

State of Arizona
Senate
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Second Regular Session
2016

CHAPTER 57
SENATE BILL 1228

AN ACT

AMENDING SECTIONS 28-1381, 28-1383, 28-1559, 28-3304, 28-3315 AND 28-3319,
ARIZONA REVISED STATUTES; RELATING TO DRIVING UNDER THE INFLUENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1381, Arizona Revised Statutes, is amended to
3 read:

4 28-1381. Driving or actual physical control while under the
5 influence; trial by jury; presumptions; admissible
6 evidence; sentencing; classification

7 A. It is unlawful for a person to drive or be in actual physical
8 control of a vehicle in this state under any of the following circumstances:

9 1. While under the influence of intoxicating liquor, any drug, a vapor
10 releasing substance containing a toxic substance or any combination of
11 liquor, drugs or vapor releasing substances if the person is impaired to the
12 slightest degree.

13 2. If the person has an alcohol concentration of 0.08 or more within
14 two hours of driving or being in actual physical control of the vehicle and
15 the alcohol concentration results from alcohol consumed either before or
16 while driving or being in actual physical control of the vehicle.

17 3. While there is any drug defined in section 13-3401 or its
18 metabolite in the person's body.

19 4. If the vehicle is a commercial motor vehicle that requires a person
20 to obtain a commercial driver license as defined in section 28-3001 and the
21 person has an alcohol concentration of 0.04 or more.

22 B. It is not a defense to a charge of a violation of subsection A,
23 paragraph 1 of this section that the person is or has been entitled to use
24 the drug under the laws of this state.

25 C. A person who is convicted of a violation of this section is guilty
26 of a class 1 misdemeanor.

27 D. A person using a drug as prescribed by a medical practitioner
28 licensed pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of
29 violating subsection A, paragraph 3 of this section.

30 E. In any prosecution for a violation of this section, the state shall
31 allege, for the purpose of classification and sentencing pursuant to this
32 section, all prior convictions of violating this section, section 28-1382 or
33 section 28-1383 occurring within the past thirty-six months, unless there is
34 an insufficient legal or factual basis to do so.

35 F. At the arraignment, the court shall inform the defendant that the
36 defendant may request a trial by jury and that the request, if made, shall be
37 granted.

38 G. In a trial, action or proceeding for a violation of this section or
39 section 28-1383 other than a trial, action or proceeding involving driving or
40 being in actual physical control of a commercial vehicle, the defendant's
41 alcohol concentration within two hours of the time of driving or being in
42 actual physical control as shown by analysis of the defendant's blood, breath
43 or other bodily substance gives rise to the following presumptions:

44 1. If there was at that time 0.05 or less alcohol concentration in the
45 defendant's blood, breath or other bodily substance, it may be presumed that
46 the defendant was not under the influence of intoxicating liquor.

1 2. If there was at that time in excess of 0.05 but less than 0.08
2 alcohol concentration in the defendant's blood, breath or other bodily
3 substance, that fact shall not give rise to a presumption that the defendant
4 was or was not under the influence of intoxicating liquor, but that fact may
5 be considered with other competent evidence in determining the guilt or
6 innocence of the defendant.

7 3. If there was at that time 0.08 or more alcohol concentration in the
8 defendant's blood, breath or other bodily substance, it may be presumed that
9 the defendant was under the influence of intoxicating liquor.

10 H. Subsection G of this section does not limit the introduction of any
11 other competent evidence bearing on the question of whether or not the
12 defendant was under the influence of intoxicating liquor.

13 I. A person who is convicted of a violation of this section:

14 1. Shall be sentenced to serve not less than ten consecutive days in
15 jail and is not eligible for probation or suspension of execution of sentence
16 unless the entire sentence is served.

17 2. Shall pay a fine of not less than two hundred fifty dollars.

18 3. May be ordered by a court to perform community restitution.

19 4. Shall pay an additional assessment of five hundred dollars to be
20 deposited by the state treasurer in the prison construction and operations
21 fund established by section 41-1651. This assessment is not subject to any
22 surcharge. If the conviction occurred in the superior court or a justice
23 court, the court shall transmit the assessed monies to the county treasurer.
24 If the conviction occurred in a municipal court, the court shall transmit the
25 assessed monies to the city treasurer. The city or county treasurer shall
26 transmit the monies received to the state treasurer.

27 5. Shall pay an additional assessment of five hundred dollars to be
28 deposited by the state treasurer in the public safety equipment fund
29 established by section 41-1723. This assessment is not subject to any
30 surcharge. If the conviction occurred in the superior court or a justice
31 court, the court shall transmit the assessed monies to the county treasurer.
32 If the conviction occurred in a municipal court, the court shall transmit the
33 assessed monies to the city treasurer. The city or county treasurer shall
34 transmit the monies received to the state treasurer.

35 6. **IF THE VIOLATION INVOLVED INTOXICATING LIQUOR**, shall be required by
36 the department, on report of the conviction, to equip any motor vehicle the
37 person operates with a certified ignition interlock device pursuant to
38 section 28-3319. In addition, the court may order the person to equip any
39 motor vehicle the person operates with a certified ignition interlock device
40 for more than twelve months beginning on the date of reinstatement of the
41 person's driving privilege following a suspension or revocation or on the
42 date of the department's receipt of the report of conviction, whichever
43 occurs later. The person who operates a motor vehicle with a certified
44 ignition interlock device under this paragraph shall comply with article 5 of
45 this chapter.

1 J. Notwithstanding subsection I, paragraph 1 of this section, at the
2 time of sentencing the judge may suspend all but one day of the sentence if
3 the person completes a court ordered alcohol or other drug screening,
4 education or treatment program. If the person fails to complete the court
5 ordered alcohol or other drug screening, education or treatment program and
6 has not been placed on probation, the court shall issue an order to show
7 cause to the defendant as to why the remaining jail sentence should not be
8 served.

9 K. If within a period of eighty-four months a person is convicted of a
10 second violation of this section or is convicted of a violation of this
11 section and has previously been convicted of a violation of section 28-1382
12 or 28-1383 or an act in another jurisdiction that if committed in this state
13 would be a violation of this section or section 28-1382 or 28-1383, the
14 person:

15 1. Shall be sentenced to serve not less than ninety days in jail,
16 thirty days of which shall be served consecutively, and is not eligible for
17 probation or suspension of execution of sentence unless the entire sentence
18 has been served.

19 2. Shall pay a fine of not less than five hundred dollars.

20 3. Shall be ordered by a court to perform at least thirty hours of
21 community restitution.

22 4. Shall have the person's driving privilege revoked for one year.
23 The court shall report the conviction to the department. On receipt of the
24 report, the department shall revoke the person's driving privilege and, **IF**
25 **THE VIOLATION INVOLVED INTOXICATING LIQUOR**, shall require the person to equip
26 any motor vehicle the person operates with a certified ignition interlock
27 device pursuant to section 28-3319. In addition, the court may order the
28 person to equip any motor vehicle the person operates with a certified
29 ignition interlock device for more than twelve months beginning on the date
30 of reinstatement of the person's driving privilege following a suspension or
31 revocation or on the date of the department's receipt of the report of
32 conviction, whichever occurs later. The person who operates a motor vehicle
33 with a certified ignition interlock device under this paragraph shall comply
34 with article 5 of this chapter.

35 5. Shall pay an additional assessment of one thousand two hundred
36 fifty dollars to be deposited by the state treasurer in the prison
37 construction and operations fund established by section 41-1651. This
38 assessment is not subject to any surcharge. If the conviction occurred in
39 the superior court or a justice court, the court shall transmit the assessed
40 monies to the county treasurer. If the conviction occurred in a municipal
41 court, the court shall transmit the assessed monies to the city treasurer.
42 The city or county treasurer shall transmit the monies received to the state
43 treasurer.

44 6. Shall pay an additional assessment of one thousand two hundred
45 fifty dollars to be deposited by the state treasurer in the public safety
46 equipment fund established by section 41-1723. This assessment is not

1 subject to any surcharge. If the conviction occurred in the superior court
2 or a justice court, the court shall transmit the assessed monies to the
3 county treasurer. If the conviction occurred in a municipal court, the court
4 shall transmit the assessed monies to the city treasurer. The city or county
5 treasurer shall transmit the monies received to the state treasurer.

6 L. Notwithstanding subsection K, paragraph 1 of this section, at the
7 time of sentencing, the judge may suspend all but thirty days of the sentence
8 if the person completes a court ordered alcohol or other drug screening,
9 education or treatment program. If the person fails to complete the court
10 ordered alcohol or other drug screening, education or treatment program and
11 has not been placed on probation, the court shall issue an order to show
12 cause as to why the remaining jail sentence should not be served.

13 M. In applying the eighty-four month provision of subsection K of this
14 section, the dates of the commission of the offense shall be the determining
15 factor, irrespective of the sequence in which the offenses were committed.

16 N. A second violation for which a conviction occurs as provided in
17 this section shall not include a conviction for an offense arising out of the
18 same series of acts.

19 O. After completing forty-five days of the revocation period
20 prescribed by subsection K of this section, a person whose driving privilege
21 is revoked for a violation of this section and who is sentenced pursuant to
22 subsection K of this section is eligible for a special ignition interlock
23 restricted driver license pursuant to section 28-1401.

24 P. THE COURT MAY ORDER A PERSON WHO IS CONVICTED OF A VIOLATION OF
25 THIS SECTION THAT DOES NOT INVOLVE INTOXICATING LIQUOR TO EQUIP ANY MOTOR
26 VEHICLE THE PERSON OPERATES WITH A CERTIFIED IGNITION INTERLOCK DEVICE
27 PURSUANT TO SECTION 28-3319. ON REPORT OF THE CONVICTION AND CERTIFIED
28 IGNITION INTERLOCK DEVICE REQUIREMENT, THE DEPARTMENT SHALL REQUIRE THE
29 PERSON TO EQUIP ANY MOTOR VEHICLE THE PERSON OPERATES WITH A CERTIFIED
30 IGNITION INTERLOCK DEVICE PURSUANT TO SECTION 28-3319. IN ADDITION, THE
31 COURT MAY ORDER THE PERSON TO EQUIP ANY MOTOR VEHICLE THE PERSON OPERATES
32 WITH A CERTIFIED IGNITION INTERLOCK DEVICE FOR MORE THAN TWELVE MONTHS
33 BEGINNING ON THE DATE OF REINSTATEMENT OF THE PERSON'S DRIVING PRIVILEGE
34 FOLLOWING A SUSPENSION OR REVOCATION OR ON THE DATE OF THE DEPARTMENT'S
35 RECEIPT OF THE REPORT OF CONVICTION, WHICHEVER OCCURS LATER. THE PERSON WHO
36 OPERATES A MOTOR VEHICLE WITH A CERTIFIED IGNITION INTERLOCK DEVICE UNDER
37 THIS SUBSECTION SHALL COMPLY WITH ARTICLE 5 OF THIS CHAPTER.

38 Sec. 2. Section 28-1383, Arizona Revised Statutes, is amended to read:

39 28-1383. Aggravated driving or actual physical control while
40 under the influence; violation; classification;
41 definition

42 A. A person is guilty of aggravated driving or actual physical control
43 while under the influence of intoxicating liquor or drugs if the person does
44 any of the following:

45 1. Commits a violation of section 28-1381, section 28-1382 or this
46 section while the person's driver license or privilege to drive is suspended,

1 canceled, revoked or refused or while a restriction is placed on the person's
2 driver license or privilege to drive as a result of violating section 28-1381
3 or 28-1382 or under section 28-1385.

4 2. Within a period of eighty-four months commits a third or subsequent
5 violation of section 28-1381, section 28-1382 or this section or is convicted
6 of a violation of section 28-1381, section 28-1382 or this section and has
7 previously been convicted of any combination of convictions of section
8 28-1381, section 28-1382 or this section or acts in another jurisdiction that
9 if committed in this state would be a violation of section 28-1381, section
10 28-1382 or this section.

11 3. While a person under fifteen years of age is in the vehicle,
12 commits a violation of either:

13 (a) Section 28-1381.

14 (b) Section 28-1382.

15 4. While the person is ordered by the court or required pursuant to
16 section 28-3319 by the department to equip any motor vehicle the person
17 operates with a certified ignition interlock device, commits a violation of
18 section 28-1381, section 28-1382 or this section.

19 B. The dates of the commission of the offenses are the determining
20 factor in applying the eighty-four month provision provided in subsection A,
21 paragraph 2 of this section regardless of the sequence in which the offenses
22 were committed. For the purposes of this section, a third or subsequent
23 violation for which a conviction occurs does not include a conviction for an
24 offense arising out of the same series of acts. The time that a probationer
25 is found to be on absconder status or the time that a person is incarcerated
26 in any state, federal, county or city jail or correctional facility is
27 excluded when determining the eighty-four month period provided in subsection
28 A, paragraph 2 and subsection E of this section.

29 C. The notice to a person of the suspension, cancellation, revocation
30 or refusal of a driver license or privilege to drive is effective as provided
31 in section 28-3318 or pursuant to the laws of the state issuing the license.

32 D. A person is not eligible for probation, pardon, commutation or
33 suspension of sentence or release on any other basis until the person has
34 served not less than four months in prison if the person is convicted under
35 either of the following:

36 1. Subsection A, paragraph 1 of this section.

37 2. Subsection A, paragraph 2 of this section and within an eighty-four
38 month period has been convicted of two prior violations of section 28-1381,
39 section 28-1382 or this section, or any combination of those sections, or
40 acts in another jurisdiction that if committed in this state would be a
41 violation of section 28-1381, section 28-1382 or this section.

42 E. A person who is convicted under subsection A, paragraph 2 of this
43 section and who within an eighty-four month period has been convicted of
44 three or more prior violations of section 28-1381, section 28-1382 or this
45 section, or any combination of those sections, or acts in another
46 jurisdiction that if committed in this state would be a violation of section

1 28-1381, section 28-1382 or this section is not eligible for probation,
2 pardon, commutation or suspension of sentence or release on any other basis
3 until the person has served not less than eight months in prison.

4 F. A person who is convicted under subsection A, paragraph 3,
5 subdivision (a) of this section shall serve at least the minimum term of
6 incarceration required pursuant to section 28-1381.

7 G. A person who is convicted under subsection A, paragraph 3,
8 subdivision (b) of this section shall serve at least the minimum term of
9 incarceration required pursuant to section 28-1382.

10 H. A person who is convicted of a violation of this section shall
11 attend and complete alcohol or other drug screening, education or treatment
12 from an approved facility. If the person fails to comply with this
13 subsection and is placed on probation, in addition to the provisions of
14 section 13-901 the court may order that the person be incarcerated as a term
15 of probation as follows:

16 1. For a person sentenced pursuant to subsection D of this section,
17 for an individual period of not more than four months and a total period of
18 not more than one year.

19 2. For a person sentenced pursuant to subsection E of this section,
20 for an individual period of not more than eight months and a total period of
21 not more than two years.

22 I. The time that a person spends in custody pursuant to subsection H
23 of this section shall not be counted towards the sentence imposed if the
24 person's probation is revoked and the person is sentenced to prison after
25 revocation of probation.

26 J. On a conviction for a violation of this section, the court:

27 1. Shall report the conviction to the department. On receipt of the
28 report, the department shall revoke the driving privilege of the person. The
29 department shall not issue the person a new driver license within one year of
30 the date of the conviction and, **IF THE VIOLATION INVOLVED INTOXICATING**
31 **LIQUOR**, shall require the person to equip any motor vehicle the person
32 operates with a certified ignition interlock device pursuant to section
33 28-3319. In addition, the court may order the person to equip any motor
34 vehicle the person operates with a certified ignition interlock device for
35 more than twenty-four months beginning on the date of reinstatement of the
36 person's driving privilege following a suspension or revocation or on the
37 date of the department's receipt of the report of conviction, whichever
38 occurs later. The person who operates a motor vehicle with a certified
39 ignition interlock device under this paragraph shall comply with article 5 of
40 this chapter.

41 2. In addition to any other penalty prescribed by law, shall order the
42 person to pay an additional assessment of two hundred fifty dollars. If the
43 conviction occurred in the superior court or a justice court, the court shall
44 transmit the monies received pursuant to this paragraph to the county
45 treasurer. If the conviction occurred in a municipal court, the court shall
46 transmit the monies received pursuant to this paragraph to the city

1 treasurer. The city or county treasurer shall transmit the monies received
2 to the state treasurer. The state treasurer shall deposit the monies
3 received in the driving under the influence abatement fund established by
4 section 28-1304. Any fine imposed for a violation of this section and any
5 assessments, restitution and incarceration costs shall be paid before the
6 assessment prescribed in this paragraph.

7 3. Shall order the person to pay a fine of not less than seven hundred
8 fifty dollars.

9 4. In addition to any other penalty prescribed by law, shall order the
10 person to pay an additional assessment of one thousand five hundred dollars
11 to be deposited by the state treasurer in the prison construction and
12 operations fund established by section 41-1651. This assessment is not
13 subject to any surcharge. If the conviction occurred in the superior court
14 or a justice court, the court shall transmit the assessed monies to the
15 county treasurer. If the conviction occurred in a municipal court, the court
16 shall transmit the assessed monies to the city treasurer. The city or county
17 treasurer shall transmit the monies received to the state treasurer.

18 5. In addition to any other penalty prescribed by law, shall order the
19 person to pay an additional assessment of one thousand five hundred dollars
20 to be deposited by the state treasurer in the public safety equipment fund
21 established by section 41-1723. This assessment is not subject to any
22 surcharge. If the conviction occurred in the superior court or a justice
23 court, the court shall transmit the assessed monies to the county treasurer.
24 If the conviction occurred in a municipal court, the court shall transmit the
25 assessed monies to the city treasurer. The city or county treasurer shall
26 transmit the monies received to the state treasurer.

27 K. After completing the period of suspension required by section
28 28-1385, a person whose driving privilege is revoked for a violation of
29 subsection A, paragraph 3 of this section may apply to the department for a
30 special ignition interlock restricted driver license pursuant to section
31 28-1401.

32 L. THE COURT MAY ORDER A PERSON WHO IS CONVICTED OF A VIOLATION OF
33 THIS SECTION THAT DOES NOT INVOLVE INTOXICATING LIQUOR TO EQUIP ANY MOTOR
34 VEHICLE THE PERSON OPERATES WITH A CERTIFIED IGNITION INTERLOCK DEVICE
35 PURSUANT TO SECTION 28-3319. ON REPORT OF THE CONVICTION AND CERTIFIED
36 IGNITION INTERLOCK DEVICE REQUIREMENT, THE DEPARTMENT SHALL REQUIRE THE
37 PERSON TO EQUIP ANY MOTOR VEHICLE THE PERSON OPERATES WITH A CERTIFIED
38 IGNITION INTERLOCK DEVICE PURSUANT TO SECTION 28-3319. IN ADDITION, THE
39 COURT MAY ORDER THE PERSON TO EQUIP ANY MOTOR VEHICLE THE PERSON OPERATES
40 WITH A CERTIFIED IGNITION INTERLOCK DEVICE FOR MORE THAN TWELVE MONTHS
41 BEGINNING ON THE DATE OF REINSTATEMENT OF THE PERSON'S DRIVING PRIVILEGE
42 FOLLOWING A SUSPENSION OR REVOCATION OR ON THE DATE OF THE DEPARTMENT'S
43 RECEIPT OF THE REPORT OF CONVICTION, WHICHEVER OCCURS LATER. THE PERSON WHO
44 OPERATES A MOTOR VEHICLE WITH A CERTIFIED IGNITION INTERLOCK DEVICE UNDER
45 THIS SUBSECTION SHALL COMPLY WITH ARTICLE 5 OF THIS CHAPTER.

1 ~~L.~~ M. Aggravated driving or actual physical control while under the
2 influence of intoxicating liquor or drugs committed under:

3 1. Subsection A, paragraph 1, 2 or 4 of this section is a class 4
4 felony.

5 2. Subsection A, paragraph 3 of this section is a class 6 felony.

6 ~~M.~~ N. For the purposes of this section, "suspension, cancellation,
7 revocation or refusal" means any suspension, cancellation, revocation or
8 refusal.

9 Sec. 3. Section 28-1559, Arizona Revised Statutes, is amended to read:

10 28-1559. Traffic case records; abstract of record; reports

11 A. Each magistrate, judge or hearing officer of a court shall:

12 1. Keep or cause to be kept a record of each traffic complaint or
13 other legal form of traffic charge deposited with or presented to the court
14 or its traffic violations bureau.

15 2. Keep a record of each official action by the court or its traffic
16 violations bureau in reference to each traffic complaint or other legal form
17 of traffic charge deposited with or presented to the court or its traffic
18 violations bureau, including but not limited to a record of:

19 (a) Each conviction, forfeiture of bail or deposit, judgment of
20 acquittal or civil adjudication.

21 (b) The amount of the civil penalty, fine or forfeiture resulting from
22 each traffic complaint deposited with or presented to the court or traffic
23 violations bureau.

24 B. Within ten days after the conviction, judgment or forfeiture of
25 bail or deposit of a person on a charge of violating chapter 3 or 4 of this
26 title or this chapter or any other law regulating the operation of vehicles
27 on highways, each magistrate of the court or clerk of the court of record in
28 which the conviction or judgment was had or bail or deposit was forfeited
29 shall prepare and immediately forward to the department an abstract of the
30 record of the court covering the case in which the person either:

- 31 1. Was convicted.
32 2. Was adjudicated to have committed a civil traffic violation.
33 3. Forfeited bail or deposit.

34 C. The person required to prepare the abstract shall certify that it
35 is true and correct.

36 D. A report is not required for a conviction or civil adjudication
37 involving the illegal parking or standing of a vehicle.

38 E. The abstract shall be made on a form furnished or in a manner
39 prescribed by the department and shall include:

- 40 1. The name and address of the party charged.
41 2. The number, if any, of the driver license of the party charged.
42 3. The registration number of the vehicle involved.
43 4. The nature of the offense or civil traffic violation.
44 5. The date of the hearing, the plea, the judgment or whether bail or
45 deposit was forfeited.
46 6. The amount of the fine, civil penalty or forfeiture.

1 F. Each court of record shall also forward a like report to the
2 department on the conviction of a person of homicide or aggravated assault
3 resulting from the operation of a motor vehicle or any other felony in the
4 commission of which a motor vehicle was used. To facilitate the preparation
5 of the report, the sentencing minute entry that is issued by the court shall
6 indicate if the person was convicted of an offense that required the
7 mandatory revocation of a driver license pursuant to section 28-3304,
8 subsection A, paragraph 1, ~~2, 3, 4,~~ OR 5 ~~or 6~~.

9 G. The department shall keep all abstracts received under this section
10 for inspection as required by law.

11 H. Each judge, referee, hearing officer, probation officer or other
12 person responsible for the disposition of cases involving traffic offenses or
13 civil violations committed by persons under eighteen years of age shall:

14 1. Keep a full record of each case in which the person is charged with
15 a violation of chapter 3 or 4 of this title or this chapter or any other law
16 regulating the operation of vehicles on highways.

17 2. Report the offense or civil violation to the department at its
18 office in Phoenix not more than thirty days after the date on which it was
19 committed, except that a report is not required for parking violations or if
20 it is found that the offense or civil violation was not committed.

21 I. The report required by subsection H of this section shall:

22 1. Be made on a form furnished or in a manner prescribed by the
23 department.

24 2. Contain:

25 (a) All necessary information as to the identity of the offender.

26 (b) The citing or arresting agency.

27 (c) The date and nature of the offense or civil violation.

28 (d) The date of the hearing, the plea, the judgment or whether bail or
29 deposit was forfeited.

30 (e) The amount of the fine, civil penalty or forfeiture.

31 J. Failure, refusal or neglect of a judicial officer to comply with
32 this section is misconduct in office and grounds for removal from office.

33 Sec. 4. Section 28-3304, Arizona Revised Statutes, is amended to read:

34 ~~28-3304.~~ Mandatory revocation of license; definition

35 A. In addition to the grounds for mandatory revocation provided for in
36 chapters 3, 4 and 5 of this title, the department shall immediately revoke
37 the license of a driver on receipt of a record of the driver's conviction of
38 any of the following offenses if the conviction is final:

39 1. A homicide or aggravated assault resulting from the operation of a
40 motor vehicle.

41 ~~2. Driving a motor vehicle while under the influence of a drug as~~
42 ~~defined in section 13-3401 or in violation of section 28-1381, subsection A,~~
43 ~~paragraph 3.~~

44 ~~3.~~ 2. A felony in the commission of which a motor vehicle is used.

45 ~~4.~~ 3. Theft of a motor vehicle pursuant to section 13-1802.

1 ~~5-~~ 4. Unlawful use of means of transportation pursuant to section
2 13-1803.

3 ~~6-~~ 5. Theft of means of transportation pursuant to section 13-1814.

4 ~~7-~~ 6. Drive by shooting pursuant to section 13-1209.

5 ~~8-~~ 7. Failure to stop and render aid as required under the laws of
6 this state if a motor vehicle accident results in the death or personal
7 injury of another.

8 ~~9-~~ 8. Perjury or the making of a false affidavit or statement under
9 oath to the department under this chapter or under any other law relating to
10 the ownership or operation of a motor vehicle.

11 ~~10-~~ 9. Conviction or forfeiture of bail not vacated on a second or
12 subsequent charge of the following offenses that are committed within
13 eighty-four months:

14 (a) Reckless driving.

15 (b) Racing on highways.

16 (c) Any combination of a violation of section 28-1381 or 28-1382 and
17 reckless driving, of a violation of section 28-1381 or 28-1382 and racing on
18 highways, or of reckless driving and racing on highways, if they do not arise
19 out of the same event.

20 ~~11-~~ 10. Conviction or forfeiture of bail not vacated on a second
21 charge of violating section 28-1381 or 28-1382 within eighty-four months.

22 ~~12-~~ 11. Conviction or forfeiture of bail not vacated on a third or
23 subsequent charge of violating section 28-1381 or 28-1382 within eighty-four
24 months.

25 ~~13-~~ 12. Conviction or forfeiture of bail not vacated on a charge of
26 violating section 28-1381 or 28-1382 and the driver has been convicted within
27 a period of eighty-four months of an offense in another jurisdiction that if
28 committed in this state would be a violation of section 28-1381 or 28-1382.

29 B. In determining the starting date for the eighty-four month period
30 prescribed in subsection A, paragraphs 9, 10, ~~through 13~~ 11 AND 12 of this
31 section, the department shall use the date of the commission of the offense.

32 C. For the purposes of this section, "conviction" means a final
33 adjudication or judgment, including an order of a juvenile court finding that
34 a juvenile violated any provision of this title or committed a delinquent act
35 that if committed by an adult would constitute a criminal offense.

36 Sec. 5. Section 28-3315, Arizona Revised Statutes, is amended to read:
37 28-3315. Period of suspension, revocation or disqualification;
38 unlicensed drivers

39 A. The department shall not suspend, revoke or disqualify a driver
40 license or privilege to drive a motor vehicle on the public highways for more
41 than one year from the date of a conviction or judgment, if any, against a
42 person for which this chapter makes revocation, suspension or
43 disqualification mandatory or from the date the notice is sent pursuant to
44 section 28-3318 if no conviction was involved, except as permitted under
45 subsection E of this section and sections 28-3312, 28-3319 and 28-3320.

1 B. A person whose license or privilege to drive a motor vehicle on the
2 public highways has been revoked may apply for a new license as provided by
3 law after the cause of the revocation is removed or after expiration of the
4 revocation period prescribed by law. After the department investigates an
5 applicant's driving record in this state or another state by examining
6 department records or other sufficient evidence to determine that all
7 withdrawal actions are complete, that the applicant has not committed any
8 traffic violations within twelve months preceding application and that all
9 other statutory requirements are satisfied, the department may issue a new
10 license.

11 C. The department shall not accept an application for reinstatement of
12 a driver license until after the twelve month period prescribed in subsection
13 B of this section has elapsed.

14 D. If the revocation is related to alcohol or other drugs, the person
15 shall provide the department with a current evaluation from a physician
16 licensed pursuant to title 32, chapter 13, 17 or 29, a psychologist licensed
17 pursuant to title 32, chapter 19.1 or a substance abuse counselor as defined
18 in section 28-3005 indicating that, in the opinion of the physician,
19 psychologist or counselor, the condition does not affect or impair the
20 person's ability to safely operate a motor vehicle. For the purposes of
21 reinstating a license or driving privilege pursuant to this article, the
22 department may rely on the opinion of a physician licensed pursuant to title
23 32, chapter 13, 17 or 29, a psychologist licensed pursuant to title 32,
24 chapter 19.1 or a substance abuse counselor as defined in section 28-3005.

25 E. Notwithstanding subsections A and B of this section:

26 1. A person whose license or privilege to drive is revoked pursuant to
27 section 28-3304, subsection A, paragraph 1 or ~~12~~ 11 is not entitled to have
28 the person's license or privilege renewed or restored for three years.

29 2. A person whose license or privilege to drive is revoked pursuant to
30 section 13-1209 is not entitled to have the person's license or privilege
31 renewed or restored for the period of time ordered by the court.

32 3. If a license, permit or privilege to drive is revoked pursuant to
33 section 28-661, subsection E the license, permit or privilege may not be
34 renewed or restored except as prescribed by section 28-661, subsections E
35 and F.

36 4. A person whose license, permit or privilege to drive is revoked
37 pursuant to section 28-661, subsection G is not entitled to have the person's
38 license, permit or privilege renewed or restored for three years.

39 F. If an unlicensed driver commits an offense for which a driver
40 license could be suspended, revoked or disqualified, the department shall not
41 accept the unlicensed driver's application for a driver license for a period
42 equal to the period of time that applies to a driver with a license. If the
43 offense is one for which a driver license could be revoked, the department
44 shall not accept the unlicensed driver's application for a driver license
45 unless it investigates the character, habits and driving ability of the

1 person and is satisfied that it is safe to grant the privilege of driving a
2 motor vehicle on the public highways.

3 G. The expiration of a person's license during the period of time it
4 is under suspension, revocation or disqualification does not invalidate or
5 terminate the suspension, revocation or disqualification.

6 H. A person whose license or privilege to drive a motor vehicle on the
7 public highways has been suspended pursuant to section 28-3306, subsection A,
8 paragraph 5 or section 28-3314 may apply for a new license as provided by law
9 after the cause for suspension is removed or after expiration of the
10 suspension period prescribed by law if both of the following conditions are
11 met:

12 1. The department is satisfied, after reviewing the medical condition
13 and driving ability of the person, that it is safe to grant the person the
14 privilege of driving a motor vehicle on the public highways.

15 2. If the person has a medical condition related to alcohol or other
16 drugs, the person provides the department with a current evaluation form from
17 a physician licensed pursuant to title 32, chapter 13, 17 or 29, a
18 psychologist licensed pursuant to title 32, chapter 19.1 or a substance abuse
19 counselor as defined in section 28-3005 indicating that, in the opinion of
20 the physician, psychologist or counselor, the condition does not affect or
21 impair the person's ability to operate a motor vehicle in a safe manner.

22 Sec. 6. Section 28-3319, Arizona Revised Statutes, is amended to read:

23 28-3319. Action after license suspension, revocation or denial
24 for driving under the influence or refusal of test;
25 ignition interlock device requirement; definition

26 A. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383, 28-3320
27 or 28-3322, the license of a driver or the driving privilege of a nonresident
28 is suspended or revoked, the department shall not terminate the suspension or
29 revocation or issue a special ignition interlock restricted driver license,
30 if applicable, pursuant to chapter 4, article 3.1 of this title until the
31 person provides proof of financial responsibility pursuant to chapter 9,
32 article 3 of this title.

33 B. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383, 28-3320
34 or 28-3322, an unlicensed resident is denied a license or permit to operate a
35 motor vehicle, the department shall not issue a license or permit until the
36 person provides proof of financial responsibility pursuant to chapter 9,
37 article 3 of this title.

38 C. If a person whose license or driving privilege is suspended or
39 revoked pursuant to section 28-1321, 28-1381, 28-1382, 28-1383 or 28-1385 is
40 ordered, pursuant to section 28-1381, 28-1382, 28-1383 or 28-1385, to attend
41 alcohol or other drug screening, education or treatment, the department shall
42 not either:

43 1. Terminate the suspension or issue a special ignition interlock
44 restricted driver license, if applicable, pursuant to chapter 4, article 3.1
45 of this title until the person provides proof from the treatment facility

1 that the person has completed or is participating satisfactorily in alcohol
2 or other drug screening, education or treatment.

3 2. Issue a new license or a special ignition interlock restricted
4 driver license, if applicable, pursuant to chapter 4, article 3.1 of this
5 title to operate a motor vehicle after the revocation until the person
6 provides proof from the facility that the person has completed the court
7 ordered program.

8 D. ~~Except as provided in subsection G of this section,~~ On receipt of a
9 report of conviction from a court **FOR A VIOLATION THAT INVOLVED INTOXICATING**
10 **LIQUOR OR THAT SPECIFICALLY REQUIRES THE INSTALLATION OF A CERTIFIED IGNITION**
11 **INTERLOCK DEVICE**, the department shall require any motor vehicle the
12 convicted person operates to be equipped with a functioning certified
13 ignition interlock device and the convicted person to meet the requirements
14 prescribed in section 28-1461 as follows:

15 1. For twelve months if:

16 (a) Except as provided in subsection ~~H~~ G of this section, the person
17 is convicted of a violation of section 28-1381, section 28-1382,
18 subsection A, paragraph 1 or section 28-1383, subsection A, paragraph 3,
19 subdivision (a).

20 (b) The department determines that within a period of eighty-four
21 months the person is convicted of a second or subsequent violation of section
22 28-1381 or section 28-1382, subsection A, paragraph 1 with a prior conviction
23 of a violation of section 28-1381, 28-1382 or 28-1383 or an act in another
24 jurisdiction that if committed in this state would be a violation of section
25 28-1381, 28-1382 or 28-1383.

26 2. For eighteen months if the person is convicted of a violation of
27 section 28-1382, subsection A, paragraph 2.

28 3. For twenty-four months if:

29 (a) The person is convicted of a violation of section 28-1382,
30 subsection A, paragraph 2 and the department determines that within a period
31 of eighty-four months the person has a prior conviction of a violation of
32 section 28-1381, 28-1382 or 28-1383 or an act in another jurisdiction that if
33 committed in this state would be a violation of section 28-1381, 28-1382 or
34 28-1383.

35 (b) The person is convicted of a violation of section 28-1383,
36 subsection A, paragraph 1, 2 or 4 or paragraph 3, subdivision (b).

37 E. The requirement prescribed in subsection D of this section begins
38 on the date of reinstatement of the person's driving privilege following a
39 suspension or revocation or on the date of the department's receipt of the
40 report of conviction, whichever occurs later.

41 F. A person who is required to equip a motor vehicle with a certified
42 ignition interlock device pursuant to this section shall comply with chapter
43 4, article 5 of this title.

44 ~~G. The department shall remove the requirement that the person~~
45 ~~maintain a functioning certified ignition interlock device if the person is~~
46 ~~only convicted of a violation of section 28-1381, subsection A, paragraph 3~~

1 ~~and completes alcohol or other drug screening required pursuant to section~~
2 ~~28-1387 and the court determines that no alcohol education or treatment is~~
3 ~~required.~~

4 ~~H.~~ G. The department shall defer the remainder of the time period
5 prescribed in subsection D, paragraph 1, subdivision (a) of this section
6 commencing with the later of six months from the date the interlock was
7 installed or the completion of the requirements of this subsection if all of
8 the following apply:

9 1. The person is sentenced pursuant to section 28-1381, subsection I.

10 2. The person successfully completes an alcohol education program
11 consisting of at least sixteen hours pursuant to section 28-1381.

12 3. The person has maintained a functioning ignition interlock device
13 on all motor vehicles the person operates and has met the requirements of
14 section 28-1461.

15 4. The person has not attempted to operate a vehicle with an alcohol
16 concentration of 0.08 or more two or more times during the period of license
17 restriction or limitation.

18 5. At the time of the offense, the person was not involved in a motor
19 vehicle accident that resulted in physical injury or property damage.

20 6. All necessary compliance information has been provided to the
21 department by the ignition interlock device provider, the alcohol screening
22 program and the alcohol education program.

23 ~~I.~~ H. The deferment pursuant to subsection ~~H.~~ G of this section is
24 permanent, unless the person is arrested for a violation of section 28-1381,
25 28-1382 or 28-1383 that occurs during the period of the deferment. If the
26 person is arrested as described in this subsection, the department shall
27 revoke the deferment and require the person to complete the remainder of the
28 time period prescribed in subsection D, paragraph 1, subdivision (a) of this
29 section.

30 ~~J.~~ I. For the purposes of this section, "certified ignition interlock
31 device" has the same meaning prescribed in section 28-1301.

32 Sec. 7. Effective date

33 This act is effective from and after December 31, 2016

APPROVED BY THE GOVERNOR MARCH 24, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2016.