

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

CHAPTER 129
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
45 use in an aircraft but does not include fuel for jet or turbine powered
46 aircraft.

- 1 6. "Bicycle" means a device, including a racing wheelchair, that is
2 propelled by human power and on which a person may ride and that has either:
3 (a) Two tandem wheels, either of which is more than sixteen inches in
4 diameter.
5 (b) Three wheels in contact with the ground, any of which is more than
6 sixteen inches in diameter.
7 7. "Board" means the transportation board.
8 8. "Bus" means a motor vehicle designed for carrying sixteen or more
9 passengers, including the driver.
10 9. "Business district" means the territory contiguous to and including
11 a highway if there are buildings in use for business or industrial purposes
12 within any six hundred feet along the highway, including hotels, banks or
13 office buildings, railroad stations and public buildings that occupy at least
14 three hundred feet of frontage on one side or three hundred feet collectively
15 on both sides of the highway.
16 10. "Combination of vehicles" means a truck or truck tractor and
17 semitrailer and any trailer that it tows but does not include a forklift
18 designed for the purpose of loading or unloading the truck, trailer or
19 semitrailer.
20 11. "Controlled substance" means a substance so classified under
21 section 102(6) of the controlled substances act (21 United States Code
22 section 802(6)) and includes all substances listed in schedules I through V
23 of 21 Code of Federal Regulations part 1308.
24 12. "Conviction" means:
25 (a) An unvacated adjudication of guilt or a determination that a
26 person violated or failed to comply with the law in a court of original
27 jurisdiction or by an authorized administrative tribunal.
28 (b) An unvacated forfeiture of bail or collateral deposited to secure
29 the person's appearance in court.
30 (c) A plea of guilty or no contest accepted by the court.
31 (d) The payment of a fine or court costs.
32 13. "County highway" means a public road constructed and maintained by
33 a county.
34 14. "Dealer" means a person who is engaged in the business of buying,
35 selling or exchanging motor vehicles, trailers or semitrailers and who has an
36 established place of business.
37 15. "Department" means the department of transportation acting directly
38 or through its duly authorized officers and agents.
39 16. "Director" means the director of the department of transportation.
40 17. "Drive" means to operate or be in actual physical control of a
41 motor vehicle.
42 18. "Driver" means a person who drives or is in actual physical control
43 of a vehicle.
44 19. "Driver license" means a license that is issued by a state to an
45 individual and that authorizes the individual to drive a motor vehicle.

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

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

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

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

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

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

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

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

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

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

43 28. "Livery vehicle" means a motor vehicle that:

44 (a) Has a seating capacity not exceeding fifteen passengers including
45 the driver.

1 (b) Provides passenger services for a fare determined by a flat rate
2 or flat hourly rate between geographic zones or within a geographic area.

3 (c) Is available for hire on an exclusive or shared ride basis.

4 (d) May do any of the following:

5 (i) Operate on a regular route or between specified places.

6 (ii) Offer prearranged ground transportation service as defined in
7 section 28-141.

8 (iii) Offer on demand ground transportation service pursuant to a
9 contract with a public airport, licensed business entity or organization.

10 29. "Local authority" means any county, municipal or other local board
11 or body exercising jurisdiction over highways under the constitution and laws
12 of this state.

13 30. "Manufacturer" means a person engaged in the business of
14 manufacturing motor vehicles, trailers or semitrailers.

15 31. "Moped" means a bicycle that is equipped with a helper motor if the
16 vehicle has a maximum piston displacement of fifty cubic centimeters or less,
17 a brake horsepower of one and one-half or less and a maximum speed of
18 twenty-five miles per hour or less on a flat surface with less than a one per
19 cent grade.

20 32. "Motor driven cycle" means a motorcycle, including every motor
21 scooter, with a motor that produces not more than five horsepower.

22 33. "Motor vehicle":

23 (a) Means either:

24 (i) A self-propelled vehicle.

25 (ii) For the purposes of the laws relating to the imposition of a tax
26 on motor vehicle fuel, a vehicle that is operated on the highways of this
27 state and that is propelled by the use of motor vehicle fuel.

28 (b) Does not include a motorized wheelchair, an electric personal
29 assistive mobility device or a motorized skateboard. For the purposes of
30 this subdivision:

31 (i) "Motorized skateboard" means a self-propelled device that has a
32 motor, a deck on which a person may ride and at least two tandem wheels in
33 contact with the ground.

34 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
35 used by a person for mobility.

36 34. "Motor vehicle fuel" includes all products that are commonly or
37 commercially known or sold as gasoline, including casinghead gasoline,
38 natural gasoline and all flammable liquids, and that are composed of a
39 mixture of selected hydrocarbons expressly manufactured and blended for the
40 purpose of effectively and efficiently operating internal combustion engines.
41 Motor vehicle fuel does not include inflammable liquids that are specifically
42 manufactured for racing motor vehicles and that are distributed for and used
43 by racing motor vehicles at a racetrack, use fuel as defined in section
44 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
45 mixture created at the interface of two different substances being
46 transported through a pipeline, commonly known as transmix.

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

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

6 (a) The vehicle is emission free.

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

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

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

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

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

21 40. "Owner" means:

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

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

27 (c) If a mortgagor of a vehicle is entitled to possession of the
28 vehicle, the mortgagor.

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

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

40 43. "Public transit" means the transportation of passengers on
41 scheduled routes by means of a conveyance on an individual passenger
42 fare-paying basis excluding transportation by a sight-seeing bus, school bus
43 or taxi or a vehicle not operated on a scheduled route basis.

44 44. "Reconstructed vehicle" means a vehicle that has been assembled or
45 constructed largely by means of essential parts, new or used, derived from
46 vehicles or makes of vehicles of various names, models and types or that, if

1 originally otherwise constructed, has been materially altered by the removal
2 of essential parts or by the addition or substitution of essential parts, new
3 or used, derived from other vehicles or makes of vehicles. For the purposes
4 of this paragraph, "essential parts" means integral and body parts, the
5 removal, alteration or substitution of which will tend to conceal the
6 identity or substantially alter the appearance of the vehicle.

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

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

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

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

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

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

31 49. "State" means a state of the United States and the District of
32 Columbia.

33 50. "State highway" means a state route or portion of a state route
34 that is accepted and designated by the board as a state highway and that is
35 maintained by the state.

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

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

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

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

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

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

7 ~~54.~~ 55. "Trailer" means a vehicle that is with or without motive
8 power, other than a pole trailer, that is designed for carrying persons or
9 property and for being drawn by a motor vehicle and that is constructed so
10 that no part of its weight rests on the towing vehicle. A semitrailer
11 equipped with an auxiliary front axle commonly known as a dolly is deemed to
12 be a trailer. For the purposes of this paragraph, "pole trailer" has the same
13 meaning prescribed in section 28-601.

14 ~~55.~~ 56. "Truck" means a motor vehicle designed or used primarily for
15 the carrying of property other than the effects of the driver or passengers
16 and includes a motor vehicle to which has been added a box, a platform or
17 other equipment for such carrying.

18 ~~56.~~ 57. "Truck tractor" means a motor vehicle that is designed and
19 used primarily for drawing other vehicles and that is not constructed to
20 carry a load other than a part of the weight of the vehicle and load drawn.

21 ~~57.~~ 58. "Vehicle" means a device in, on or by which a person or
22 property is or may be transported or drawn on a public highway, excluding
23 devices moved by human power or used exclusively on stationary rails or
24 tracks.

25 ~~58.~~ 59. "Vehicle transporter" means either:

26 (a) A truck tractor capable of carrying a load and drawing a
27 semitrailer.

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

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

33 ~~28-645.~~ Traffic control signal legend

34 A. If traffic is controlled by traffic control signals exhibiting
35 different colored lights or colored lighted arrows successively one at a time
36 or in combination, only the colors green, red and yellow shall be used,
37 except for special pedestrian signals carrying a word legend. The lights
38 shall indicate and apply to drivers of vehicles and pedestrians as follows:

39 1. Green indication:

40 (a) Vehicular traffic facing a green signal may proceed straight
41 through or turn right or left unless a sign at that place prohibits either
42 turn. Vehicular traffic, including vehicles turning right or left, shall
43 yield the right-of-way to other vehicles and to pedestrians lawfully within
44 the intersection or an adjacent crosswalk at the time the signal is
45 exhibited.

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

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

11 2. Steady yellow indication:

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

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

21 3. Red indication:

22 (a) Except as provided in subdivisions (b) and (c) of this paragraph,
23 vehicular traffic facing a steady red signal alone shall stop before entering
24 the intersection and shall remain standing until an indication to proceed is
25 shown. On receipt of a record of judgment for a violation of this
26 subdivision or an act in another jurisdiction that if committed in this state
27 would be a violation of this section, the department shall order the person
28 to attend and successfully complete traffic survival school ~~training and~~
29 educational sessions within sixty days after the department issues the order.
30 Notwithstanding section 28-3315, if the person fails to attend or
31 successfully complete traffic survival school ~~training and~~ educational
32 sessions, the department shall suspend the person's driving privilege
33 pursuant to section 28-3306 until the person attends and successfully
34 completes traffic survival school ~~training and~~ educational sessions. A
35 person whose driving privilege is suspended pursuant to this subdivision may
36 request a hearing. If the person requests a hearing, the department shall
37 conduct the hearing as prescribed in section 28-3306. A law enforcement
38 officer or a jurisdiction issuing a citation to a person who violates this
39 subdivision shall provide written notice to the person that if eligible, the
40 person may attend defensive driving school or, if not eligible or if the
41 person chooses not to attend defensive driving school and is ~~convicted~~ FOUND
42 RESPONSIBLE or enters a plea of responsible for a violation of this
43 subsection, the person must attend and successfully complete traffic survival
44 school ~~training and~~ educational sessions. The notice shall include a
45 reference to red light violations and state that if the person is required to

1 attend traffic survival school the person will receive notice from the motor
2 vehicle division.

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

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

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

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

26 C. The driver of a vehicle approaching an intersection that has an
27 official traffic control signal that is inoperative shall bring the vehicle
28 to a complete stop before entering the intersection and may proceed with
29 caution only when it is safe to do so. If two or more vehicles approach an
30 intersection from different streets or highways at approximately the same
31 time and the official traffic control signal for the intersection is
32 inoperative, the driver of each vehicle shall bring the vehicle to a complete
33 stop before entering the intersection and the driver of the vehicle on the
34 left shall yield the right-of-way to the driver of the vehicle on the right.

35 Sec. 3. Section 28-647, Arizona Revised Statutes, is amended to read:
36 28-647. Flashing signals

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

39 1. Flashing red stop signal. If a red lens is illuminated with rapid
40 intermittent flashes, drivers of vehicles shall stop before entering the
41 nearest crosswalk at an intersection or at a limit line if marked, or if
42 none, then before entering the intersection, and the right to proceed is
43 subject to the rules applicable after making a stop at a stop sign. On
44 receipt of a record of judgment for a violation of this paragraph, the
45 department shall order the person to attend and successfully complete traffic
46 survival school ~~training and~~ educational sessions within sixty days after the

1 department issues the order. Notwithstanding section 28-3315, if the person
2 fails to attend or successfully complete traffic survival school ~~training and~~
3 educational sessions, the department shall suspend the person's driving
4 privilege pursuant to section 28-3306 until the person attends and
5 successfully completes traffic survival school ~~training and~~ educational
6 sessions. A person whose driving privilege is suspended pursuant to this
7 paragraph may request a hearing. If the person requests a hearing, the
8 department shall conduct the hearing as prescribed in section 28-3306. A law
9 enforcement officer or a jurisdiction issuing a citation to a person who
10 violates this paragraph shall provide written notice to the person that if
11 eligible, the person may attend defensive driving school or, if not eligible
12 or if the person chooses not to attend defensive driving school and is
13 ~~convicted~~ FOUND RESPONSIBLE or enters a plea of responsible for a violation
14 of this paragraph, the person must attend and successfully complete traffic
15 survival school ~~training and~~ educational sessions. The notice shall include
16 a reference to red light violations and state that if the person is required
17 to attend traffic survival school the person will receive notice from the
18 motor vehicle division.

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

22 Sec. 4. Section 28-672, Arizona Revised Statutes, is amended to read:

23 28-672. Causing serious physical injury or death by a moving
24 violation; _____ time _____ limitation; _____ penalties;
25 classification; definition

26 A. A person is guilty of causing serious physical injury or death by a
27 moving violation if the person violates any one of the following and the
28 violation results in an accident causing serious physical injury or death to
29 another person:

- 30 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 31 2. Section 28-729.
- 32 3. Section 28-771.
- 33 4. Section 28-772.
- 34 5. Section 28-773.
- 35 6. Section 28-792.
- 36 7. Section 28-794.
- 37 8. Section 28-797, subsection F, G, H or I.
- 38 9. Section 28-855, subsection B.
- 39 10. Section 28-857, subsection A.

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

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

- 1 (a) Failure to obey traffic control devices as provided in section
2 28-644.
- 3 (b) Overtaking and passing another vehicle on the right by driving off
4 the pavement or main traveled portion of the roadway as provided in section
5 28-724.
- 6 (c) Unsafe lane change as provided in section 28-729.
- 7 (d) Following a vehicle too closely as provided in section 28-730.
- 8 (e) Failure to yield the right-of-way as provided in article 9 of this
9 chapter.
- 10 2. The person's driving is an immediate hazard to another person or
11 vehicle.
- 12 B. A person convicted of aggressive driving is guilty of a class 1
13 misdemeanor.
- 14 C. In addition to any other penalty prescribed by law:
- 15 1. A person convicted of a violation of this section shall attend and
16 successfully complete approved traffic survival school ~~training~~ and
17 educational sessions that are designed to improve the safety and habits of
18 drivers and that are approved by the department.
- 19 2. The court shall forward the abstract of conviction to the
20 department and may order the department to suspend the person's driving
21 privilege for thirty days.
- 22 D. If a person who is convicted of a violation of this section has
23 been previously convicted of a violation of this section within a period of
24 twenty-four months:
- 25 1. The person is guilty of a class 1 misdemeanor.
- 26 2. In addition to any other penalty prescribed by law, the court shall
27 forward the abstract of conviction to the department. On receipt of the
28 abstract of conviction, the department shall revoke the driving privilege of
29 the person for one year.
- 30 E. The dates of the commission of the offense determine whether
31 subsection D of this section applies. A second or subsequent violation for
32 which a conviction occurs as provided in this section does not include a
33 conviction for an offense arising out of the same series of acts.
- 34 F. For the purposes of this section "course of conduct" means a series
35 of acts committed during a single, continuous period of driving.
- 36 Sec. 6. Section 28-3101, Arizona Revised Statutes, is amended to read:
37 28-3101. Driver license classes
- 38 A. Except as provided in subsections B and C of this section and
39 section 28-3102, the following driver license classes are valid:
- 40 1. Class A. A class A license is valid for operating either of the
41 following:
- 42 (a) A motor vehicle that tows a vehicle with a gross vehicle weight
43 rating of more than ten thousand pounds if the combined gross vehicle weight
44 rating is twenty-six thousand one or more pounds.
- 45 (b) A vehicle that requires a class B, C or D license.

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

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

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

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

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

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

13 (b) A motor vehicle with a gross vehicle weight rating of twenty-six
14 thousand pounds or less that tows a vehicle with a gross vehicle weight
15 rating of ten thousand pounds or less.

16 (c) A motor vehicle with a gross vehicle weight rating of twenty-six
17 thousand pounds or less that tows a vehicle with a gross vehicle weight
18 rating of more than ten thousand pounds, if the combined gross vehicle weight
19 rating is less than twenty-six thousand one pounds.

20 (d) A vehicle that is required to be placarded for hazardous
21 materials.

22 (e) A bus or school bus.

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

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

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

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

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

35 (d) A **MOTORIZED TOURING VEHICLE. FOR THE PURPOSES OF THIS**
36 **SUBDIVISION, "MOTORIZED TOURING VEHICLE" MEANS A MOTOR VEHICLE THAT IS ALL OF**
37 **THE FOLLOWING:**

38 (i) **OWNED BY A COMMERCIAL ENTITY.**

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

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

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

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

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

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

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

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

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

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

17 28-3158. Driver license or instruction permit application

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

20 B. An applicant shall pay the fee prescribed by section 28-3002 for a
21 driver license or for an instruction permit issued under section 28-3154,
22 28-3155, 28-3156 or 28-3225. Payment of the fee required by this section
23 entitles the applicant to not more than three attempts to pass the written
24 examination or road test within twelve months from the date of the
25 application. The department shall refund an application fee pursuant to
26 section 28-373. ~~An applicant who submits documentation of successful~~
27 ~~completion of a driver education course approved by the department is not~~
28 ~~required to take the road test.~~

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

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

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

37 2. Whether the applicant has been licensed, and if so, the type of
38 license issued, when the license was issued and what state or country issued
39 the license.

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

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

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

1 E. The department shall:

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

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

5 F. The social security number provided to the department pursuant to
6 subsection D of this section for an applicant's driver license or instruction
7 permit shall not appear on an applicant's driver license or instruction
8 permit unless the applicant requests that the social security number appear
9 on the applicant's driver license or instruction permit as the driver license
10 or instruction permit number. Except as provided in sections 28-455 and
11 41-1954, the department shall not release the social security number to any
12 person unless the applicant requests that the social security number appear
13 on the applicant's driver license or instruction permit as the driver license
14 or instruction permit number. The provisions of this subsection shall be
15 included in each application.

16 G. The department may adopt and implement procedures to deny a driver
17 license or instruction permit to a person who has been deported. The
18 department may adopt and implement procedures to reinstate a person's
19 privilege to apply for a driver license or permit if the person's legal
20 presence status is restored.

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

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

27 J. If a driver license applicant submits satisfactory proof to the
28 department that the applicant is a veteran, on request of the applicant, the
29 department shall allow a distinguishing mark to appear on the license that
30 identifies the person as a veteran.

31 Sec. 8. Section 28-3164, Arizona Revised Statutes, is amended to read:

32 ~~28-3164.~~ Original applicants; examination

33 A. The department may DO ANY OF THE FOLLOWING:

34 1. Examine an applicant for an original driver license. ~~or the~~
35 ~~department may~~

36 2. Accept the examination conducted by an authorized third party
37 pursuant to chapter 13 of this title ~~or documentation of successful~~
38 ~~completion of a driver education course approved by the department.~~

39 BEGINNING JULY 1, 2014, THE THIRD PARTY MUST BE AUTHORIZED PURSUANT TO
40 SECTION 28-5101.01 OR 28-5101.03.

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

45 4. ACCEPT DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED
46 EDUCATION ON SPECIAL PERFORMANCE EQUIPMENT AND MEDICALLY RELATED DRIVING

1 CIRCUMSTANCES. BEGINNING JULY 1, 2014, THE DOCUMENTATION MUST BE PROVIDED BY
2 A THIRD PARTY AUTHORIZED PURSUANT TO SECTION 28-5101.02.

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

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

7 1. A test of the applicant's:

8 (a) Eyesight.

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

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

12 2. An actual demonstration of ability to exercise ordinary and
13 reasonable control in the operation of a vehicle or vehicle combination of
14 the type covered by the license classification or endorsement for which the
15 applicant applies.

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

19 ~~B.~~ C. The department may examine an original applicant for a class M
20 license or a motorcycle endorsement or the department may accept the
21 examination conducted by an authorized third party pursuant to chapter 13,
22 article 1 of this title OR DOCUMENTATION OF SUCCESSFUL COMPLETION OF A
23 MOTORCYCLE TRAINING PROGRAM APPROVED BY THE DEPARTMENT. BEGINNING JULY 1,
24 2014, THE DOCUMENTATION OF SUCCESSFUL COMPLETION OF A MOTORCYCLE TRAINING
25 PROGRAM MUST BE PROVIDED BY A THIRD PARTY MOTORCYCLE DRIVER LICENSE TRAINING
26 PROVIDER AUTHORIZED PURSUANT TO SECTION 28-5101.02 OR A MOTORCYCLE TRAINING
27 PROGRAM APPROVED BY THE DEPARTMENT AND PROVIDED IN ANOTHER STATE OR BY THE
28 UNITED STATES MILITARY. The department may examine an applicant who has a
29 motorcycle license from another jurisdiction. This examination shall be the
30 same as for all applicants, except that the department may make modifications
31 it finds necessary to determine the applicant's fitness to operate a
32 motorcycle, motor driven cycle or moped on the highways.

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

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

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

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

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

5 Sec. 9. Section 28-3303, Arizona Revised Statutes, is amended to read:
6 28-3303. Suspension or revocation of driver license or
7 privilege for actions outside of state

8 A. Except as provided in subsection B of this section, the department
9 may suspend or revoke the license or driving privilege of a resident of this
10 state or the privilege of a nonresident to drive a motor vehicle in this
11 state or may require the person to successfully complete approved traffic
12 survival school ~~training and~~ educational sessions as prescribed in section
13 28-3306 on receipt of notice of a conviction of the person of an offense in
14 another jurisdiction that would be grounds for the suspension or revocation
15 of the person's driver license if the offense had been committed in this
16 state. Section 28-3306, subsections C through G apply if a person's license
17 or driving privilege is suspended or revoked or if a person is required to
18 successfully complete approved driver ~~training and~~ educational sessions as
19 provided by this subsection.

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

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

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

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

37 28-3306. Discretionary license suspension or revocation;
38 traffic survival school; hearing

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

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

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

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

7 4. Has been convicted of reckless driving as provided in section
8 28-693 or is a habitually reckless or negligent driver of a motor vehicle.

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

13 6. Has committed or permitted an act involving an unlawful or
14 fraudulent use of the license.

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

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

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

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

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

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

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

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

44 G. If a licensee receives notice requiring the licensee to attend and
45 successfully complete approved traffic survival school ~~training and~~
46 educational sessions and the department receives information of noncompliance

1 with this order, the department may amend the order to suspend or revoke the
2 license.

3 H. A person whose driver license is suspended or revoked as provided
4 in subsection A, paragraph 5 of this section may submit a written request to
5 the department for an administrative hearing. The person shall submit the
6 request for a hearing within fifteen days after the department provides the
7 person with notice of suspension or revocation. On receipt of a proper
8 request for a hearing, the department shall provide the person with an
9 opportunity for a hearing in the county where the person resides within
10 thirty days after the department receives the request. The request for a
11 hearing does not stay a summary suspension issued by the department.

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

14 28-3307. Order to complete traffic survival school educational
15 sessions

16 A. If a licensee is required to attend and successfully complete
17 approved traffic survival school ~~training and~~ educational sessions designed
18 to improve the safety and habits of drivers pursuant to section 28-645,
19 28-647, 28-672, 28-695, 28-3306 or 28-3321, the department shall indicate on
20 the computer record that the licensee is required to complete traffic
21 survival school ~~training and~~ educational sessions.

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

25 ~~C. Governmental agencies, corporations or other individuals that~~
26 ~~conduct traffic survival school training and educational sessions approved by~~
27 ~~the department may collect a fee that is reasonable and commensurate for the~~
28 ~~training.~~

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

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

34 28-3321. Moving violations by persons under eighteen years of
35 age; traffic survival school; suspension

36 A person who holds a driver permit or license and who is found
37 responsible for a moving civil traffic violation pursuant to this title or
38 who is convicted of a moving criminal traffic offense pursuant to this title,
39 excluding violations of sections 28-693, 28-695, 28-708, 28-1381, 28-1382,
40 28-1383 and 28-3174, and who commits the moving civil traffic violation or
41 moving criminal traffic offense while the person is under eighteen years of
42 age is subject to the following:

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

1 INSTRUCTORS, CHARACTER AND REPUTATION OF THE OPERATORS AND INSTRUCTORS,
2 INSURANCE IN AN AMOUNT AND WITH PROVISIONS THAT THE DIRECTOR DEEMS NECESSARY
3 TO PROTECT ADEQUATELY THE INTERESTS OF THE PUBLIC AND OTHER MATTERS
4 PRESCRIBED BY THE DIRECTOR.

5 C. EACH APPLICANT WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY AND
6 EACH PARTNER OR STOCKHOLDER WHO OWNS TWENTY PER CENT OR MORE OF AN ENTITY AND
7 WHO SEEKS LICENSURE PURSUANT TO THIS ARTICLE SHALL PROVIDE THE DEPARTMENT OR
8 A CONTRACTED PRIVATE ENTITY OF THE DEPARTMENT PURSUANT TO SECTION 28-3411
9 WITH A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION
10 41-1758.03.

11 28-3414. Refusal to issue or renew license of school

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

17 B. AN APPLICANT OR LICENSEE WHO IS AGGRIEVED BY THE DIRECTOR'S
18 DECISION MAY MAKE A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING WITHIN
19 THIRTY DAYS AFTER SERVICE OF NOTICE OF THE REFUSAL. IF THE APPLICANT OR
20 LICENSEE DOES NOT REQUEST A HEARING WITHIN THIRTY DAYS, THE DECISION IS
21 FINAL. IF THE APPLICANT OR LICENSEE REQUESTS A HEARING, THE DIRECTOR SHALL
22 GIVE WRITTEN NOTICE TO THE APPLICANT OR LICENSEE TO APPEAR AT THE HEARING AND
23 SHOW CAUSE WHY THE REFUSAL TO ISSUE OR RENEW THE LICENSE SHOULD NOT BE
24 UPHELD. AFTER CONSIDERATION OF THE EVIDENCE PRESENTED AT THE HEARING, THE
25 DIRECTOR SHALL SERVE NOTICE IN WRITING TO THE APPLICANT OR LICENSEE OF THE
26 DIRECTOR'S FINDINGS AND ORDER.

27 28-3415. License expiration; fees; disposition

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

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

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

35 D. A LICENSE FEE MAY NOT BE REFUNDED IF A LICENSE IS SUSPENDED OR
36 REVOKED.

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

40 28-3416. Suspension and revocation of license; determination;
41 appeal

42 A. AFTER CONDUCTING A HEARING, THE DIRECTOR MAY CANCEL, SUSPEND OR
43 REVOKE THE LICENSE OF A SCHOOL IF THE DIRECTOR FINDS THAT THE LICENSEE HAS
44 NOT COMPLIED WITH OR HAS KNOWINGLY VIOLATED THIS ARTICLE OR ANY RULE ADOPTED
45 PURSUANT TO THIS ARTICLE OR HAS BEEN CONVICTED OF A VIOLATION OF TITLE 13 OR
46 THIS TITLE.

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

3 28-3417. Cease and desist orders

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

11 B. A LICENSEE WHO RECEIVES A CEASE AND DESIST ORDER MAY SUBMIT A
12 WRITTEN REQUEST FOR A HEARING TO THE DIRECTOR. THE LICENSEE SHALL SUBMIT THE
13 REQUEST FOR A HEARING WITHIN THIRTY DAYS AFTER THE LICENSEE RECEIVES THE
14 CEASE AND DESIST ORDER. ON FAILURE OF A LICENSEE TO COMPLY WITH THE ORDER OR
15 AFTER A REQUESTED HEARING, THE DIRECTOR MAY SUSPEND OR CANCEL THE LICENSEE'S
16 LICENSE PURSUANT TO SECTION 28-3416.

17 28-3418. Violation; classification

18 A PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE IS GUILTY OF A
19 CLASS 3 MISDEMEANOR.

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

22 28-5101. Third party authorization

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

- 25 1. Title and registration. ~~;~~
- 26 2. Motor carrier licensing and tax reporting. ~~;~~
- 27 3. Dealer licensing. ~~and~~
- 28 4. Driver ~~license functions~~ LICENSING AS PRESCRIBED IN SECTIONS
29 28-5101.01, 28-5101.02 AND 28-5101.03.

30 B. The director may authorize a person to be a third party electronic
31 service provider or, beginning January 1, 2012, to be a third party
32 electronic service partner. An authorized third party electronic service
33 provider shall meet all of the requirements established by the department.
34 Beginning January 1, 2012:

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

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

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

43 D. The director may furnish necessary documents or license plates
44 subject to this article.

45 E. Except as provided in subsection F of this section, an authorized
46 third party or an authorized third party electronic service provider shall

1 submit to the department all statutorily prescribed fees and taxes it
2 collects. In addition to the statutorily prescribed fees and taxes, an
3 authorized third party or an authorized third party electronic service
4 provider may collect and retain a reasonable and commensurate fee for its
5 services.

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

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

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

13 3. An amount equal to two per cent of each vehicle license tax payment
14 or aircraft license tax payment the authorized third party collects and
15 submits to the department or four dollars for each registration year or part
16 of a registration year, whichever is more. The reimbursement amount shall
17 not exceed the amount of vehicle license tax or aircraft license tax
18 collected.

19 4. Four dollars for each initial, renewal, replacement or duplicate
20 application that the third party processes and that relates to driver
21 licenses, nonoperating identification licenses or permits. An authorized
22 third party may add the cost for expedited processing of renewal, replacement
23 or duplicate applications if requested by the applicant.

24 5. An amount equal to two per cent of each overweight or excess size
25 vehicle registration or permit fee the third party collects and submits to
26 the department or one dollar for each overweight or excess size vehicle
27 registration or permit processed, whichever is more.

28 6. One dollar for each motor vehicle or special motor vehicle record,
29 excluding motor vehicle records released to commercial recipients, including
30 insurers and their authorized agents.

31 7. Five dollars or one-fourth of one per cent of the fuel taxes
32 reported, whichever is greater, for each fuel tax report filed
33 electronically. In fiscal years 2008-2009 through 2012-2013, the maximum
34 annual amount retained each year shall not exceed one million five hundred
35 thousand dollars. Beginning in fiscal year 2013-2014, the maximum annual
36 amount retained each year shall not exceed four hundred eighty thousand
37 dollars.

38 8. One dollar for each fuel tax permit.

39 9. One dollar for each nonsufficient funds or dishonored check
40 payment.

41 10. One dollar for each abandoned vehicle report processed, except for
42 applications for crushed vehicles.

43 11. One dollar for each abandoned vehicle payment.

44 12. Two dollars for each initial special or personalized license plate
45 application.

1 13. One dollar for each initial, renewal or replacement vehicle dealer
2 license plate.

3 14. Five dollars for each application for an initial vehicle dealer
4 license or continuation of a vehicle dealer license.

5 15. One dollar of each twelve dollar fee paid pursuant to section
6 28-2356.

7 16. One dollar for each traffic survival school application and one
8 dollar for each certificate of completion processed.

9 17. One dollar for each replacement license plate or tab.

10 G. For authorized third party electronic service partners, the amount
11 of compensation and the amount of reimbursements for transactions shall be
12 negotiated by the department and the authorized third party electronic
13 service partner and shall be set forth in the written agreement authorizing
14 the third party electronic service partner. If reimbursement is made for
15 individual transactions, the reimbursements shall not exceed the amounts
16 specified in subsections F, H and I of this section. Other forms of
17 compensation or reimbursements for services may be specified in the written
18 agreement. Compensation and reimbursements provided for by the written
19 agreement may include the development and implementation of information
20 technology and other automated systems and any necessary support for these
21 systems.

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

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

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

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

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

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

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

40 28-5101.01. Authorized third party driver license providers;
41 requirements

42 A. **BEGINNING ON OR BEFORE JUNE 1, 2014, EXCEPT AS PROVIDED IN SECTION**
43 **28-5101.03, AN AUTHORIZED THIRD PARTY DRIVER LICENSE PROVIDER MUST PERFORM**
44 **BOTH OF THE FOLLOWING:**

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

46 2. **DRIVER LICENSE PROCESSING.**

1 B. A PERSON WHO IS A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED
2 PURSUANT TO THIS SECTION MAY ALSO BE AUTHORIZED PURSUANT TO THIS ARTICLE TO
3 PERFORM CERTAIN TITLE AND REGISTRATION FUNCTIONS.

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

6 1. A BOND IN A FORM TO BE APPROVED BY THE DIRECTOR AND IN AN AMOUNT OF
7 AT LEAST THREE HUNDRED THOUSAND DOLLARS FOR AN INITIAL APPLICATION FOR
8 AUTHORIZATION PURSUANT TO THIS SECTION AND AN ADDITIONAL ONE HUNDRED THOUSAND
9 DOLLARS FOR EACH ADDITIONAL LOCATION PROVIDING DRIVER LICENSE FUNCTIONS
10 PRESCRIBED IN SUBSECTION A OF THIS SECTION, EXCEPT THAT IF THE AUTHORIZED
11 THIRD PARTY IS ALSO AUTHORIZED PURSUANT TO THIS ARTICLE TO PERFORM CERTAIN
12 TITLE AND REGISTRATION FUNCTIONS AT THE SAME LOCATION ONLY A SINGLE ONE
13 HUNDRED THOUSAND DOLLAR BOND IS REQUIRED FOR THAT LOCATION. THE TOTAL BOND
14 AMOUNT REQUIRED BY THIS PARAGRAPH SHALL NOT EXCEED ONE MILLION DOLLARS. THE
15 BOND REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO GOVERNMENT ENTITIES
16 PRESCRIBED IN SECTION 28-5104, SUBSECTION E, PARAGRAPHS 1, 2, 3, 5 AND 11.

17 2. DOCUMENTATION THAT THE APPLICANT SATISFIES ALL OF THE FOLLOWING:
18 (a) HAS BEEN AN AUTHORIZED THIRD PARTY PURSUANT TO THIS CHAPTER FOR AT
19 LEAST THE IMMEDIATELY PRECEDING THREE YEARS.

20 (b) HAS CONDUCTED AN AVERAGE OF AT LEAST ONE THOUSAND RETENTION
21 TRANSACTIONS PER MONTH FOR THE PREVIOUS CALENDAR YEAR.

22 (c) IS IN GOOD STANDING WITH THE DEPARTMENT.

23 (d) HAS A FACILITY PLAN FOR EACH LOCATION THAT SHOWS ADEQUATE SPACE
24 AND EQUIPMENT NECESSARY TO PERFORM THE FUNCTIONS PRESCRIBED IN SUBSECTION A
25 OF THIS SECTION.

26 3. DOCUMENTATION THAT THE APPLICANT HAS DURING BUSINESS HOURS AT LEAST
27 ONE CERTIFIED PROCESSOR QUALIFIED TO PERFORM AT A MINIMUM ALL OF THE
28 FOLLOWING AT EACH LOCATION:

29 (a) FRAUDULENT DOCUMENT RECOGNITION.

30 (b) IGNITION INTERLOCK REQUIREMENTS.

31 (c) DRIVER LICENSE REINSTATEMENTS.

32 D. A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED PURSUANT TO THIS
33 SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS PRESCRIBED BY THE
34 DEPARTMENT.

35 E. A THIRD PARTY DRIVER LICENSE PROVIDER AUTHORIZED PURSUANT TO
36 SUBSECTION A OF THIS SECTION SHALL NOT PROCESS COMMERCIAL DRIVER LICENSES.

37 28-5101.02. Authorized third party driver license training
38 providers; requirements; applicability

39 A. BEGINNING JULY 1, 2014, A PERSON MUST BE AN AUTHORIZED THIRD PARTY
40 DRIVER LICENSE TRAINING PROVIDER TO PERFORM DRIVER LICENSE TRAINING.

41 B. A PERSON WHO APPLIES FOR AUTHORIZATION PURSUANT TO THIS SECTION IS
42 NOT REQUIRED TO SUBMIT A BOND WITH THE APPLICATION.

43 C. A THIRD PARTY DRIVER LICENSE TRAINING PROVIDER AUTHORIZED PURSUANT
44 TO THIS SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS PRESCRIBED
45 BY THE DEPARTMENT.

1 D. THIS SECTION DOES NOT APPLY TO ANY PROFESSIONAL DRIVER TRAINING
2 SCHOOL LICENSED PURSUANT TO TITLE 32, CHAPTER 23.

3 28-5101.03. Authorized third party commercial driver license
4 examiners; requirements

5 A. BEGINNING JULY 1, 2014, A PERSON MUST BE A SEPARATELY AUTHORIZED
6 THIRD PARTY COMMERCIAL DRIVER LICENSE EXAMINER TO PERFORM COMMERCIAL DRIVER
7 LICENSE SKILLS TESTING.

8 B. A THIRD PARTY COMMERCIAL DRIVER LICENSE EXAMINER AUTHORIZED
9 PURSUANT TO THIS SECTION MUST COMPLY WITH ALL QUALITY CONTROL REQUIREMENTS
10 PRESCRIBED BY THE DEPARTMENT.

11 Sec. 17. Section 28-5102, Arizona Revised Statutes, is amended to
12 read:

13 28-5102. Powers and duties of director

14 A. The director shall:

15 1. Supervise and regulate all persons required by this article to
16 obtain authorization.

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

20 3. ADOPT RULES TO ADMINISTER AND ENFORCE THIS CHAPTER.

21 B. The director may:

22 1. Conduct investigations the director deems necessary.

23 2. Conduct audits.

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

29 4. Require that an authorized third party or employees or agents of an
30 authorized third party be certified to perform the functions prescribed in
31 this article.

32 5. Require authorized third parties and authorized third party
33 electronic service providers to reimburse the department for mutually agreed
34 on costs.

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

37 28-5104. Bond requirement

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

42 B. A surety company authorized to transact business in this state
43 shall execute the bond with the applicant as principal obligor on the bond
44 and the state as obligee. The bond shall be conditioned that the applicant
45 will faithfully comply with all of the provisions of law and that the bond is
46 noncancellable without at least sixty days' prior notice to the director.

1 Any future liability of the surety company terminates on the director's
2 termination of a third party's authorization.

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

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

7 2. Insolvency or discontinuance of business.

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

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

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

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

15 2. An Arizona court.

16 3. An Arizona law enforcement agency or department.

17 4. A financial institution or enterprise under the jurisdiction of the
18 department of financial institutions or a federal monetary authority.

19 5. The federal government or any of its agencies.

20 6. A motor vehicle dealer that is licensed and bonded by the
21 department of transportation or a state organization of licensed and bonded
22 motor vehicle dealers.

23 7. A manufacturer, AN importer, A factory branch or A distributor
24 licensed by the department of transportation.

25 8. An insurer under the jurisdiction of the department of insurance.

26 9. An owner or A registrant of a fleet of one hundred or more
27 vehicles.

28 10. A public utility.

29 11. A tribal government.

30 12. An employer or association that has at least five hundred employees
31 or members.

32 Sec. 19. Section 28-5107, Arizona Revised Statutes, is amended to
33 read:

34 28-5107. Application denial; hearing; appeal

35 A. The director ~~shall~~ MAY deny an application for third party
36 authorization or certification, or both, under this article and shall advise
37 the applicant in writing within twenty days of the denial and the grounds for
38 the denial if the director determines ~~from the information revealed in the~~
39 ~~criminal history check pursuant to section 28-5105~~ THAT any of the following
40 APPLIES:

41 1. ~~That~~ The applicant is not eligible for third party authorization or
42 certification, or both, under this article.

43 2. ~~That~~ The application is not made in good faith.

44 3. ~~That~~ The application contains a material misrepresentation or
45 misstatement.

46 4. ~~That~~ The applicant has not met the requirements of law.

1 D. IF THE DIRECTOR HAS REASONABLE GROUNDS TO BELIEVE THAT A
2 CERTIFICATE HOLDER OR OTHER PERSON EMPLOYED BY AN AUTHORIZED THIRD PARTY HAS
3 COMMITTED A SERIOUS VIOLATION, THE DIRECTOR MAY ORDER A SUMMARY SUSPENSION OF
4 THE THIRD PARTY'S AUTHORIZATION GRANTED PURSUANT TO THIS CHAPTER PENDING
5 FORMAL SUSPENSION OR CANCELLATION PROCEEDINGS. FOR THE PURPOSES OF THIS
6 SUBSECTION, "SERIOUS VIOLATION" MEANS:

- 7 1. TITLE OR REGISTRATION FRAUD.
- 8 2. DRIVER LICENSE OR IDENTIFICATION LICENSE FRAUD.
- 9 3. IMPROPER DISCLOSURE OF PERSONAL INFORMATION AS DEFINED IN SECTION
10 28-440.
- 11 4. BRIBERY.
- 12 5. THEFT.

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

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

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

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

26 28-6991. State highway fund; sources

27 A state highway fund is established that consists of:

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

30 2. Monies appropriated by the legislature.

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

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

41 5. Monies received from the United States under an act of Congress to
42 provide aid for the construction of rural post roads, but monies received on
43 projects for which the monies necessary to be provided by this state are
44 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
45 shall be allotted by the department and deposited by the state treasurer in
46 the special account within the fund established for each project. On

1 completion of the project, on the satisfaction and discharge in full of all
2 obligations of any kind created and on request of the department, the
3 treasurer shall transfer the unexpended balance in the special account for
4 the project into the state highway fund, and the unexpended balance and any
5 further federal aid thereafter received on account of the project may be
6 spent under the general provisions of this title.

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

10 7. Monies deposited in the state general fund and arising from the
11 disposal of state personal property belonging to the department.

12 8. Receipts from the sale or disposal of any or all other property
13 held by the department and purchased with state highway monies.

14 9. Monies generated pursuant to section 28-410.

15 10. Monies distributed pursuant to section 28-5808, subsection B,
16 paragraph 2, subdivision (d).

17 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

18 12. Except as provided in section 28-5101, the following monies:

19 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
20 subsection B, paragraph 2, subdivision (e).

21 (b) One dollar of each registration fee and one dollar of each title
22 fee collected pursuant to section 28-2003.

23 (c) Two dollars of each late registration penalty collected by the
24 director pursuant to section 28-2162.

25 (d) The air quality compliance fee collected pursuant to section
26 49-542.

27 (e) The special plate administration fees collected pursuant to
28 sections 28-2404, 28-2412 through 28-2416, 28-2416.01, 28-2417 through
29 28-2448 and 28-2514.

30 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
31 if the director is the registering officer.

32 13. Monies deposited pursuant to chapter 5, article 5 of this title.

33 14. Donations received pursuant to section 28-2269.

34 15. Dealer and registration monies collected pursuant to section
35 28-4304.

36 16. Abandoned vehicle administration monies deposited pursuant to
37 section 28-4804.

38 17. Monies deposited pursuant to section 28-710, subsection D,
39 paragraph 2.

40 18. Monies deposited pursuant to section 28-2065.

41 19. Monies deposited pursuant to section 28-7311.

42 20. Monies deposited pursuant to section 28-7059.

43 21. Monies deposited pursuant to section 28-1105.

44 22. Monies deposited pursuant to section 28-2448, subsection D.

45 23. **MONIES DEPOSITED PURSUANT TO SECTION 28-3415.**

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

3 32-2351. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Agent" means any person who, for compensation, enrolls or attempts
6 to enroll residents of this state in a professional driver training school
7 through personal or telephone contact, advertisement, mail or any other type
8 of publication.

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

10 3. "Instructor" means any person, whether acting for himself as an
11 operator of a professional driver training school or for any such school for
12 compensation, who teaches, conducts classes of, gives demonstrations to, or
13 supervises the practice of persons learning to operate or drive motor
14 vehicles or preparing to take an examination for a driver license or
15 instruction permit, and any person who supervises the work of any other
16 instructor.

17 4. "Professional driver training school" or "school" means ~~+~~

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

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

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

31 32-2353. Exemptions; reporting requirement; immunity

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

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

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

43 41-619.51. Definitions

44 In this article, unless the context otherwise requires:

45 1. "Agency" means the supreme court, the department of economic
46 security, the department of education, the department of health services, the

1 department of juvenile corrections, the department of emergency and military
2 affairs, the department of transportation, the state real estate department
3 or the board of examiners of nursing care institution administrators and
4 assisted living facility managers.

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

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

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

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

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

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

1 ~~(ee)~~ (dd) Section 41-1964.
2 ~~(dd)~~ (ee) Section 41-1967.01.
3 ~~(ee)~~ (ff) Section 41-1968.
4 ~~(ff)~~ (gg) Section 41-1969.
5 ~~(gg)~~ (hh) Section 41-2814.
6 ~~(hh)~~ (ii) Section 46-141, subsection A.
7 ~~(ii)~~ (jj) Section 46-321.
8 Sec. 25. Section 41-1758, Arizona Revised Statutes, is amended to
9 read:
10 41-1758. Definitions
11 In this article, unless the context otherwise requires:
12 1. "Agency" means the supreme court, the department of economic
13 security, the department of education, the department of health services, the
14 department of juvenile corrections, the department of emergency and military
15 affairs, the department of transportation, the state real estate department,
16 the board of fingerprinting or the board of examiners of nursing care
17 institution administrators and assisted living facility managers.
18 2. "Division" means the fingerprinting division in the department of
19 public safety.
20 3. "Good cause exception" means the issuance of a fingerprint
21 clearance card to an employee pursuant to section 41-619.55.
22 4. "Person" means a person who is required to be fingerprinted
23 pursuant to any of the following:
24 (a) Section 8-105.
25 (b) Section 8-322.
26 (c) Section 8-509.
27 (d) Section 8-802.
28 (e) Section 15-183.
29 (f) Section 15-503.
30 (g) Section 15-512.
31 (h) Section 15-534.
32 (i) Section 15-782.02.
33 (j) Section 15-1330.
34 (k) Section 15-1881.
35 (l) SECTION 17-215.
36 ~~(i)~~ (m) Section 26-103.
37 (n) SECTION 28-3413.
38 ~~(m)~~ (o) Section 32-2108.01.
39 ~~(n)~~ (p) Section 32-2123.
40 ~~(o)~~ (q) Section 32-2371.
41 ~~(p)~~ (r) Section 36-207.
42 ~~(q)~~ (s) Section 36-411.
43 ~~(r)~~ (t) Section 36-425.03.
44 ~~(s)~~ (u) Section 36-446.04.
45 ~~(t)~~ (v) Section 36-594.01.
46 ~~(u)~~ (w) Section 36-594.02.

- 1 ~~(v)~~ (x) Section 36-882.
- 2 ~~(w)~~ (y) Section 36-883.02.
- 3 ~~(x)~~ (z) Section 36-897.01.
- 4 ~~(y)~~ (aa) Section 36-897.03.
- 5 ~~(z)~~ (bb) Section 36-3008.
- 6 ~~(aa)~~ (cc) Section 41-619.52.
- 7 ~~(bb)~~ (dd) Section 41-619.53.
- 8 ~~(cc)~~ (ee) Section 41-1964.
- 9 ~~(dd)~~ (ff) Section 41-1967.01.
- 10 ~~(ee)~~ (gg) Section 41-1968.
- 11 ~~(ff)~~ (hh) Section 41-1969.
- 12 ~~(gg)~~ (ii) Section 41-2814.
- 13 ~~(hh)~~ (jj) Section 46-141, subsection A.
- 14 ~~(ii)~~ (kk) Section 46-321.

15 5. "Vulnerable adult" has the same meaning prescribed in section
16 13-3623.

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

19 41-1758.01. Fingerprinting division; duties

20 The fingerprinting division is established in the department of public
21 safety and shall:

22 1. Conduct fingerprint background checks for persons and applicants
23 who are seeking licenses from state agencies, employment with licensees,
24 contract providers and state agencies or employment or educational
25 opportunities with agencies that require fingerprint background checks
26 pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512,
27 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 28-3413, 32-2108.01,
28 32-2123, 32-2371, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02,
29 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53,
30 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection
31 A and section 46-321.

32 2. Issue fingerprint clearance cards. On issuance, a fingerprint
33 clearance card becomes the personal property of the cardholder and the
34 cardholder shall retain possession of the fingerprint clearance card.

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

39 4. Inform in writing each person who submits fingerprints for a
40 fingerprint background check of the person's right to petition the board of
41 fingerprinting for a good cause exception pursuant to sections 41-1758.03 and
42 41-1758.07.

43 5. Administer and enforce this article.

44 Sec. 27. Exemption from rule making

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

4 Sec. 28. Retention of rules

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

8 Sec. 29. Existing authorized third parties

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

16 Sec. 30. Existing professional driving schools

17 A professional driving school that is licensed pursuant to title 32,
18 chapter 23, Arizona Revised Statutes, shall renew the school's license as
19 prescribed in section 32-2374, Arizona Revised Statutes, and is not entitled
20 to any refund or proration of any of renewal fees paid pursuant to section
21 32-2374, Arizona Revised Statutes.

22 Sec. 31. Effective date

23 Sections 28-3307, 28-6991, 32-2351, 32-2353, 41-619.51, 41-1758 and
24 41-1758.01, Arizona Revised Statutes, as amended by this act, and section
25 28-3323, Arizona Revised Statutes, and title 28, chapter 8, article 7.1,
26 Arizona Revised Statutes, as added by this act, are effective from and after
27 June 30, 2014.

APPROVED BY THE GOVERNOR APRIL 29, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2013.