

REFERENCE TITLE: class G driver licenses; new drivers

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

## **SB 1270**

Introduced by  
Senators Farley, Hobbs; Representatives Campbell, Steele; Senators Jackson  
Jr., Tovar

AN ACT

AMENDING SECTIONS 28-3153 AND 28-3174, ARIZONA REVISED STATUTES; RELATING TO  
DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3153, Arizona Revised Statutes, is amended to  
3 read:

4 28-3153. Driver license issuance; prohibitions

5 A. The department shall not issue the following:

6 1. A driver license to a person who is EITHER under eighteen years of  
7 age OR WHO HAS NOT PREVIOUSLY BEEN ISSUED A DRIVER LICENSE BY THIS STATE OR  
8 BY ANOTHER JURISDICTION, except that the department may issue:

9 (a) A restricted instruction permit for a class D or G license to a  
10 person who is at least fifteen years of age.

11 (b) An instruction permit for a class D, G or M license as provided by  
12 this chapter to a person who is at least fifteen years and six months of age.

13 (c) A class G or M license as provided by this chapter to a person who  
14 is at least sixteen years of age OR WHO HAS NOT PREVIOUSLY BEEN ISSUED A  
15 DRIVER LICENSE BY THIS STATE OR BY ANOTHER JURISDICTION.

16 2. A class D, G or M license or instruction permit to a person who is  
17 under eighteen years of age and who has been tried in adult court and  
18 convicted of a second or subsequent violation of criminal damage to property  
19 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a  
20 felony offense in the commission of which a motor vehicle is used, including  
21 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means  
22 of transportation pursuant to section 13-1803 or theft of means of  
23 transportation pursuant to section 13-1814, or who has been adjudicated  
24 delinquent for a second or subsequent act that would constitute criminal  
25 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or  
26 adjudicated delinquent for an act that would constitute a felony offense in  
27 the commission of which a motor vehicle is used, including theft of a motor  
28 vehicle pursuant to section 13-1802, unlawful use of means of transportation  
29 pursuant to section 13-1803 or theft of means of transportation pursuant to  
30 section 13-1814, if committed by an adult.

31 3. A class A, B or C license to a person who is under twenty-one years  
32 of age, except that the department may issue a class A, B or C license that  
33 is restricted to only intrastate driving to a person who is at least eighteen  
34 years of age.

35 4. A license to a person whose license or driving privilege has been  
36 suspended, during the suspension period.

37 5. Except as provided in section 28-3315, a license to a person whose  
38 license or driving privilege has been revoked.

39 6. A class A, B or C license to a person who has been disqualified  
40 from obtaining a commercial driver license.

41 7. A license to a person who on application notifies the department  
42 that the person is an alcoholic as defined in section 36-2021 or a drug  
43 dependent person as defined in section 36-2501, unless the person  
44 successfully completes the medical screening process pursuant to section  
45 28-3052 or submits a medical examination report that includes a current

1 evaluation from a substance abuse counselor indicating that, in the opinion  
2 of the counselor, the condition does not affect or impair the person's  
3 ability to safely operate a motor vehicle.

4 8. A license to a person who has been adjudged to be incapacitated  
5 pursuant to section 14-5304 and who at the time of application has not  
6 obtained either a court order that allows the person to drive or a  
7 termination of incapacity as provided by law.

8 9. A license to a person who is required by this chapter to take an  
9 examination unless the person successfully passes the examination.

10 10. A license to a person who is required under the motor vehicle  
11 financial responsibility laws of this state to deposit proof of financial  
12 responsibility and who has not deposited the proof.

13 11. A license to a person if the department has good cause to believe  
14 that the operation of a motor vehicle on the highways by the person would  
15 threaten the public safety or welfare.

16 12. A license to a person whose driver license has been ordered to be  
17 suspended pursuant to section 25-518.

18 13. A class A, B or C license to a person whose license or driving  
19 privilege has been canceled until the cause for the cancellation has been  
20 removed.

21 14. A class A, B or C license or instruction permit to a person whose  
22 state of domicile is not this state.

23 15. A class A, B or C license to a person who fails to demonstrate  
24 proficiency in the English language as determined by the department.

25 B. The department shall not issue a driver license to or renew the  
26 driver license of the following persons:

27 1. A person about whom the court notifies the department that the  
28 person violated the person's written promise to appear in court when charged  
29 with a violation of the motor vehicle laws of this state until the department  
30 receives notification in a manner approved by the department that the person  
31 appeared either voluntarily or involuntarily or that the case has been  
32 adjudicated, that the case is being appealed or that the case has otherwise  
33 been disposed of as provided by law.

34 2. If notified pursuant to section 28-1601, a person who fails to pay  
35 a civil penalty as provided in section 28-1601, except for a parking  
36 violation, until the department receives notification in a manner approved by  
37 the department that the person paid the civil penalty, that the case is being  
38 appealed or that the case has otherwise been disposed of as provided by law.

39 C. The magistrate or the clerk of the court shall provide the  
40 notification to the department prescribed by subsection B of this section.

41 D. Notwithstanding any other law, the department shall not issue to or  
42 renew a driver license or nonoperating identification license for a person  
43 who does not submit proof satisfactory to the department that the applicant's  
44 presence in the United States is authorized under federal law. For an  
45 application for a driver license or a nonoperating identification license,

1 the department shall not accept as a primary source of identification a  
2 driver license issued by a state if the state does not require that a driver  
3 licensed in that state be lawfully present in the United States under federal  
4 law. The director shall adopt rules necessary to carry out the purposes of  
5 this subsection. The rules shall include procedures for:

6 1. Verification that the applicant's presence in the United States is  
7 authorized under federal law.

8 2. Issuance of a temporary driver permit pursuant to section 28-3157  
9 pending verification of the applicant's status in the United States.

10 Sec. 2. Section 28-3174, Arizona Revised Statutes, is amended to read:

11 28-3174. Class G driver licenses; restrictions; civil  
12 penalties; motorcycles

13 A. A person who is under eighteen years of age **OR WHO HAS NOT**  
14 **PREVIOUSLY BEEN ISSUED A DRIVER LICENSE BY THIS STATE OR BY ANOTHER**  
15 **JURISDICTION** may apply to the department for a class G driver license if all  
16 of the following apply:

17 1. The person is at least sixteen years of age.

18 2. The person has a valid instruction permit issued pursuant to this  
19 article and the person has held the instruction permit for at least six  
20 months, except that this requirement does not apply to a person who has a  
21 currently valid driver license issued by another jurisdiction.

22 3. Either:

23 (a) The person has satisfactorily completed a driver education program  
24 that is approved by the department of transportation. If the driver  
25 education program is offered by a public high school, the program shall be  
26 approved by the department of transportation in consultation with the  
27 department of education.

28 (b) A custodial parent or guardian of the person certifies in writing  
29 to the department that the applicant has completed at least thirty hours of  
30 supervised driving practice and that at least ten of the required practice  
31 hours were at night.

32 B. If the applicant successfully passes the examination prescribed in  
33 section 28-3164 and satisfies the requirements prescribed in subsection A of  
34 this section, the department may issue a class G driver license to the  
35 applicant.

36 C. Except as provided in subsection D of this section, a class G  
37 driver license entitles the licensee to drive a motor vehicle that requires a  
38 class G license on the public highways.

39 D. Except as provided in subsection J of this section, for the first  
40 six months that a class G licensee holds the license, the licensee shall not  
41 drive a motor vehicle on a public highway from 12:00 a.m. to 5:00 a.m. unless  
42 ~~either~~ **ANY OF THE FOLLOWING APPLY:**

43 1. **IF THE LICENSEE IS UNDER EIGHTEEN YEARS OF AGE**, the licensee is  
44 accompanied by a parent or legal guardian who has a class A, B, C or D  
45 license and who occupies a seat beside the class G licensee.

1           2. IF THE LICENSEE IS AT LEAST EIGHTEEN YEARS OF AGE, THE LICENSEE IS  
2 ACCOMPANIED BY A PERSON WHO HAS A CLASS A, B, C OR D LICENSE.

3           ~~2-~~ 3. The licensee is driving directly to or from a sanctioned school  
4 sponsored activity, the licensee's place of employment, a sanctioned  
5 religious activity or a family emergency.

6           E. Except as provided in this subsection and subsection J of this  
7 section, for the first six months that a class G licensee holds the license,  
8 the licensee shall not drive a motor vehicle on a public highway at any time  
9 if the licensee is driving a motor vehicle containing more than one passenger  
10 under the age of eighteen. This restriction does not:

11           1. Prohibit the licensee from driving a motor vehicle containing  
12 passengers under the age of eighteen if the passengers are the licensee's  
13 siblings OR CHILDREN.

14           2. Apply if the licensee IS UNDER EIGHTEEN YEARS OF AGE AND is  
15 accompanied by a parent or legal guardian who has a class A, B, C or D  
16 license and who occupies a seat beside the class G licensee.

17           3. APPLY IF THE LICENSEE IS AT LEAST EIGHTEEN YEARS OF AGE AND IS  
18 ACCOMPANIED BY A PERSON WHO HAS A CLASS A, B, C OR D LICENSE AND WHO OCCUPIES  
19 A SEAT BESIDE THE CLASS G LICENSEE.

20           F. A peace officer shall not stop or issue a citation to a person  
21 operating a motor vehicle on a highway in this state for a violation of  
22 subsection D or E of this section unless the peace officer has reasonable  
23 cause to believe there is another alleged violation of a motor vehicle law of  
24 this state.

25           G. If a licensee is found responsible for violating subsection D or E  
26 of this section, the licensee:

27           1. For a first violation, is subject to a maximum civil penalty of  
28 seventy-five dollars. The department shall extend the restriction prescribed  
29 by subsection D or E of this section for thirty days, or if the restriction  
30 prescribed by subsection D or E of this section is complete, the thirty day  
31 restriction begins on the department's receipt of the report of the finding  
32 of responsibility.

33           2. For a second violation, is subject to a maximum civil penalty of  
34 one hundred dollars. The department shall extend the restriction prescribed  
35 by subsection D or E of this section for sixty days, or if the restriction  
36 prescribed by subsection D or E of this section is complete, the sixty day  
37 restriction begins on the department's receipt of the report of the finding  
38 of responsibility. If at the time of the second violation the licensee is  
39 subject to an extension of the six month period pursuant to paragraph 1 of  
40 this subsection, the extensions run consecutively.

41           3. For a third or subsequent violation, is subject to a maximum civil  
42 penalty of one hundred dollars. On the department's receipt of the report of  
43 the finding of responsibility, the department shall suspend the licensee's  
44 driving privilege for thirty days. If the licensee also has a suspension

1 resulting from a moving civil traffic violation or a moving criminal traffic  
2 offense as prescribed by section 28-3321, the suspensions run consecutively.

3 H. A citation issued for violating subsection D of this section shall  
4 be dismissed if the licensee to whom the citation was issued produces any of  
5 the following evidence to the appropriate court officer on or before the date  
6 and time specified on the citation for court appearance and in a manner  
7 specified by the court:

8 1. A written, notarized letter from the parent or legal guardian of  
9 the licensee that the licensee was going to or returning from a sanctioned  
10 school sponsored activity, the licensee's place of employment, a sanctioned  
11 religious activity or a family emergency.

12 2. A written, notarized letter from a representative of the sanctioned  
13 school sponsored activity certifying that the licensee was returning from the  
14 school activity.

15 3. A written, notarized letter from the licensee's employer certifying  
16 that the licensee was returning from the licensee's place of employment.

17 4. A written, notarized letter from a representative of the sanctioned  
18 religious activity certifying that the licensee was returning from the  
19 religious activity.

20 I. A citation issued for violating subsection E of this section shall  
21 be dismissed if the licensee to whom the citation was issued ~~produces~~ SUBMITS  
22 a written, notarized letter from the parent or legal guardian of the licensee  
23 IF THE LICENSEE IS UNDER EIGHTEEN YEARS OF AGE OR FROM THE LICENSEE IF THE  
24 LICENSEE IS AT LEAST EIGHTEEN YEARS OF AGE to the appropriate court officer  
25 on or before the date and time specified on the citation for court appearance  
26 and in a manner specified by the court that states the passengers in the  
27 vehicle with the licensee at the time of the violation were the siblings OR  
28 THE CHILDREN of the licensee.

29 J. The restrictions imposed by subsection D or E of this section do  
30 not apply ~~beginning on the licensee's eighteenth birthday~~ WHEN THE LICENSEE  
31 HAS HELD THE LICENSE FOR ONE YEAR OR WHEN THE LICENSEE IS EIGHTEEN YEARS OF  
32 AGE, WHICHEVER OCCURS LAST. IF THE LICENSEE WAS UNDER EIGHTEEN YEARS OF AGE  
33 WHEN ISSUED THE CLASS G DRIVER LICENSE AND HAS HELD THE LICENSE FOR AT LEAST  
34 ONE YEAR, any penalties or restrictions imposed pursuant to subsection G of  
35 this section shall be fully satisfied even if the licensee is eighteen years  
36 of age or older.

37 K. A person who holds a class G driver license may apply for a class D  
38 license on or after the person's eighteenth birthday, except ~~that~~:

39 1. A PERSON MUST HOLD THE CLASS G DRIVER LICENSE FOR AT LEAST ONE YEAR  
40 BEFORE APPLYING FOR A CLASS D DRIVER LICENSE.

41 2. A person whose class G driver license is suspended pursuant to  
42 section 28-3321 is not entitled to receive a class D driver license until  
43 after the suspension period expires.

- 1           L. If a person who is under eighteen years of age and at least sixteen  
2 years of age applies for a class M license or a motorcycle endorsement, the  
3 department shall not issue the class M license or motorcycle endorsement to  
4 the person unless both of the following apply:
- 5           1. The applicant has held an instruction permit issued pursuant to  
6 section 28-3156 for at least six months, except that this requirement does  
7 not apply to a person who has a currently valid motorcycle driver license or  
8 endorsement issued by another jurisdiction.
- 9           2. Either:
- 10           (a) The person has satisfactorily completed a motorcycle driver  
11 education program that is approved by the department. If the driver  
12 education program is offered by a public high school, the program shall be  
13 approved by the department of transportation in consultation with the  
14 department of education.
- 15           (b) A custodial parent or guardian of the person certifies in writing  
16 to the department that the applicant has completed at least thirty hours of  
17 motorcycle driving practice.