State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1056

AN ACT
AMENDING SECTIONS 28-3154 AND 28-3174, ARIZONA REVISED STATUTES; RELATING TO DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-3154, Arizona Revised Statutes, is amended to read:

28-3154. Instruction permit for a class D or G license
A. A person who is at least fifteen years and six months of age may apply to the department for an instruction permit for a class D or G license. The department may issue an instruction permit to the applicant after the applicant successfully passes all parts of the examination other than the driving test.
B. The instruction permit entitles the permittee to drive a motor vehicle requiring a class D or G license on the public highways for twelve months when both of the following conditions are met:
   1. The permittee has the permit in the permittee's immediate possession.
   2. The permittee is accompanied by a person who has a class A, B, C or D license, who is at least twenty-one years of age and who occupies a seat beside the permittee.

C. A PERMITTEE SHALL NOT DRIVE A MOTOR VEHICLE WHILE USING A WIRELESS COMMUNICATION DEVICE FOR ANY REASON EXCEPT DURING AN EMERGENCY IN WHICH STOPPING THE MOTOR VEHICLE IS IMPOSSIBLE OR WILL CREATE AN ADDITIONAL EMERGENCY OR SAFETY HAZARD. A PEACE OFFICER SHALL NOT STOP OR ISSUE A CITATION TO A PERSON OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION OF THIS SUBSECTION UNLESS THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS STATE.

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

28-3174. Class G driver licenses; restrictions; civil penalties; motorcycles
A. A person who is under eighteen years of age may apply to the department for a class G driver license if all of the following apply:
   1. The person is at least sixteen years of age.
   2. The person has a valid instruction permit issued pursuant to this article and the person has held the instruction permit for at least six months, except that this requirement does not apply to a person who has a currently valid driver license issued by another jurisdiction.
   3. Either:
      (a) The person has satisfactorily completed a driver education program that is approved by the department of transportation. If the driver education program is offered by a public high school, the program shall be approved by the department of transportation in consultation with the department of education.
      (b) A custodial parent or guardian of the person certifies in writing to the department that the applicant has completed at least thirty hours of supervised driving practice and that at least ten of the required practice hours were at night.
B. If the applicant successfully passes the examination prescribed in section 28-3164 and satisfies the requirements prescribed in subsection A of this section, the department may issue a class G driver license to the applicant.

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

D. Except as provided in subsection J of this section, for the first six months that a class G licensee holds the license, the licensee shall not drive a motor vehicle on a public highway from 12:00 a.m. to 5:00 a.m. unless either:
   1. The licensee is accompanied by a parent or legal guardian who has a class A, B, C or D license and who occupies a seat beside the class G licensee.
   2. The licensee is driving directly to or from a sanctioned school sponsored activity, the licensee's place of employment, a sanctioned religious activity or a family emergency.

E. Except as provided in this subsection and subsection J of this section, for the first six months that a class G licensee holds the license, the licensee shall not drive a motor vehicle on a public highway at any time if the licensee is driving a motor vehicle containing more than one passenger under the age of eighteen. This restriction does not:
   1. Prohibit the licensee from driving a motor vehicle containing passengers under the age of eighteen if the passengers are the licensee's siblings.
   2. Apply if the licensee is accompanied by a parent or legal guardian who has a class A, B, C or D license and who occupies a seat beside the class G licensee.

F. EXCEPT AS PROVIDED IN SUBSECTION K OF THIS SECTION, FOR THE FIRST SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT DRIVE A MOTOR VEHICLE WHILE USING A WIRELESS COMMUNICATION DEVICE FOR ANY REASON EXCEPT DURING AN EMERGENCY IN WHICH STOPPING THE MOTOR VEHICLE IS IMPOSSIBLE OR WILL CREATE AN ADDITIONAL EMERGENCY OR SAFETY HAZARD.

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

H. If a licensee is found responsible for violating subsection D, E OR F of this section, the licensee:
   1. For a first violation, is subject to a maximum civil penalty of seventy-five dollars. The department shall extend the restriction prescribed by subsection D, E OR F of this section for thirty days, or if the restriction prescribed by subsection D, E OR F of this section is
complete, the thirty day restriction begins on the department's receipt of
the report of the finding of responsibility.

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

3. For a third or subsequent violation, is subject to a maximum civil
penalty of one hundred dollars. On the department's receipt of the report of
the finding of responsibility, the department shall suspend the licensee's
driving privilege for thirty days. If the licensee also has a suspension
resulting from a moving civil traffic violation or a moving criminal traffic
offense as prescribed by section 28-3321, the suspensions run consecutively.

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

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

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

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

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

J. A citation issued for violating subsection E of this section
shall be dismissed if the licensee to whom the citation was issued produces a
written, notarized letter from the parent or legal guardian of the licensee
to the appropriate court officer on or before the date and time specified on
the citation for court appearance and in a manner specified by the court that
states the passengers in the vehicle with the licensee at the time of the
violation were the siblings of the licensee.

K. The restrictions imposed by subsection D, E OR F of this
section do not apply beginning on the licensee’s eighteenth birthday. Any
penalties or restrictions imposed pursuant to subsection G – H of this section
shall be fully satisfied even if the licensee is eighteen years of age or
older.
A person who holds a class G driver license may apply for a class D license on or after the person's eighteenth birthday, except that a person whose class G driver license is suspended pursuant to section 28-3321 is not entitled to receive a class D driver license until after the suspension period expires.

If a person who is under eighteen years of age and at least sixteen years of age applies for a class M license or a motorcycle endorsement, the department shall not issue the class M license or motorcycle endorsement to the person unless both of the following apply:

1. The applicant has held an instruction permit issued pursuant to section 28-3156 for at least six months, except that this requirement does not apply to a person who has a currently valid motorcycle driver license or endorsement issued by another jurisdiction.

2. Either:
   (a) The person has satisfactorily completed a motorcycle driver education program that is approved by the department. If the driver education program is offered by a public high school, the program shall be approved by the department of transportation in consultation with the department of education.
   (b) A custodial parent or guardian of the person certifies in writing to the department that the applicant has completed at least thirty hours of motorcycle driving practice.

Sec. 3. Effective date
Sections 28-3154 and 28-3174, Arizona Revised Statutes, as amended by this act, are effective from and after June 30, 2013.