

REFERENCE TITLE: teenage drivers; communication devices prohibited

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

SB 1241

Introduced by
Senators Melvin, Cajero Bedford, Hobbs, Lopez, McComish, Pancrazi, Tovar:
Driggs, Jackson Jr., Reagan, Worsley

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 28-3154. Instruction permit for a class D or G license

5 A. A person who is at least fifteen years and six months of age may
6 apply to the department for an instruction permit for a class D or G
7 license. The department may issue an instruction permit to the applicant
8 after the applicant successfully passes all parts of the examination other
9 than the driving test.

10 B. The instruction permit entitles the permittee to drive a motor
11 vehicle requiring a class D or G license on the public highways for twelve
12 months when both of the following conditions are met:

13 1. The permittee has the permit in the permittee's immediate
14 possession.

15 2. The permittee is accompanied by a person who has a class A, B, C or
16 D license, who is at least twenty-one years of age and who occupies a seat
17 beside the permittee.

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

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

27 28-3174. Class G driver licenses: restrictions: civil
28 penalties: motorcycles

29 A. A person who is under eighteen years of age may apply to the
30 department for a class G driver license if all of the following apply:

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

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

36 3. Either:

37 (a) The person has satisfactorily completed a driver education program
38 that is approved by the department of transportation. If the driver
39 education program is offered by a public high school, the program shall be
40 approved by the department of transportation in consultation with the
41 department of education.

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

1 B. If the applicant successfully passes the examination prescribed in
2 section 28-3164 and satisfies the requirements prescribed in subsection A of
3 this section, the department may issue a class G driver license to the
4 applicant.

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

8 D. Except as provided in subsection ~~J~~ K of this section, for the
9 first six months that a class G licensee holds the license, the licensee
10 shall not drive a motor vehicle on a public highway from 12:00 a.m. to 5:00
11 a.m. unless either:

12 1. The licensee is accompanied by a parent or legal guardian who has a
13 class A, B, C or D license and who occupies a seat beside the class G
14 licensee.

15 2. The licensee is driving directly to or from a sanctioned school
16 sponsored activity, the licensee's place of employment, a sanctioned
17 religious activity or a family emergency.

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

23 1. Prohibit the licensee from driving a motor vehicle containing
24 passengers under the age of eighteen if the passengers are the licensee's
25 siblings.

26 2. Apply if the licensee is accompanied by a parent or legal guardian
27 who has a class A, B, C or D license and who occupies a seat beside the class
28 G licensee.

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

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

39 ~~G~~. H. If a licensee is found responsible for violating subsection D,
40 ~~or~~ E OR F of this section, the licensee:

41 1. For a first violation, is subject to a maximum civil penalty of
42 seventy-five dollars. The department shall extend the restriction prescribed
43 by subsection D, ~~or~~ E OR F of this section for thirty days, or if the
44 restriction prescribed by subsection D, ~~or~~ E OR F of this section is

1 complete, the thirty day restriction begins on the department's receipt of
2 the report of the finding of responsibility.

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

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

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

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

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

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

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

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

41 ~~J.~~ K. The restrictions imposed by subsection D, ~~or~~ E OR F of this
42 section do not apply beginning on the licensee's eighteenth birthday. Any
43 penalties or restrictions imposed pursuant to subsection ~~G~~ H of this section
44 shall be fully satisfied even if the licensee is eighteen years of age or
45 older.

1 ~~K.~~ L. A person who holds a class G driver license may apply for a
2 class D license on or after the person's eighteenth birthday, except that a
3 person whose class G driver license is suspended pursuant to section 28-3321
4 is not entitled to receive a class D driver license until after the
5 suspension period expires.

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

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

14 2. Either:

15 (a) The person has satisfactorily completed a motorcycle driver
16 education program that is approved by the department. If the driver
17 education program is offered by a public high school, the program shall be
18 approved by the department of transportation in consultation with the
19 department of education.

20 (b) A custodial parent or guardian of the person certifies in writing
21 to the department that the applicant has completed at least thirty hours of
22 motorcycle driving practice.

23 Sec. 3. Effective date

24 Sections 28-3154 and 28-3174, Arizona Revised Statutes, as amended by
25 this act, are effective from and after June 30, 2014.