

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1200

AN ACT

AMENDING SECTIONS 28-1445 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 28-1445, Arizona Revised Statutes, is amended to
3 read:

4 28-1445. Alcohol or other drug screening; license suspension;
5 voluntary education or treatment

6 A. The department of transportation shall order a person whose driving
7 privilege, license, permit, right to apply for a license or permit or
8 nonresident operating privilege is suspended pursuant to section 28-1385 to
9 complete alcohol or other drug screening pursuant to this chapter. The
10 alcohol or other drug screening shall be provided by a facility approved by
11 the department of health services.

12 B. The department may accept evidence satisfactory to the department
13 and in a manner prescribed by the department, after consulting with the
14 administrative office of the courts, of a person's completion of alcohol or
15 other drug screening ordered by the court pursuant to section 28-1381,
16 28-1382, 28-1383 or 28-1387 as sufficient to meet the alcohol or other drug
17 screening requirements of section 28-1385 and this section or the department
18 may order the person to complete additional alcohol or other drug screening.

19 C. A person who is ordered to complete alcohol or other drug screening
20 is responsible for paying the costs of the screening.

21 D. The department shall issue a driver license or permit or reinstate
22 a person's driving privilege only if the person provides satisfactory
23 evidence to the department that the person has completed alcohol or other
24 drug screening.

25 E. A person who provides an alcohol or other drug screening program
26 shall electronically report the following to the department in a form
27 prescribed by the department:

28 1. The completion of screening pursuant to this section.

29 2. The failure of a person to complete screening as ordered by the
30 department pursuant to this section.

31 F. A PERSON WHOSE DRIVING PRIVILEGE, LICENSE, PERMIT, RIGHT TO APPLY
32 FOR A LICENSE OR PERMIT OR NONRESIDENT OPERATING PRIVILEGE IS SUSPENDED
33 PURSUANT TO SECTION 28-1385 MAY VOLUNTARILY COMPLETE AN ALCOHOL OR OTHER DRUG
34 EDUCATION OR TREATMENT PROGRAM THAT IS PROVIDED BY A FACILITY APPROVED BY THE
35 DEPARTMENT OF HEALTH SERVICES.

36 Sec. 2. Section 28-3319, Arizona Revised Statutes, is amended to read:

37 28-3319. Action after license suspension, revocation or denial
38 for driving under the influence or refusal of test;
39 ignition interlock device requirement; definition

40 A. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383, 28-3320
41 or 28-3322, the license of a driver or the driving privilege of a nonresident
42 is suspended or revoked, the department shall not terminate the suspension or
43 revocation or issue a special ignition interlock restricted driver license,
44 if applicable, pursuant to chapter 4, article 3.1 of this title until the

1 person provides proof of financial responsibility pursuant to chapter 9,
2 article 3 of this title.

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

8 C. If a person whose license or driving privilege is suspended or
9 revoked pursuant to section 28-1321, 28-1381, 28-1382, 28-1383 or 28-1385 is
10 ordered, pursuant to section 28-1381, 28-1382, 28-1383 or 28-1385, to attend
11 alcohol or other drug screening, education or treatment, the department shall
12 not either:

13 1. Terminate the suspension or issue a special ignition interlock
14 restricted driver license, if applicable, pursuant to chapter 4, article 3.1
15 of this title until the person provides proof from the treatment facility
16 that the person has completed or is participating satisfactorily in alcohol
17 or other drug screening, education or treatment.

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

23 D. On receipt of a report of conviction from a court, the department
24 shall require any motor vehicle the convicted person operates to be equipped
25 with a functioning certified ignition interlock device and the convicted
26 person to meet the requirements prescribed in section 28-1461 as follows:

27 1. For twelve months if:

28 (a) **EXCEPT AS PROVIDED IN SUBSECTION G OF THIS SECTION**, the person is
29 convicted of a violation of section 28-1381 or section 28-1382, subsection A,
30 paragraph 1.

31 (b) The department determines that within a period of eighty-four
32 months the person is convicted of a second or subsequent violation of section
33 28-1381 or section 28-1382, subsection A, paragraph 1 with a prior conviction
34 of a violation of section 28-1381, 28-1382 or 28-1383 or an act in another
35 jurisdiction that if committed in this state would be a violation of section
36 28-1381, 28-1382 or 28-1383.

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

39 3. For twenty-four months if:

40 (a) The person is convicted of a violation of section 28-1382,
41 subsection A, paragraph 2 and the department determines that within a period
42 of eighty-four months the person has a prior conviction of a violation of
43 section 28-1381, 28-1382 or 28-1383 or an act in another jurisdiction that if
44 committed in this state would be a violation of section 28-1381, 28-1382 or
45 28-1383.

1 (b) The person is convicted of a violation of section 28-1383.

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

6 F. A person who is required to equip a motor vehicle with a certified
7 ignition interlock device pursuant to this section shall comply with chapter
8 4, article 5 of this title.

9 G. THE DEPARTMENT SHALL REDUCE THE TIME PERIOD PRESCRIBED IN
10 SUBSECTION D, PARAGRAPH 1, SUBDIVISION (a) OF THIS SECTION TO THE LATER OF
11 SIX MONTHS FROM THE DATE OF THE VIOLATION OR THE COMPLETION OF THE
12 REQUIREMENTS OF THIS SUBSECTION IF ALL OF THE FOLLOWING APPLY:

13 1. THE PERSON IS SENTENCED PURSUANT TO SECTION 28-1381, SUBSECTION I.

14 2. THE PERSON SUCCESSFULLY COMPLETES AN ALCOHOL OR OTHER DRUG
15 EDUCATION OR TREATMENT PROGRAM PURSUANT TO SECTION 28-1445, SUBSECTION F OR
16 SECTION 28-1381.

17 3. THE PERSON HAS MAINTAINED A FUNCTIONING IGNITION INTERLOCK DEVICE
18 ON ANY MOTOR VEHICLE THE PERSON OPERATES AND HAS MET THE REQUIREMENTS OF
19 SECTION 28-1461 FOR AT LEAST SIX CONSECUTIVE MONTHS.

20 ~~G.~~ H. For the purposes of this section, "certified ignition interlock
21 device" has the same meaning prescribed in section 28-1301.