability to read and understand official traffic control devices.

30 (c) Knowledge of safe driving practices and the traffic laws of this  
31 state, including those practices and laws relating to bicycles.

32 2. An actual demonstration of ability to exercise ordinary and  
33 reasonable control in the operation of a vehicle or vehicle combination of  
34 the type covered by the license classification or endorsement for which the  
35 applicant applies.

36 3. Other physical and mental examinations if the department finds them  
37 necessary to determine the applicant's fitness to safely operate a motor  
38 vehicle on the highways.

39 ~~B-~~ C. The department may examine an original applicant for a class M  
40 license or a motorcycle endorsement or the department may accept the  
41 examination conducted by an authorized third party pursuant to chapter 13,  
42 article 1 of this title **OR DOCUMENTATION OF SUCCESSFUL COMPLETION OF A**  
43 **MOTORCYCLE TRAINING PROGRAM APPROVED BY THE DEPARTMENT. BEGINNING JULY 1,**  
44 **2014, THE DOCUMENTATION OF SUCCESSFUL COMPLETION OF A MOTORCYCLE TRAINING**  
45 **PROGRAM MUST BE PROVIDED BY A THIRD PARTY MOTORCYCLE DRIVER LICENSE TRAINING**

1 PROVIDER AUTHORIZED PURSUANT TO SECTION 28-5101.02 OR A MOTORCYCLE TRAINING  
2 PROGRAM APPROVED BY THE DEPARTMENT AND PROVIDED IN ANOTHER STATE OR BY THE  
3 UNITED STATES MILITARY. The department may examine an applicant who has a  
4 motorcycle license from another jurisdiction. This examination shall be the  
5 same as for all applicants, except that the department may make modifications  
6 it finds necessary to determine the applicant's fitness to operate a  
7 motorcycle, motor driven cycle or moped on the highways.

8 ~~C.~~ D. The department shall examine a person who holds a driver  
9 license issued by another country and who applies for an initial license in  
10 this state as an original applicant, except that the department may waive an  
11 actual demonstration of the ability to exercise ordinary and reasonable  
12 control in the operation of a motor vehicle if the person applies for a class  
13 D or G license and appears to meet the department's medical qualifications  
14 and if the out-of-state license is not revoked or is not expired for more  
15 than one year.

16 ~~D.~~ E. The department may waive the driving examination for initial  
17 applicants for a class M license or a motorcycle endorsement if all of the  
18 following conditions exist:

19 1. The applicant's current license indicates the applicant has been  
20 specifically licensed to operate a motorcycle.

21 2. The applicant appears to meet the department's medical  
22 qualifications.

23 3. The applicant's out-of-state license is not revoked or is not  
24 expired for more than one year.

25 Sec. 9. Section 28-3303, Arizona Revised Statutes, is amended to read:

26 28-3303. Suspension or revocation of driver license or  
27 privilege for actions outside of state

28 A. Except as provided in subsection B of this section, the department  
29 may suspend or revoke the license or driving privilege of a resident of this  
30 state or the privilege of a nonresident to drive a motor vehicle in this  
31 state or may require the person to successfully complete approved traffic  
32 survival school ~~training and~~ educational sessions as prescribed in section  
33 28-3306 on receipt of notice of a conviction of the person of an offense in  
34 another jurisdiction that would be grounds for the suspension or revocation  
35 of the person's driver license if the offense had been committed in this  
36 state. Section 28-3306, subsections C through G apply if a person's license  
37 or driving privilege is suspended or revoked or if a person is required to  
38 successfully complete approved driver ~~training and~~ educational sessions as  
39 provided by this subsection.

40 B. The department shall revoke the license or driving privilege of a  
41 resident of this state or the privilege of a nonresident to drive a motor  
42 vehicle in this state after receiving notice of a conviction of the person in  
43 another jurisdiction and after determining that the conviction was for an  
44 offense that if committed in this state would be grounds for revocation  
45 pursuant to section 28-3304 or chapter 3, 4 or 5 of this title.

1 C. The department may suspend or revoke the driver license of a  
2 resident of this state who fails to comply with the terms of a traffic  
3 citation that is lawfully issued in a jurisdiction outside this state  
4 pursuant to the nonresident violator compact adopted by chapter 6, article 4  
5 of this title.

6 D. Notwithstanding chapter 6, articles 3 and 4 of this title and in  
7 lieu of suspension of a driver license or driving privileges, the department  
8 may issue a temporary driver license that is valid for a period of not more  
9 than one hundred eighty days.

10 Sec. 10. Section 28-3306, Arizona Revised Statutes, is amended to  
11 read:

12 28-3306. Discretionary license suspension or revocation;  
13 traffic survival school; hearing

14 A. The department may suspend or revoke the license of a driver or  
15 require a licensee to attend and successfully complete approved traffic  
16 survival school ~~training and~~ educational sessions designed to improve the  
17 safety and habits of drivers on a showing by department records or other  
18 sufficient evidence that the licensee:

19 1. Has committed an offense for which mandatory revocation of the  
20 license is required on conviction.

21 2. Has been involved as a driver in an accident resulting in the death  
22 or personal injury of another or serious property damage.

23 3. Has been convicted of or adjudged to have violated traffic  
24 regulations governing the movement of vehicles with such a frequency that it  
25 indicates a disrespect for traffic laws and a disregard for the safety of  
26 other persons on the highways.

27 4. Has been convicted of reckless driving as provided in section  
28 28-693 or is a habitually reckless or negligent driver of a motor vehicle.

29 5. Is medically, psychologically or physically incapable of operating  
30 a motor vehicle and, based on law enforcement, medical or other department  
31 information, the continued operation of a motor vehicle by the licensee would  
32 endanger the public health, safety and welfare.

33 6. Has committed or permitted an act involving an unlawful or  
34 fraudulent use of the license.

35 7. Has committed an offense in another jurisdiction that if committed  
36 in this state is grounds for suspension or revocation.

37 8. Has been convicted of a violation of section 28-1381 or 28-1382.

38 9. Has been convicted of a violation of section 28-1464.

39 B. On receipt of satisfactory evidence of a violation of a driver  
40 license restriction, the department may suspend or revoke the driver license.

41 C. On suspending or revoking the license of a person or requiring a  
42 licensee to attend and successfully complete approved traffic survival school  
43 ~~training and~~ educational sessions designed to improve the safety and habits  
44 of drivers pursuant to this section, the department shall notify the licensee  
45 in writing immediately.

1 D. On the person's request, the department shall provide an  
2 opportunity for a hearing on the action taken pursuant to this section as  
3 early as practicable but not later than thirty days after receipt of the  
4 request. The department shall hold the hearing in the county where the  
5 licensee resides unless the law enforcement agency issuing the citation or  
6 affidavit that authorizes the suspension or revocation requests at the time  
7 of issuance that the hearing be held in the county where the violation  
8 allegedly occurred.

9 E. If a hearing is held, the department or its duly authorized agent  
10 may administer oaths, may issue subpoenas for the attendance of witnesses and  
11 the production of relevant books and papers and may require a reexamination  
12 of the licensee.

13 F. At the hearing, the department shall either rescind its order of  
14 suspension or its order requiring the licensee to attend and successfully  
15 complete approved traffic survival school ~~training and~~ educational sessions  
16 or, if good cause exists, the department may uphold or extend the order,  
17 revoke the license or make any order that is within its discretionary power  
18 under this section and that is in the interest of public safety.

19 G. If a licensee receives notice requiring the licensee to attend and  
20 successfully complete approved traffic survival school ~~training and~~  
21 educational sessions and the department receives information of noncompliance  
22 with this order, the department may amend the order to suspend or revoke the  
23 license.

24 H. A person whose driver license is suspended or revoked as provided  
25 in subsection A, paragraph 5 of this section may submit a written request to  
26 the department for an administrative hearing. The person shall submit the  
27 request for a hearing within fifteen days after the department provides the  
28 person with notice of suspension or revocation. On receipt of a proper  
29 request for a hearing, the department shall provide the person with an  
30 opportunity for a hearing in the county where the person resides within  
31 thirty days after the department receives the request. The request for a  
32 hearing does not stay a summary suspension issued by the department.

33 Sec. 11. Section 28-3307, Arizona Revised Statutes, is amended to  
34 read:

35 28-3307. Order to complete traffic survival school educational  
36 sessions

37 A. If a licensee is required to attend and successfully complete  
38 approved traffic survival school ~~training and~~ educational sessions designed  
39 to improve the safety and habits of drivers pursuant to section 28-645,  
40 28-647, 28-672, 28-695, 28-3306 or 28-3321, the department shall indicate on  
41 the computer record that the licensee is required to complete traffic  
42 survival school ~~training and~~ educational sessions.

43 B. On successful completion of the traffic survival school ~~training~~  
44 ~~and~~ educational sessions, the department shall record satisfaction of the  
45 requirement on the licensee's computer record.

1 ~~C. Governmental agencies, corporations or other individuals that~~  
2 ~~conduct traffic survival school training and educational sessions approved by~~  
3 ~~the department may collect a fee that is reasonable and commensurate for the~~  
4 ~~training.~~

5 ~~D. Notwithstanding any other law, the only limitation on enrollment in~~  
6 ~~a traffic survival school training and educational session shall be the~~  
7 ~~lawful fire safety capacity of the facility in which the class meets.~~

8 Sec. 12. Section 28-3321, Arizona Revised Statutes, is amended to  
9 read:

10 28-3321. Moving violations by persons under eighteen years of  
11 age; traffic survival school; suspension

12 A person who holds a driver permit or license and who is found  
13 responsible for a moving civil traffic violation pursuant to this title or  
14 who is convicted of a moving criminal traffic offense pursuant to this title,  
15 excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382,  
16 28-1383 and 28-3174, and who commits the moving civil traffic violation or  
17 moving criminal traffic offense while the person is under eighteen years of  
18 age is subject to the following:

19 1. On receipt of the first record of judgment or conviction, the  
20 department shall order the person to attend and successfully complete traffic  
21 survival school ~~training and~~ educational sessions.

22 2. On receipt of the second record of judgment or conviction, the  
23 department shall suspend the person's driving privilege for three months.

24 3. On receipt of the third record of judgment or conviction, the  
25 department shall suspend the person's driving privilege for six months.

26 Sec. 13. Title 28, chapter 8, article 6, Arizona Revised Statutes, is  
27 amended by adding section 28-3323, to read:

28 28-3323. Notification to the superintendent of public  
29 instruction

30 THE DIRECTOR SHALL NOTIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION IF  
31 THE DEPARTMENT SUSPENDS OR REVOKES THE DRIVER LICENSE OF A PERSON WHO GIVES  
32 DRIVER EDUCATION LESSONS TO HIGH SCHOOL STUDENTS.

33 Sec. 14. Title 28, chapter 8, Arizona Revised Statutes, is amended by  
34 adding article 7.1, to read:

35 ARTICLE 7.1. TRAFFIC SURVIVAL SCHOOLS

36 28-3411. Enforcement; contract with private entity

37 A. SUBJECT TO TITLE 41, CHAPTER 6, THE DIRECTOR SHALL ADOPT RULES FOR  
38 THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE. THE DIRECTOR OR THE  
39 DIRECTOR'S AUTHORIZED REPRESENTATIVE SHALL INSPECT THE SCHOOL FACILITIES AND  
40 EQUIPMENT USED BY APPLICANTS AND LICENSEES UNDER THIS ARTICLE.

41 B. THE DIRECTOR SHALL ADMINISTER AND ENFORCE THIS ARTICLE.

42 C. THE DIRECTOR MAY CONTRACT WITH A PRIVATE ENTITY TO CONDUCT  
43 INSPECTIONS PURSUANT TO THIS SECTION AND TO ADMINISTER ANY RULES ADOPTED  
44 PURSUANT TO THIS SECTION THAT RELATE TO THE LICENSURE AND ADMINISTRATION OF  
45 TRAFFIC SURVIVAL SCHOOLS PURSUANT TO THIS ARTICLE. THE TERM OF ANY CONTRACT

1 ENTERED INTO PURSUANT TO THIS SUBSECTION SHALL NOT EXCEED FIVE YEARS WITH A  
2 RIGHT TO RENEW FOR AN ADDITIONAL FIVE YEARS. THE PRIVATE ENTITY THAT  
3 CONTRACTS WITH THE DIRECTOR PURSUANT TO THIS SUBSECTION:

4 1. SHALL NOT PROVIDE TRAFFIC SURVIVAL SCHOOL COURSES.

5 2. MAY CHARGE A FEE TO EACH PERSON WHO ENROLLS IN A TRAFFIC SURVIVAL  
6 SCHOOL.

7 28-3412. Fee; enrollment limitation

8 A. GOVERNMENTAL AGENCIES, CORPORATIONS OR INDIVIDUALS THAT CONDUCT  
9 TRAFFIC SURVIVAL SCHOOL EDUCATIONAL SESSIONS APPROVED BY THE DEPARTMENT MAY  
10 COLLECT A FEE THAT IS REASONABLE AND COMMENSURATE FOR THE EDUCATIONAL  
11 SESSIONS.

12 B. NOTWITHSTANDING ANY OTHER LAW, THE ONLY LIMITATION ON ENROLLMENT IN  
13 A TRAFFIC SURVIVAL SCHOOL EDUCATIONAL SESSION SHALL BE THE LAWFUL FIRE SAFETY  
14 CAPACITY OF THE FACILITY IN WHICH THE CLASS MEETS.

15 28-3413. License for schools; requirements; fingerprint  
16 clearance card

17 A. A PERSON MAY NOT ACT AS A TRAFFIC SURVIVAL SCHOOL UNLESS THE PERSON  
18 APPLIES FOR AND OBTAINS FROM THE DIRECTOR A LICENSE IN THE MANNER AND FORM  
19 PRESCRIBED BY THE DIRECTOR.

20 B. RULES ADOPTED BY THE DIRECTOR SHALL STATE THE REQUIREMENTS FOR A  
21 SCHOOL LICENSE, INCLUDING REQUIREMENTS CONCERNING LOCATION, EQUIPMENT,  
22 COURSES OF INSTRUCTION, INSTRUCTORS, PREVIOUS RECORDS OF THE SCHOOL AND  
23 INSTRUCTORS, CHARACTER AND REPUTATION OF THE OPERATORS AND INSTRUCTORS,  
24 INSURANCE IN AN AMOUNT AND WITH PROVISIONS THAT THE DIRECTOR DEEMS NECESSARY  
25 TO PROTECT ADEQUATELY THE INTERESTS OF THE PUBLIC AND OTHER MATTERS  
26 PRESCRIBED BY THE DIRECTOR.

27 C. EACH APPLICANT WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY AND  
28 EACH PARTNER OR STOCKHOLDER WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY AND  
29 WHO SEEKS LICENSURE PURSUANT TO THIS ARTICLE SHALL PROVIDE THE DEPARTMENT OR  
30 A CONTRACTED PRIVATE ENTITY OF THE DEPARTMENT PURSUANT TO SECTION 28-3411  
31 WITH A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION  
32 41-1758.03.

33 28-3414. Refusal to issue or renew license of school

34 A. THE DIRECTOR MAY REFUSE TO ISSUE OR RENEW THE LICENSE FOR A SCHOOL  
35 IF THE DIRECTOR DETERMINES THAT THE LICENSEE OR APPLICANT HAS NOT COMPLIED  
36 WITH OR HAS KNOWINGLY VIOLATED ANY PROVISION OF THIS ARTICLE OR ANY RULE  
37 ADOPTED PURSUANT TO THIS ARTICLE OR HAS BEEN CONVICTED OF A VIOLATION OF  
38 TITLE 13 OR THIS TITLE.

39 B. AN APPLICANT OR LICENSEE WHO IS AGGRIEVED BY THE DIRECTOR'S  
40 DECISION MAY MAKE A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING WITHIN  
41 THIRTY DAYS AFTER SERVICE OF NOTICE OF THE REFUSAL. IF THE APPLICANT OR  
42 LICENSEE DOES NOT REQUEST A HEARING WITHIN THIRTY DAYS, THE DECISION IS  
43 FINAL. IF THE APPLICANT OR LICENSEE REQUESTS A HEARING, THE DIRECTOR SHALL  
44 GIVE WRITTEN NOTICE TO THE APPLICANT OR LICENSEE TO APPEAR AT THE HEARING AND  
45 SHOW CAUSE WHY THE REFUSAL TO ISSUE OR RENEW THE LICENSE SHOULD NOT BE

1 UPHELD. AFTER CONSIDERATION OF THE EVIDENCE PRESENTED AT THE HEARING, THE  
2 DIRECTOR SHALL SERVE NOTICE IN WRITING TO THE APPLICANT OR LICENSEE OF THE  
3 DIRECTOR'S FINDINGS AND ORDER.

4 28-3415. License expiration; fees; disposition

5 A. EXCEPT AS PROVIDED IN SECTION 32-4301, ALL LICENSES EXPIRE ON THE  
6 LAST DAY OF THE CALENDAR YEAR AND MAY BE RENEWED ON APPLICATION TO THE  
7 DIRECTOR AS PRESCRIBED BY RULE.

8 B. EACH APPLICATION FOR AN ORIGINAL OR RENEWAL LICENSE TO OPERATE A  
9 TRAFFIC SURVIVAL SCHOOL SHALL BE ACCOMPANIED BY A FEE OF TWO HUNDRED DOLLARS.

10 C. AN APPLICATION FOR A BRANCH LICENSE SHALL BE ACCOMPANIED BY A FEE  
11 OF FIFTY DOLLARS.

12 D. A LICENSE FEE MAY NOT BE REFUNDED IF A LICENSE IS SUSPENDED OR  
13 REVOKED.

14 E. ALL MONIES RECEIVED BY THE DIRECTOR FROM THE FEES PROVIDED IN THIS  
15 ARTICLE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE  
16 STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991.

17 28-3416. Suspension and revocation of license; determination;  
18 appeal

19 A. AFTER CONDUCTING A HEARING, THE DIRECTOR MAY CANCEL, SUSPEND OR  
20 REVOKE THE LICENSE OF A SCHOOL IF THE DIRECTOR FINDS THAT THE LICENSEE HAS  
21 NOT COMPLIED WITH OR HAS KNOWINGLY VIOLATED THIS ARTICLE OR ANY RULE ADOPTED  
22 PURSUANT TO THIS ARTICLE OR HAS BEEN CONVICTED OF A VIOLATION OF TITLE 13 OR  
23 THIS TITLE.

24 B. DECISIONS OF THE DIRECTOR ARE SUBJECT TO JUDICIAL REVIEW PURSUANT  
25 TO TITLE 12, CHAPTER 7, ARTICLE 6.

26 28-3417. Cease and desist orders

27 A. IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A TRAFFIC  
28 SURVIVAL SCHOOL LICENSED PURSUANT TO THIS ARTICLE HAS VIOLATED OR IS  
29 VIOLATING A LAW OF THIS STATE OR RULE ADOPTED BY THE DIRECTOR, THE DIRECTOR  
30 MAY IMMEDIATELY ISSUE AND SERVE ON THE LICENSEE, BY PERSONAL DELIVERY OR  
31 FIRST CLASS MAIL AT THE BUSINESS ADDRESS OF RECORD, A CEASE AND DESIST ORDER  
32 REQUIRING THE LICENSEE TO IMMEDIATELY CEASE AND DESIST FROM FURTHER ENGAGING  
33 IN THE BUSINESS OR THE PROHIBITED ACTIVITY, OR BOTH.

34 B. A LICENSEE WHO RECEIVES A CEASE AND DESIST ORDER MAY SUBMIT A  
35 WRITTEN REQUEST FOR A HEARING TO THE DIRECTOR. THE LICENSEE SHALL SUBMIT THE  
36 REQUEST FOR A HEARING WITHIN THIRTY DAYS AFTER THE LICENSEE RECEIVES THE  
37 CEASE AND DESIST ORDER. ON FAILURE OF A LICENSEE TO COMPLY WITH THE ORDER OR  
38 AFTER A REQUESTED HEARING, THE DIRECTOR MAY SUSPEND OR CANCEL THE LICENSEE'S  
39 LICENSE PURSUANT TO SECTION 28-3416.

40 28-3418. Violation; classification

41 A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE IS GUILTY OF A  
42 CLASS 3 MISDEMEANOR.

1           Sec. 15. Section 28-5101, Arizona Revised Statutes, is amended to  
2 read:

3           28-5101. Third party authorization

4           A. The director may authorize third parties to perform certain OF THE  
5 FOLLOWING FUNCTIONS:

6           1. Title and registration. ~~,-~~

7           2. Motor carrier licensing and tax reporting. ~~,-~~

8           3. Dealer licensing. ~~and~~

9           4. Driver ~~license functions~~ LICENSING AS PRESCRIBED IN SECTIONS  
10 28-5101.01, 28-5101.02 AND 28-5101.03.

11           B. The director may authorize a person to be a third party electronic  
12 service provider or, beginning January 1, 2012, to be a third party  
13 electronic service partner. An authorized third party electronic service  
14 provider shall meet all of the requirements established by the department.  
15 Beginning January 1, 2012:

16           1. The written agreement between the department and the authorized  
17 third party electronic service provider may be for a limited number of  
18 services and may limit the persons that may receive the services.

19           2. An authorized third party electronic service partner shall meet the  
20 requirements established by the department and shall be selected through a  
21 competitive bid process.

22           C. A person shall not engage in any business pursuant to this article  
23 unless the director authorizes the person to engage in the business.

24           D. The director may furnish necessary documents or license plates  
25 subject to this article.

26           E. Except as provided in subsection F of this section, an authorized  
27 third party or an authorized third party electronic service provider shall  
28 submit to the department all statutorily prescribed fees and taxes it  
29 collects. In addition to the statutorily prescribed fees and taxes, an  
30 authorized third party or an authorized third party electronic service  
31 provider may collect and retain a reasonable and commensurate fee for its  
32 services.

33           F. In addition to payment pursuant to section 28-374, the department  
34 shall reimburse the authorized third party or third party electronic service  
35 provider as follows:

36           1. One dollar of each initial, renewal, replacement or duplicate  
37 registration fee for a vehicle or an aircraft.

38           2. One dollar of each initial, duplicate or transfer title fee for a  
39 vehicle or an aircraft.

40           3. An amount equal to two per cent of each vehicle license tax payment  
41 or aircraft license tax payment the authorized third party collects and  
42 submits to the department or four dollars for each registration year or part  
43 of a registration year, whichever is more. The reimbursement amount shall  
44 not exceed the amount of vehicle license tax or aircraft license tax  
45 collected.

- 1           4. Four dollars for each initial, renewal, replacement or duplicate  
2 application that the third party processes and that relates to driver  
3 licenses, nonoperating identification licenses or permits. An authorized  
4 third party may add the cost for expedited processing of renewal, replacement  
5 or duplicate applications if requested by the applicant.
- 6           5. An amount equal to two per cent of each overweight or excess size  
7 vehicle registration or permit fee the third party collects and submits to  
8 the department or one dollar for each overweight or excess size vehicle  
9 registration or permit processed, whichever is more.
- 10          6. One dollar for each motor vehicle or special motor vehicle record,  
11 excluding motor vehicle records released to commercial recipients, including  
12 insurers and their authorized agents.
- 13          7. Five dollars or one-fourth of one per cent of the fuel taxes  
14 reported, whichever is greater, for each fuel tax report filed  
15 electronically. In fiscal years 2008-2009 through 2012-2013, the maximum  
16 annual amount retained each year shall not exceed one million five hundred  
17 thousand dollars. Beginning in fiscal year 2013-2014, the maximum annual  
18 amount retained each year shall not exceed four hundred eighty thousand  
19 dollars.
- 20          8. One dollar for each fuel tax permit.
- 21          9. One dollar for each nonsufficient funds or dishonored check  
22 payment.
- 23          10. One dollar for each abandoned vehicle report processed, except for  
24 applications for crushed vehicles.
- 25          11. One dollar for each abandoned vehicle payment.
- 26          12. Two dollars for each initial special or personalized license plate  
27 application.
- 28          13. One dollar for each initial, renewal or replacement vehicle dealer  
29 license plate.
- 30          14. Five dollars for each application for an initial vehicle dealer  
31 license or continuation of a vehicle dealer license.
- 32          15. One dollar of each twelve dollar fee paid pursuant to section  
33 28-2356.
- 34          16. One dollar for each traffic survival school application and one  
35 dollar for each certificate of completion processed.
- 36          17. One dollar for each replacement license plate or tab.
- 37          G. For authorized third party electronic service partners, the amount  
38 of compensation and the amount of reimbursements for transactions shall be  
39 negotiated by the department and the authorized third party electronic  
40 service partner and shall be set forth in the written agreement authorizing  
41 the third party electronic service partner. If reimbursement is made for  
42 individual transactions, the reimbursements shall not exceed the amounts  
43 specified in subsections F, H and I of this section. Other forms of  
44 compensation or reimbursements for services may be specified in the written  
45 agreement. Compensation and reimbursements provided for by the written

1 agreement may include the development and implementation of information  
2 technology and other automated systems and any necessary support for these  
3 systems.

4 H. The department's authorized third party electronic service provider  
5 may retain two dollars for processing documents electronically when the  
6 statutory fee pursuant to this title is two dollars or more.

7 I. The director may authorize the third party electronic service  
8 provider to process electronic fund transfers to the department for payment  
9 of motor vehicle taxes and fees. The third party electronic service provider  
10 may add a two dollar processing fee for each electronic funds transfer.

11 J. Each authorized third party that holds itself out as providing  
12 services to the general public shall post a sign in a conspicuous location in  
13 each facility of the authorized third party that contains **ALL OF THE**  
14 **FOLLOWING:**

15 1. The amount charged for each transaction performed by the authorized  
16 third party. ~~and~~

17 2. The amount charged by the department for the same transaction.

18 3. **HOW TO FILE A COMPLAINT OR CONCERN WITH THE DEPARTMENT ABOUT THE**  
19 **AUTHORIZED THIRD PARTY.**

20 Sec. 16. Title 28, chapter 13, article 1, Arizona Revised Statutes, is  
21 amended by adding sections 28-5101.01, 28-5101.02 and 28-5101.03, to read:

22 **28-5101.01. Authorized third party driver license providers;**  
23 **requirements**

24 **A. BEGINNING ON OR BEFORE JUNE 1, 2014, EXCEPT AS PROVIDED IN SECTION**  
25 **28-5101.03, AN AUTHORIZED THIRD PARTY DRIVER LICENSE PROVIDER MUST PERFORM**  
26 **BOTH OF THE FOLLOWING:**

27 1. **DRIVER LICENSE SKILLS AND WRITTEN TESTING.**

28 2. **DRIVER LICENSE PROCESSING.**

29 **B. A PERSON WHO IS A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED**  
30 **PURSUANT TO THIS SECTION MAY ALSO BE AUTHORIZED PURSUANT TO THIS ARTICLE TO**  
31 **PERFORM CERTAIN TITLE AND REGISTRATION FUNCTIONS.**

32 **C. A PERSON WHO APPLIES FOR AUTHORIZATION PURSUANT TO THIS SECTION**  
33 **SHALL SUBMIT WITH THE APPLICATION ALL OF THE FOLLOWING:**

34 1. **A BOND IN A FORM TO BE APPROVED BY THE DIRECTOR AND IN AN AMOUNT OF**  
35 **AT LEAST THREE HUNDRED THOUSAND DOLLARS FOR AN INITIAL APPLICATION FOR**  
36 **AUTHORIZATION PURSUANT TO THIS SECTION AND AN ADDITIONAL ONE HUNDRED THOUSAND**  
37 **DOLLARS FOR EACH ADDITIONAL LOCATION PROVIDING DRIVER LICENSE FUNCTIONS**  
38 **PRESCRIBED IN SUBSECTION A OF THIS SECTION, EXCEPT THAT IF THE AUTHORIZED**  
39 **THIRD PARTY IS ALSO AUTHORIZED PURSUANT TO THIS ARTICLE TO PERFORM CERTAIN**  
40 **TITLE AND REGISTRATION FUNCTIONS AT THE SAME LOCATION ONLY A SINGLE ONE**  
41 **HUNDRED THOUSAND DOLLAR BOND IS REQUIRED FOR THAT LOCATION. THE TOTAL BOND**  
42 **AMOUNT REQUIRED BY THIS PARAGRAPH SHALL NOT EXCEED ONE MILLION DOLLARS. THE**  
43 **BOND REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO GOVERNMENT ENTITIES**  
44 **PRESCRIBED IN SECTION 28-5104, SUBSECTION E, PARAGRAPHS 1, 2, 3, 5 AND 11.**



1           2. Establish minimum quality standards of service and a quality  
2 assurance program for authorized third parties to ensure that an authorized  
3 third party is complying with the minimum standards.

4           3. **ADOPT RULES TO ADMINISTER AND ENFORCE THIS CHAPTER.**

5           B. The director may:

6           1. Conduct investigations the director deems necessary.

7           2. Conduct audits.

8           3. Make on-site inspections during regular business hours and at  
9 locations as the director deems appropriate to determine compliance by an  
10 authorized third party with this article. If an inspection is conducted at a  
11 place located outside this state, the director may charge a fee to the  
12 authorized third party.

13           4. Require that an authorized third party or employees or agents of an  
14 authorized third party be certified to perform the functions prescribed in  
15 this article.

16           5. Require authorized third parties and authorized third party  
17 electronic service providers to reimburse the department for mutually agreed  
18 on costs.

19           Sec. 18. Section 28-5104, Arizona Revised Statutes, is amended to  
20 read:

21           28-5104. Bond requirement

22           A. **EXCEPT AS PROVIDED IN SECTIONS 28-5101.01 AND 28-5101.02**, a person  
23 who applies for authorization pursuant to this article shall submit with the  
24 application a bond in a form to be approved by the director and in an amount  
25 of at least one hundred thousand dollars **FOR EACH LOCATION**.

26           B. A surety company authorized to transact business in this state  
27 shall execute the bond with the applicant as principal obligor on the bond  
28 and the state as obligee. The bond shall be conditioned that the applicant  
29 will faithfully comply with all of the provisions of law and that the bond is  
30 noncancellable without at least sixty days' prior notice to the director.  
31 Any future liability of the surety company terminates on the director's  
32 termination of a third party's authorization.

33           C. The bond inures to the benefit of any person who suffers loss  
34 because of any of the following:

35           1. Nonpayment by the authorized person of any fee or tax paid to the  
36 third party by that person.

37           2. Insolvency or discontinuance of business.

38           3. Failure of the authorized third party to comply with the authorized  
39 third party's duties pursuant to this article.

40           D. The aggregate liability of a surety company for any breach of the  
41 conditions of a bond required pursuant to this section shall not exceed the  
42 amount of the bond.

43           E. The bond requirement of this section does not apply to:

44           1. A department, **AN** agency or **A** political subdivision of this state.

45           2. An Arizona court.

- 1           3. An Arizona law enforcement agency or department.
- 2           4. A financial institution or enterprise under the jurisdiction of the
- 3 department of financial institutions or a federal monetary authority.
- 4           5. The federal government or any of its agencies.
- 5           6. A motor vehicle dealer that is licensed and bonded by the
- 6 department of transportation or a state organization of licensed and bonded
- 7 motor vehicle dealers.
- 8           7. A manufacturer, AN importer, A factory branch or A distributor
- 9 licensed by the department of transportation.
- 10          8. An insurer under the jurisdiction of the department of insurance.
- 11          9. An owner or A registrant of a fleet of one hundred or more
- 12 vehicles.
- 13          10. A public utility.
- 14          11. A tribal government.
- 15          12. An employer or association that has at least five hundred employees
- 16 or members.

17          Sec. 19. Section 28-5107, Arizona Revised Statutes, is amended to

18 read:

19          28-5107. Application denial; hearing; appeal

20          A. The director ~~shall~~ MAY deny an application for third party

21 authorization or certification, or both, under this article and shall advise

22 the applicant in writing within twenty days of the denial and the grounds for

23 the denial if the director determines ~~from the information revealed in the~~

24 ~~criminal history check pursuant to section 28-5105~~ THAT any of the following

25 APPLIES:

- 26           1. ~~That~~ The applicant is not eligible for third party authorization or
- 27 certification, or both, under this article.
- 28           2. ~~That~~ The application is not made in good faith.
- 29           3. ~~That~~ The application contains a material misrepresentation or
- 30 misstatement.
- 31           4. ~~That~~ The applicant has not met the requirements of law.

32          B. An applicant who is aggrieved by the denial of an application may

33 make a written request to the department for a hearing on the application

34 within thirty days after service of the notice of denial. If the applicant

35 does not request a hearing within thirty days, the denial is final.

36          C. If the applicant requests a hearing, the director shall give

37 written notice to the applicant to appear at a hearing to show cause why the

38 denial of the applicant's application should not be upheld. After

39 consideration of the evidence presented at the hearing, the director shall

40 serve notice in writing to the applicant of the director's findings and

41 order. A timely request for a hearing stays the denial of the application.

42          D. If the application is denied, the applicant may appeal the decision

43 pursuant to title 12, chapter 7, article 6.



1           5. THEFT.

2           ~~D.~~ E. On determining that grounds for suspension or cancellation of  
3 an authorization or certification, or both, exist, the director shall give  
4 written notice to the third party or certificate holder to appear at a  
5 hearing before the director to show cause why the authorization or  
6 certification should not be suspended or canceled.

7           ~~E.~~ F. After consideration of the evidence presented at the hearing,  
8 the director shall serve notice of the director's finding and order to the  
9 third party or certificate holder.

10          ~~F.~~ G. If a third party authorization or a certification is suspended  
11 or canceled, the third party or certificate holder may appeal the decision  
12 pursuant to title 12, chapter 7, article 6.

13          Sec. 21. Section 28-6991, Arizona Revised Statutes, is amended to  
14 read:

15          28-6991. State highway fund; sources

16          A state highway fund is established that consists of:

17           1. Monies distributed from the Arizona highway user revenue fund  
18 pursuant to chapter 18 of this title.

19           2. Monies appropriated by the legislature.

20           3. Monies received from donations for the construction, improvement or  
21 maintenance of state highways or bridges. These monies shall be credited to  
22 a special account and shall be spent only for the purpose indicated by the  
23 donor.

24           4. Monies received from counties under cooperative agreements,  
25 including proceeds from bond issues. The state treasurer shall deposit these  
26 monies to the credit of the fund in a special account on delivery to the  
27 treasurer of a concise written agreement between the department and the  
28 county stating the purposes for which the monies are surrendered by the  
29 county, and these monies shall be spent only as stated in the agreement.

30           5. Monies received from the United States under an act of Congress to  
31 provide aid for the construction of rural post roads, but monies received on  
32 projects for which the monies necessary to be provided by this state are  
33 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
34 shall be allotted by the department and deposited by the state treasurer in  
35 the special account within the fund established for each project. On  
36 completion of the project, on the satisfaction and discharge in full of all  
37 obligations of any kind created and on request of the department, the  
38 treasurer shall transfer the unexpended balance in the special account for  
39 the project into the state highway fund, and the unexpended balance and any  
40 further federal aid thereafter received on account of the project may be  
41 spent under the general provisions of this title.

42           6. Monies in the custody of an officer or agent of this state from any  
43 source that is to be used for the construction, improvement or maintenance of  
44 state highways or bridges.

- 1           7. Monies deposited in the state general fund and arising from the  
2 disposal of state personal property belonging to the department.  
3           8. Receipts from the sale or disposal of any or all other property  
4 held by the department and purchased with state highway monies.  
5           9. Monies generated pursuant to section 28-410.  
6           10. Monies distributed pursuant to section 28-5808, subsection B,  
7 paragraph 2, subdivision (d).  
8           11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.  
9           12. Except as provided in section 28-5101, the following monies:  
10           (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
11 subsection B, paragraph 2, subdivision (e).  
12           (b) One dollar of each registration fee and one dollar of each title  
13 fee collected pursuant to section 28-2003.  
14           (c) Two dollars of each late registration penalty collected by the  
15 director pursuant to section 28-2162.  
16           (d) The air quality compliance fee collected pursuant to section  
17 49-542.  
18           (e) The special plate administration fees collected pursuant to  
19 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through  
20 28-2448 and 28-2514.  
21           (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
22 if the director is the registering officer.  
23           13. Monies deposited pursuant to chapter 5, article 5 of this title.  
24           14. Donations received pursuant to section 28-2269.  
25           15. Dealer and registration monies collected pursuant to section  
26 28-4304.  
27           16. Abandoned vehicle administration monies deposited pursuant to  
28 section 28-4804.  
29           17. Monies deposited pursuant to section 28-710, subsection D,  
30 paragraph 2.  
31           18. Monies deposited pursuant to section 28-2065.  
32           19. Monies deposited pursuant to section 28-7311.  
33           20. Monies deposited pursuant to section 28-7059.  
34           21. Monies deposited pursuant to section 28-1105.  
35           22. Monies deposited pursuant to section 28-2448, subsection D.  
36           23. **MONIES DEPOSITED PURSUANT TO SECTION 28-3415.**

37           Sec. 22. Section 32-2351, Arizona Revised Statutes, is amended to  
38 read:

39           32-2351. Definitions

40           In this chapter, unless the context otherwise requires:

- 41           1. "Agent" means any person who, for compensation, enrolls or attempts  
42 to enroll residents of this state in a professional driver training school  
43 through personal or telephone contact, advertisement, mail or any other type  
44 of publication.

1           2. "Director" means the director of the department of transportation.

2           3. "Instructor" means any person, whether acting for himself as an  
3 operator of a professional driver training school or for any such school for  
4 compensation, who teaches, conducts classes of, gives demonstrations to, or  
5 supervises the practice of persons learning to operate or drive motor  
6 vehicles or preparing to take an examination for a driver license or  
7 instruction permit, and any person who supervises the work of any other  
8 instructor.

9           4. "Professional driver training school" or "school" means ~~—~~

10          ~~(a)~~ A business enterprise conducted by an individual, association,  
11 partnership, or corporation that educates and trains persons, either  
12 practically or theoretically, or both, to operate or drive **COMMERCIAL** motor  
13 vehicles, that prepares applicants for an examination given by the state for  
14 a **COMMERCIAL** driver license or instruction permit and that charges a  
15 consideration or tuition for these services.

16          ~~(b) A traffic survival school that offers training and educational~~  
17 ~~sessions that are designed to improve the safety and habits of drivers and~~  
18 ~~that are approved by the department to drivers who are required to attend and~~  
19 ~~successfully complete those training and educational sessions pursuant to~~  
20 ~~title 28.~~

21          Sec. 23. Section 32-2353, Arizona Revised Statutes, is amended to  
22 read:

23          32-2353. Exemptions; reporting requirement; immunity

24          ~~A. Except as provided in subsection B,~~ This chapter does not apply to  
25 any person who gives driver training lessons without charge, to employers  
26 maintaining driver training schools without charge for their employees only  
27 or to schools or classes conducted by colleges, universities and high schools  
28 for regularly enrolled, full-time students as a part of the normal program  
29 for such institutions.

30          ~~B. The director shall notify the superintendent of public instruction~~  
31 ~~if the department suspends or revokes the driver license of a person who~~  
32 ~~gives driver training lessons to high school students.~~

33          Sec. 24. Section 41-619.51, Arizona Revised Statutes, is amended to  
34 read:

35          41-619.51. Definitions

36          In this article, unless the context otherwise requires:

37          1. "Agency" means the supreme court, the department of economic  
38 security, the department of education, the department of health services, the  
39 department of juvenile corrections, the department of emergency and military  
40 affairs, the department of transportation, the state real estate department  
41 or the board of examiners of nursing care institution administrators and  
42 assisted living facility managers.

43          2. "Board" means the board of fingerprinting.

1           3. "Central registry exception" means notification to the department  
2 of economic security or the department of health services, as appropriate,  
3 pursuant to section 41-619.57 that the person is not disqualified because of  
4 a central registry check conducted pursuant to section 8-804.

5           4. "Expedited review" means an examination, in accordance with board  
6 rule, of the documents an applicant submits by the board or its hearing  
7 officer without the applicant being present.

8           5. "Good cause exception" means the issuance of a fingerprint  
9 clearance card to an employee pursuant to section 41-619.55.

10          6. "Person" means a person who is required to be fingerprinted  
11 pursuant to this article or who is subject to a central registry check and  
12 any of the following:

- 13           (a) Section 8-105.
- 14           (b) Section 8-322.
- 15           (c) Section 8-509.
- 16           (d) Section 8-802.
- 17           (e) Section 8-804.
- 18           (f) Section 8-804.01.
- 19           (g) Section 15-183.
- 20           (h) Section 15-534.
- 21           (i) Section 15-782.02.
- 22           (j) Section 15-1330.
- 23           (k) Section 15-1881.
- 24           (l) Section 17-215.
- 25           (m) Section 26-103.
- 26           (n) SECTION 28-3413.
- 27           ~~(n)~~ (o) Section 32-2108.01.
- 28           ~~(o)~~ (p) Section 32-2123.
- 29           ~~(p)~~ (q) Section 32-2371.
- 30           ~~(q)~~ (r) Section 36-207.
- 31           ~~(r)~~ (s) Section 36-411.
- 32           ~~(s)~~ (t) Section 36-425.03.
- 33           ~~(t)~~ (u) Section 36-446.04.
- 34           ~~(u)~~ (v) Section 36-594.01.
- 35           ~~(v)~~ (w) Section 36-594.02.
- 36           ~~(w)~~ (x) Section 36-882.
- 37           ~~(x)~~ (y) Section 36-883.02.
- 38           ~~(y)~~ (z) Section 36-897.01.
- 39           ~~(z)~~ (aa) Section 36-897.03.
- 40           ~~(aa)~~ (bb) Section 36-3008.
- 41           ~~(bb)~~ (cc) Section 41-619.53.
- 42           ~~(cc)~~ (dd) Section 41-1964.
- 43           ~~(dd)~~ (ee) Section 41-1967.01.
- 44           ~~(ee)~~ (ff) Section 41-1968.
- 45           ~~(ff)~~ (gg) Section 41-1969.

1           ~~(gg)~~ (hh) Section 41-2814.  
2           ~~(hh)~~ (ii) Section 46-141, subsection A.  
3           ~~(ii)~~ (jj) Section 46-321.  
4           Sec. 25. Section 41-1758, Arizona Revised Statutes, is amended to  
5 read:  
6           41-1758. Definitions  
7           In this article, unless the context otherwise requires:  
8           1. "Agency" means the supreme court, the department of economic  
9 security, the department of education, the department of health services, the  
10 department of juvenile corrections, the department of emergency and military  
11 affairs, the department of transportation, the state real estate department,  
12 the board of fingerprinting or the board of examiners of nursing care  
13 institution administrators and assisted living facility managers.  
14           2. "Division" means the fingerprinting division in the department of  
15 public safety.  
16           3. "Good cause exception" means the issuance of a fingerprint  
17 clearance card to an employee pursuant to section 41-619.55.  
18           4. "Person" means a person who is required to be fingerprinted  
19 pursuant to any of the following:  
20           (a) Section 8-105.  
21           (b) Section 8-322.  
22           (c) Section 8-509.  
23           (d) Section 8-802.  
24           (e) Section 15-183.  
25           (f) Section 15-503.  
26           (g) Section 15-512.  
27           (h) Section 15-534.  
28           (i) Section 15-782.02.  
29           (j) Section 15-1330.  
30           (k) Section 15-1881.  
31           (l) SECTION 17-215.  
32           ~~(l)~~ (m) Section 26-103.  
33           (n) SECTION 28-3413.  
34           ~~(m)~~ (o) Section 32-2108.01.  
35           ~~(n)~~ (p) Section 32-2123.  
36           ~~(o)~~ (q) Section 32-2371.  
37           ~~(p)~~ (r) Section 36-207.  
38           ~~(q)~~ (s) Section 36-411.  
39           ~~(r)~~ (t) Section 36-425.03.  
40           ~~(s)~~ (u) Section 36-446.04.  
41           ~~(t)~~ (v) Section 36-594.01.  
42           ~~(u)~~ (w) Section 36-594.02.  
43           ~~(v)~~ (x) Section 36-882.  
44           ~~(w)~~ (y) Section 36-883.02.  
45           ~~(x)~~ (z) Section 36-897.01.

- 1           ~~(y)~~ (aa) Section 36-897.03.
- 2           ~~(z)~~ (bb) Section 36-3008.
- 3           ~~(aa)~~ (cc) Section 41-619.52.
- 4           ~~(bb)~~ (dd) Section 41-619.53.
- 5           ~~(cc)~~ (ee) Section 41-1964.
- 6           ~~(dd)~~ (ff) Section 41-1967.01.
- 7           ~~(ee)~~ (gg) Section 41-1968.
- 8           ~~(ff)~~ (hh) Section 41-1969.
- 9           ~~(gg)~~ (ii) Section 41-2814.
- 10          ~~(hh)~~ (jj) Section 46-141, subsection A.
- 11          ~~(ii)~~ (kk) Section 46-321.

12           5. "Vulnerable adult" has the same meaning prescribed in section  
13 13-3623.

14           Sec. 26. Section 41-1758.01, Arizona Revised Statutes, is amended to  
15 read:

16           41-1758.01. Fingerprinting division; duties

17           The fingerprinting division is established in the department of public  
18 safety and shall:

19           1. Conduct fingerprint background checks for persons and applicants  
20 who are seeking licenses from state agencies, employment with licensees,  
21 contract providers and state agencies or employment or educational  
22 opportunities with agencies that require fingerprint background checks  
23 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,  
24 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 28-3413, 32-2108.01,  
25 32-2123, 32-2371, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02,  
26 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53,  
27 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection  
28 A and section 46-321.

29           2. Issue fingerprint clearance cards. On issuance, a fingerprint  
30 clearance card becomes the personal property of the cardholder and the  
31 cardholder shall retain possession of the fingerprint clearance card.

32           3. On submission of an application for a fingerprint clearance card,  
33 collect the fees established by the board of fingerprinting pursuant to  
34 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the  
35 monies collected in the board of fingerprinting fund.

36           4. Inform in writing each person who submits fingerprints for a  
37 fingerprint background check of the person's right to petition the board of  
38 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and  
39 41-1758.07.

40           5. Administer and enforce this article.

41           Sec. 27. Exemption from rule making

42           For the purposes of this act, the department of transportation is  
43 exempt from the rule making requirements of title 41, chapter 6, Arizona  
44 Revised Statutes, through June 30, 2015.

1           Sec. 28. Retention of rules

2           All rules that relate to traffic survival schools and that are adopted  
3 by the department of transportation before the effective date of this act  
4 remain in full force until amended by the department of transportation.

5           Sec. 29. Existing authorized third parties

6           Notwithstanding section 28-5101.01, Arizona Revised Statutes, as added  
7 by this act, an authorized third party who is authorized to perform driver  
8 license functions before the department of transportation implements section  
9 28-5101.01, Arizona Revised Statutes, as added by this act, is not required  
10 to comply with the requirements prescribed in section 28-5101.01, subsection  
11 C, Arizona Revised Statutes, as added by this act, until the renewal of the  
12 authorized third party's current agreement.

13           Sec. 30. Existing professional driving schools

14           A professional driving school that is licensed pursuant to title 32,  
15 chapter 23, Arizona Revised Statutes, shall renew the school's license as  
16 prescribed in section 32-2374, Arizona Revised Statutes, and is not entitled  
17 to any refund or proration of any of renewal fees paid pursuant to section  
18 32-2374, Arizona Revised Statutes.

19           Sec. 31. Effective date

20           Sections 28-3307, 28-6991, 32-2351, 32-2353, 41-619.51, 41-1758 and  
21 41-1758.01, Arizona Revised Statutes, as amended by this act, and section  
22 28-3323, Arizona Revised Statutes, and title 28, chapter 8, article 7.1,  
23 Arizona Revised Statutes, as added by this act, are effective from and after  
24 June 30, 2014.