

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

# HOUSE BILL 2169

## AN ACT

AMENDING SECTION 25-518, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-144; AMENDING SECTIONS 28-661, 28-1387, 28-1401, 28-1402 AND 28-1601, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1603; AMENDING SECTIONS 28-3308, 28-3473 AND 28-3480, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-3482 AND 28-3483; AMENDING SECTIONS 28-3511 AND 28-4135, ARIZONA REVISED STATUTES; RELATING TO DRIVING PRIVILEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 25-518, Arizona Revised Statutes, is amended to  
3 read:

4 25-518. Child support arrearage; license suspension; hearing

5 A. If a court finds from the evidence presented at a hearing to  
6 enforce a child support order that the obligor has wilfully failed to pay  
7 child support, continues after notice pursuant to section 25-517,  
8 subsection A to wilfully fail to pay child support and is at least six  
9 months in arrears, the court shall do either of the following:

10 1. Send a certificate of noncompliance to the board or agency  
11 ordering the suspension or denial of a driver license or recreational  
12 license.

13 2. Send a certificate of noncompliance to the department of  
14 transportation that the noncommercial driver license of the obligor be  
15 restricted to travel AS DESCRIBED IN SECTION 28-144. as follows:

16 ~~(a) Between the person's place of employment and residence during~~  
17 ~~specified periods of time while at employment.~~

18 ~~(b) Between the person's place of residence, the person's place of~~  
19 ~~employment and the person's secondary or postsecondary school according to~~  
20 ~~the person's employment or educational schedule.~~

21 ~~(c) Between the person's place of residence and a screening,~~  
22 ~~education or treatment facility for scheduled appointments.~~

23 ~~(d) Between the person's place of residence and the office of a~~  
24 ~~physician or other health care professional.~~

25 ~~(e) Between the person's place of residence and a location~~  
26 ~~designated for the purpose of parenting time.~~

27 B. To be eligible for a restricted license pursuant to subsection  
28 A, paragraph 2 of this section, the obligor must do all of the following:

29 1. Be employed for at least thirty hours per week.

30 2. Have a place of employment or attend a school that is located  
31 more than one mile from the obligor's place of residence.

32 3. Show that the employment or educational endeavor can reasonably  
33 be expected to contribute to bringing the obligor into compliance with the  
34 support order in a timely manner.

35 4. Enter into a payment plan with the department of economic  
36 security to pay the child support arrearage. If the court finds that the  
37 obligor is not in compliance with the agreement at any time, the obligor  
38 is subject to license suspension pursuant to this section.

39 C. If the obligor has complied with the support order since the  
40 suspension or denial, the obligor may petition the court for a hearing.  
41 If the obligor establishes at the review hearing that the obligor is in  
42 compliance with the support order or a court ordered plan for payment of  
43 arrearages, the court shall send a certificate of compliance to the board  
44 or agency. Except for licenses issued under title 17, the obligor may  
45 then apply for license reinstatement and shall pay all applicable fees.

1 D. In a title IV-D case, the department or its agent may file with  
2 the clerk of the superior court an affidavit indicating that the obligor  
3 is in compliance with the support order or the child support obligation.  
4 Within five business days after the affidavit is filed, the clerk shall  
5 send a notice of compliance to the obligor by first class mail. The clerk  
6 shall send a copy of the notice of compliance to the department and the  
7 licensing board or agency.

8 E. Except for licenses issued under title 17, the board or agency  
9 shall suspend or deny the license of the licensee within thirty days after  
10 receiving the notice of noncompliance from the court. The board or agency  
11 shall not lift the suspension until the board or agency receives a  
12 certificate of compliance from the court. Notwithstanding section  
13 41-1064, subsection C and section 41-1092.11, subsection B, the board or  
14 agency is not required to conduct a hearing. The board or agency shall  
15 notify the department in writing or by any other means prescribed by the  
16 department of all suspensions within ten days after the suspension. The  
17 information shall include the name, address, date of birth and social  
18 security number of the licensee and the license category.

19 F. A certificate of noncompliance without further action  
20 invalidates a license to take wildlife in this state and prohibits the  
21 obligor from applying for a license issued by an automated drawing system  
22 under title 17. The court shall send a copy of the certificate of  
23 noncompliance to the department of economic security, and the department  
24 of economic security shall notify the Arizona game and fish department of  
25 all obligors against whom a notice of noncompliance has been issued and  
26 who have applied for a license issued by an automated drawing system.

27 G. Notwithstanding this section, the title IV-D agency or its agent  
28 may send a certificate of noncompliance to a board or agency to order it  
29 to suspend an obligor's professional or occupational license if the  
30 obligor:

31 1. Has wilfully failed to pay child support, continues after notice  
32 pursuant to section 25-517, subsection ~~D~~ E to wilfully fail to pay child  
33 support and is at least six months in arrears.

34 2. Requested an administrative review and the determination  
35 confirms that the obligor is required to pay child support and has  
36 wilfully failed to pay and that either the obligor did not request a  
37 hearing on the determination or the determination was upheld after a  
38 hearing.

39 3. Failed to respond to the notice pursuant to section 25-517,  
40 subsection ~~D~~ E.

41 H. If the obligor has paid all arrearages or if the obligor has  
42 entered into a written agreement with the title IV-D agency or its agent,  
43 the title IV-D agency shall issue a notice of compliance to the licensing  
44 board or agency.

1           Sec. 2. Title 28, chapter 1, article 3, Arizona Revised Statutes,  
2 is amended by adding section 28-144, to read:

3           28-144. Driver license or permit restrictions

4           A. EXCEPT AS OTHERWISE PROVIDED BY LAW, A RESTRICTION ON A PERSON'S  
5 DRIVER LICENSE OR PERMIT TO DRIVE AS A RESULT OF A CONVICTION FOR A  
6 VIOLATION OF THIS TITLE MAY LIMIT THE PERSON'S PRIVILEGE TO DRIVE FOR THE  
7 FOLLOWING APPLICABLE PURPOSES:

8           1. BETWEEN THE PERSON'S RESIDENCE AND PLACE OF EMPLOYMENT DURING  
9 SPECIFIED PERIODS OF TIME WHILE AT EMPLOYMENT.

10           2. BETWEEN THE PERSON'S RESIDENCE OR PLACE OF EMPLOYMENT AND THE  
11 PERSON'S SCHOOL ACCORDING TO THE PERSON'S EMPLOYMENT OR EDUCATION  
12 SCHEDULE.

13           3. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL  
14 AND THE OFFICE OF A HEALTH PROFESSIONAL AS DEFINED IN SECTION 32-3201.

15           4. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL  
16 AND A SCREENING, EDUCATION OR TREATMENT FACILITY FOR SCHEDULED  
17 APPOINTMENTS.

18           5. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL  
19 AND THE OFFICE OF THE PERSON'S PROBATION OFFICER FOR SCHEDULED  
20 APPOINTMENTS.

21           6. BETWEEN THE PERSON'S RESIDENCE, PLACE OF EMPLOYMENT OR SCHOOL  
22 AND A CERTIFIED IGNITION INTERLOCK DEVICE SERVICE FACILITY.

23           7. BETWEEN THE PERSON'S RESIDENCE AND A LOCATION DESIGNATED FOR THE  
24 PURPOSE OF PARENTING TIME AS DEFINED IN SECTION 25-401.

25           8. TO TRANSPORT A DEPENDENT PERSON WHO IS LIVING WITH THE DRIVER,  
26 BETWEEN THE DRIVER'S RESIDENCE AND THE DEPENDENT PERSON'S EMPLOYMENT,  
27 SCHOOL OR MEDICAL APPOINTMENT.

28           B. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A PERSON WHO IS  
29 THE HOLDER OF A COMMERCIAL DRIVER LICENSE ISSUED PURSUANT TO THIS TITLE.

30           Sec. 3. Section 28-661, Arizona Revised Statutes, is amended to  
31 read:

32           28-661. Accidents involving death or physical injuries;  
33                           failure to stop; violation; classification; driver  
34                           license revocation; restricted privilege to drive;  
35                           alcohol or other drug screening

36           A. The driver of a vehicle involved in an accident resulting in  
37 injury to or death of a person shall:

38           1. Immediately stop the vehicle at the scene of the accident or as  
39 close to the accident scene as possible but shall immediately return to  
40 the accident scene.

41           2. Remain at the scene of the accident until the driver has  
42 fulfilled the requirements of section 28-663.

43           B. A driver who is involved in an accident resulting in death or  
44 serious physical injury as defined in section 13-105 and who fails to stop  
45 or to comply with the requirements of section 28-663 is guilty of a class

1 3 felony, except that if a driver caused the accident the driver is guilty  
2 of a class 2 felony.

3 C. A driver who is involved in an accident resulting in an injury  
4 other than death or serious physical injury as defined in section 13-105  
5 and who fails to stop or to comply with the requirements of section 28-663  
6 is guilty of a class 5 felony.

7 D. The sentence imposed on a person for a conviction under this  
8 section shall run consecutively to any sentence imposed on the person for  
9 other convictions on any other charge related to the accident.

10 E. The department shall revoke the license or permit to drive and  
11 any nonresident operating privilege of a person convicted pursuant to  
12 subsection B of this section as follows:

13 1. For an accident resulting in serious physical injury, five  
14 years, not including any time that the person is incarcerated.

15 2. For an accident resulting in death, ten years, not including any  
16 time that the person is incarcerated.

17 F. Five or more years after the revocation period has begun  
18 pursuant to subsection E, paragraph 2 of this section, not including any  
19 time that the person is incarcerated, a person may apply to the department  
20 for a restricted privilege to drive ~~as described in section 28-3473,~~  
21 ~~subsection B~~. The department may issue a restricted privilege to drive as  
22 described in section ~~28-3473, subsection B~~ 28-144 if the department finds  
23 both of the following:

24 1. The person is not convicted of any offense involving the  
25 operation of a motor vehicle while the person's driving privilege is  
26 revoked.

27 2. The person has paid full restitution as ordered by the court.

28 G. The department shall revoke the license or permit to drive and  
29 any nonresident operating privilege of a person convicted pursuant to  
30 subsection C of this section for three years.

31 H. If the court finds by a preponderance of the evidence that the  
32 person's use of intoxicating liquor, any drug listed in section 13-3401, a  
33 vapor releasing substance containing a toxic substance or any combination  
34 of liquor, drugs or vapor releasing substances was a contributing factor  
35 to the accident, the court shall order the person to complete alcohol or  
36 other drug screening.

37 Sec. 4. Section 28-1387, Arizona Revised Statutes, is amended to  
38 read:

39 28-1387. Prior convictions; alcohol or other drug screening,  
40 education and treatment; license suspension;  
41 supervised probation; civil liability; procedures

42 A. The court shall allow the allegation of a prior conviction or  
43 any other pending charge of a violation of section 28-1381, 28-1382 or  
44 28-1383 or an act in another jurisdiction that if committed in this state  
45 would be a violation of section 28-1381, 28-1382 or 28-1383 filed twenty  
46 or more days before the date the case is actually tried and may allow the

1 allegation of a prior conviction or any other pending charge of a  
2 violation of section 28-1381, 28-1382 or 28-1383 or an act in another  
3 jurisdiction that if committed in this state would be a violation of  
4 section 28-1381, 28-1382 or 28-1383 filed at any time before the date the  
5 case is actually tried if this state makes available to the defendant when  
6 the allegation is filed a copy of any information obtained concerning the  
7 prior conviction or other pending charge. Any conviction may be used to  
8 enhance another conviction irrespective of the dates on which the offenses  
9 occurred within the eighty-four month provision. For the purposes of this  
10 article, an order of a juvenile court adjudicating a person delinquent is  
11 equivalent to a conviction.

12 B. In addition to any other penalties prescribed by law, the judge  
13 shall order a person who is convicted of a violation of section 28-1381,  
14 28-1382 or 28-1383 to complete alcohol or other drug screening that is  
15 provided by a facility approved by the department of health services, the  
16 United States department of veterans affairs or a probation department.  
17 If a judge determines that the person requires further alcohol or other  
18 drug education or treatment, the person may be required pursuant to court  
19 order to obtain alcohol or other drug education or treatment under the  
20 court's supervision from an approved facility. The judge may review an  
21 education or treatment determination at the request of the state, the  
22 defendant or the probation officer or on the judge's initiative. The  
23 person shall pay the costs of the screening, education or treatment  
24 unless, after considering the person's ability to pay all or part of the  
25 costs, the court waives all or part of the costs. If a person is referred  
26 to a screening, education or treatment facility, the facility shall report  
27 to the court whether the person has successfully completed the screening,  
28 education or treatment program. The court may accept evidence of a  
29 person's completion of alcohol or other drug screening pursuant to section  
30 28-1445 as sufficient to meet the requirements of this section or section  
31 28-1381, 28-1382 or 28-1383 or may order the person to complete additional  
32 alcohol or other drug screening, education or treatment programs. If a  
33 person has previously been ordered to complete an alcohol or other drug  
34 screening, education or treatment program pursuant to this section, the  
35 judge shall order the person to complete an alcohol or other drug  
36 screening, education or treatment program unless the court determines that  
37 alternative sanctions are more appropriate.

38 C. After a person who is sentenced pursuant to section 28-1381,  
39 subsection I has served twenty-four consecutive hours in jail or after a  
40 person who is sentenced pursuant to section 28-1381, subsection K or  
41 section 28-1382, subsection D or E has served forty-eight consecutive  
42 hours in jail and after the court receives confirmation that the person is  
43 employed or is a student, the court shall provide in the sentence that the  
44 defendant, if the defendant is employed or is a student and can continue  
45 the defendant's employment or schooling, may continue the employment or  
46 schooling for not more than twelve hours a day nor more than six days a

1 week, unless the court finds good cause to not allow the release and  
2 places those findings on the record. The person shall spend the remaining  
3 day, days or parts of days in jail until the sentence is served and shall  
4 be allowed out of jail only long enough to complete the actual hours of  
5 employment or schooling.

6 D. Unless the license of a person convicted under section 28-1381  
7 or 28-1382 has been or is suspended pursuant to section 28-1321 or  
8 28-1385, the department on receipt of the abstract of conviction of a  
9 violation of section 28-1381 or 28-1382 shall suspend the license of the  
10 affected person for not less than ninety consecutive days.

11 E. When the department receives notification that the person meets  
12 the criteria provided in section 28-1385, subsection G, the department  
13 shall suspend the driving privileges of the person for not less than  
14 thirty consecutive days and shall restrict the PERSON'S driving privileges  
15 ~~of the person~~ AS DESCRIBED IN SECTION 28-144 for not less than sixty  
16 consecutive additional days. ~~to travel between any of the following:~~

17 ~~1. The person's place of employment and residence and during~~  
18 ~~specified periods of time while at employment.~~

19 ~~2. The person's place of residence and the person's secondary or~~  
20 ~~postsecondary school, according to the person's employment or educational~~  
21 ~~schedule.~~

22 ~~3. The person's place of residence and a screening, education or~~  
23 ~~treatment facility for scheduled appointments.~~

24 ~~4. The person's place of residence and the office of the person's~~  
25 ~~probation officer for scheduled appointments.~~

26 F. If a person is placed on probation for violating section 28-1381  
27 or 28-1382, the probation shall be supervised unless the court finds that  
28 supervised probation is not necessary or the court does not have  
29 supervisory probation services.

30 G. Any political subdivision processing or using the services of a  
31 person ordered to perform community restitution pursuant to section  
32 28-1381 or 28-1382 does not incur any civil liability to the person  
33 ordered to perform community restitution as a result of these activities  
34 unless the political subdivision or its agent or employee acts with gross  
35 negligence.

36 H. ~~If a person fails to complete the community restitution ordered~~  
37 ~~pursuant to section 28-1381, subsection K or section 28-1382, subsection~~  
38 ~~E,~~ The court may order alternative sanctions TO COMMUNITY RESTITUTION THAT  
39 IS ORDERED PURSUANT TO SECTION 28-1381, SUBSECTION K OR SECTION 28-1382,  
40 SUBSECTION E if the court determines that EDUCATION, TREATMENT OR OTHER  
41 alternative sanctions are more appropriate.

42 I. Except for another violation of this article, the state shall  
43 not dismiss a charge of violating any provision of this article unless  
44 there is an insufficient legal or factual basis to pursue that charge.

1           Sec. 5. Section 28-1401, Arizona Revised Statutes, is amended to  
2 read:

3           28-1401. Special ignition interlock restricted driver  
4                                   licenses; application fee

5           A. A person whose class D or class G license has been suspended  
6 pursuant to section 28-1385 or suspended or revoked for a first refusal  
7 pursuant to section 28-1321, a second violation of section 28-1381 or  
8 28-1382 or a first violation of section 28-1383, subsection A, paragraph 3  
9 may apply to the department for a special ignition interlock restricted  
10 driver license that allows a person to operate a motor vehicle during the  
11 period of suspension or revocation subject to the restrictions ~~prescribed~~  
12 DESCRIBED in section ~~28-1402~~ 28-144 and the certified ignition interlock  
13 device requirements prescribed in article 5 of this chapter if the  
14 person's privilege to operate a motor vehicle has been suspended or  
15 revoked due to an alcohol related offense pursuant to any of the  
16 following:

17           1. Section 28-1321, if the person meets the criteria of section  
18 28-1321, subsection P.

19           2. Section 28-1381, if the person meets the criteria of section  
20 28-1381, subsection O and the person presents evidence that is  
21 satisfactory to the director and that shows that the person has completed  
22 the requirements prescribed in section 28-1387, subsection B.

23           3. Section 28-1382, if the person meets the criteria of section  
24 28-1382, subsection H and the person presents evidence that is  
25 satisfactory to the director and that shows that the person has completed  
26 the requirements prescribed in section 28-1387, subsection B.

27           4. Section 28-1383, if the person meets the criteria of section  
28 28-1383, subsection K and the person presents evidence that is  
29 satisfactory to the director and that shows that the person has completed  
30 the requirements prescribed in section 28-1387, subsection B.

31           5. Section 28-1385, if the person meets the criteria of section  
32 28-1385, subsection G.

33           B. An applicant for a special ignition interlock restricted driver  
34 license shall pay an application fee in an amount to be determined by the  
35 director.

36           C. The department shall issue a special ignition interlock  
37 restricted driver license during the period of a court ordered restriction  
38 pursuant to sections 28-3320 and 28-3322 subject to the restrictions  
39 ~~prescribed~~ DESCRIBED in section ~~28-1402~~ 28-144 and the certified ignition  
40 interlock requirements prescribed in article 5 of this chapter.

41           D. If the department issues a special ignition interlock restricted  
42 driver license, the department shall not delete a suspension or revocation  
43 from its records.

44           E. The granting of a special ignition interlock restricted driver  
45 license does not reduce or eliminate the required use of an ignition  
46 interlock device pursuant to section 28-3319.

1           Sec. 6. Section 28-1402, Arizona Revised Statutes, is amended to  
2 read:

3           28-1402. Issuance of special ignition interlock restricted  
4           driver license

5           A. On application pursuant to section 28-1401, subsection A the  
6 department may, and pursuant to section 28-1401, subsection C the  
7 department shall, issue a special ignition interlock restricted driver  
8 license that only allows a person whose class D or class G license has  
9 been suspended pursuant to section 28-1385 or suspended or revoked for a  
10 first refusal pursuant to section 28-1321, a second violation of section  
11 28-1381 or 28-1382 or a first violation of section 28-1383, subsection A,  
12 paragraph 3 to operate a motor vehicle that is equipped with a functioning  
13 certified ignition interlock device and only **UNDER THE RESTRICTIONS**  
14 **DESCRIBED IN SECTION 28-144. as follows:**

15           ~~1. Between the person's place of employment and residence during~~  
16 ~~specified periods of time while at employment.~~

17           ~~2. Between the person's place of residence, the person's place of~~  
18 ~~employment and the person's secondary or postsecondary school according to~~  
19 ~~the person's employment or educational schedule.~~

20           ~~3. Between the person's place of residence and a screening,~~  
21 ~~education or treatment facility for scheduled appointments.~~

22           ~~4. Between the person's place of residence and the office of the~~  
23 ~~person's probation officer for scheduled appointments.~~

24           ~~5. Between the person's place of residence and the office of a~~  
25 ~~physician or other health care professional.~~

26           ~~6. Between the person's place of residence and a certified ignition~~  
27 ~~interlock device service facility.~~

28           B. The department may only issue a special ignition interlock  
29 restricted driver license to an applicant who is otherwise qualified by  
30 law.

31           C. Except as provided in section 28-1463, if the department  
32 suspends, revokes, cancels or otherwise rescinds a person's special  
33 ignition interlock restricted license or privilege for any reason, the  
34 department shall not issue a new license or reinstate the special ignition  
35 interlock restricted driver license during the prescribed period of  
36 suspension or revocation or while the person is otherwise ineligible to  
37 receive a license.

38           Sec. 7. Section 28-1601, Arizona Revised Statutes, is amended to  
39 read:

40           28-1601. Failure to pay civil penalty; suspension or  
41           restriction of driving privilege; collection  
42           procedure

43           A. A person shall pay all civil penalties within thirty days from  
44 entry of judgment, except that if payment within thirty days will place an  
45 undue economic burden on a person, the court may extend the time for  
46 payment or may provide for installment payments. If the civil penalty is

1 not paid or an installment payment is not made when due, the court may  
2 declare the entire civil penalty due and, if so, the court shall DO EITHER  
3 OF THE FOLLOWING:

4 1. Notify the department and the department shall promptly suspend  
5 the ~~driver license or permit of the driver,~~ PERSON'S DRIVING PRIVILEGE OR  
6 the person's application or privilege to apply for a ~~driver license or~~  
7 ~~permit or the privilege of a nonresident to drive a motor vehicle in this~~  
8 ~~state,~~ DRIVING PRIVILEGE until the civil penalty is paid.

9 2. ORDER THAT THE PERSON'S DRIVING PRIVILEGE BE RESTRICTED AS  
10 DESCRIBED IN SECTION 28-144 UNTIL THE CIVIL PENALTY IS PAID AND NOTIFY THE  
11 DEPARTMENT OF THE RESTRICTION.

12 B. Notwithstanding subsection A of this section, if a civil penalty  
13 is paid on entry of judgment, the court may reduce the civil penalty by up  
14 to five ~~per cent~~ PERCENT of the penalty imposed.

15 C. Notwithstanding subsection A of this section, the court shall  
16 not initiate collection procedures on an unpaid civil penalty, notify the  
17 department to suspend a person's driver license, permit or privilege to  
18 drive a motor vehicle in this state or notify the department to refuse to  
19 renew a vehicle registration for an unpaid civil traffic violation if all  
20 of the following apply:

21 1. The unpaid civil penalty is for a traffic violation for which  
22 the final disposition occurs more than thirty-six months before the court  
23 initiates collection proceedings.

24 2. The court does not have a paper or electronic record dated  
25 within thirty-six months after the traffic violation occurs indicating  
26 that the responsible person was notified that the civil penalty is unpaid  
27 and due.

28 3. The court has not notified the department to suspend the  
29 responsible person's driver license or permit or privilege to drive a  
30 motor vehicle in this state.

31 4. The court has not notified either the responsible person or the  
32 department about the court's request to the department to refuse to renew  
33 the responsible person's vehicle registration pursuant to article 5 of  
34 this chapter.

35 5. The court does not have a record of extending the time for  
36 payment of the civil penalty or providing for installment payments.

37 D. If the court is prohibited from initiating collection procedures  
38 on an unpaid civil penalty, from notifying the department to suspend a  
39 person's driver license, permit or privilege to drive a motor vehicle in  
40 this state or from notifying the department to refuse to renew a vehicle  
41 registration, pursuant to subsection C of this section, the court shall  
42 notify the department and the department shall remove the violation from  
43 the person's driving record.

44 E. With the approval of the supreme court, the presiding judge of  
45 any court may periodically conduct a program aimed at reducing the amount  
46 of outstanding fines, penalties, ASSESSMENTS and surcharges.

1 Notwithstanding any other law, except a fine ordered as a result of a  
2 violation of section 28-1381 or 28-1382, the program may include  
3 authorizing up to a fifty ~~percent~~ PERCENT reduction in the total amount  
4 of a court ordered fine, penalty, ASSESSMENT or surcharge that is due and  
5 that is delinquent for at least twelve months followed by an increased  
6 enforcement effort for a fine, penalty, ASSESSMENT or surcharge that is  
7 not paid. The supreme court shall adopt rules of procedure for the  
8 programs.

9 F. If penalties are reduced pursuant to subsection E of this  
10 section, associated surcharges and assessments shall be reduced in  
11 proportion to the reduction. This subsection does not apply to section  
12 12-116.

13 G. If a person presents reasonable evidence to the court that a  
14 civil penalty and any other fees, fines, ASSESSMENTS or surcharges  
15 required by the court have been paid, the court shall cease its collection  
16 activities for that civil penalty and order the department to immediately  
17 rescind its actions related to the court's order or request to suspend the  
18 person's driver license, permit or privilege to drive pursuant to  
19 subsection A of this section or refuse to renew the person's vehicle  
20 registration pursuant to article 5 of this chapter.

21 Sec. 8. Title 28, chapter 5, article 4, Arizona Revised Statutes,  
22 is amended by adding section 28-1603, to read:

23 28-1603. Civil penalty mitigation

24 A. NOTWITHSTANDING ANY OTHER LAW, A JUDGE MAY MITIGATE ANY CIVIL  
25 PENALTY THAT IS REQUIRED UNDER CHAPTERS 3, 5, 7 AND 9 OF THIS TITLE IF THE  
26 PERSON WHO IS ORDERED TO PAY THE PENALTY DEMONSTRATES THAT THE PAYMENT  
27 WOULD BE A HARDSHIP ON THE PERSON OR ON THE PERSON'S IMMEDIATE FAMILY.

28 B. IN DETERMINING WHETHER TO MITIGATE A CIVIL PENALTY, THE COURT  
29 MAY CONSIDER ANY RELEVANT INFORMATION, INCLUDING ANY OF THE FOLLOWING:

30 1. THE CIVIL PENALTY'S IMPACT ON THE PERSON'S ABILITY TO PAY  
31 RESTITUTION.

32 2. WHETHER THE CIVIL PENALTY WOULD CONSTITUTE A FINANCIAL HARDSHIP  
33 TO THE PERSON OR THE PERSON'S IMMEDIATE FAMILY.

34 3. WHETHER THE PERSON RECEIVES TEMPORARY ASSISTANCE FOR NEEDY  
35 FAMILIES PURSUANT TO 42 UNITED STATES CODE SECTION 603 OR SUPPLEMENTAL  
36 NUTRITION ASSISTANCE PURSUANT TO 7 UNITED STATES CODE SECTIONS 2011  
37 THROUGH 2036c.

38 4. WHETHER THE PERSON RECEIVES BENEFITS PURSUANT TO THE  
39 SUPPLEMENTAL SECURITY INCOME PROGRAM (42 UNITED STATES CODE SECTIONS 1381  
40 THROUGH 1385).

41 5. WHETHER THE PERSON IS LEGALLY AUTHORIZED TO BE EMPLOYED AND IS  
42 SEEKING, OBTAINING OR MAINTAINING EMPLOYMENT OR IS ATTENDING SCHOOL.

43 C. THIS SECTION DOES NOT APPLY TO THE SURCHARGE IMPOSED AND  
44 COLLECTED PURSUANT TO SECTION 16-954, SUBSECTION A.



1 ~~C. On application, the department shall issue a driver license that~~  
2 ~~restricts a person's privilege to drive pursuant to subsection B of this~~  
3 ~~section and that is valid for one year only if all of the following apply:~~

4 ~~1. The person has completed all requirements of the sentence~~  
5 ~~imposed by the court.~~

6 ~~2. The person has satisfied all suspension periods imposed on the~~  
7 ~~person's driver license as a result of the conviction of or a finding of~~  
8 ~~responsibility for a violation of any provision of this title except this~~  
9 ~~section.~~

10 ~~3. The person pays the applicable reinstatement fee prescribed by~~  
11 ~~section 28-3002.~~

12 Sec. 11. Section 28-3480, Arizona Revised Statutes, is amended to  
13 read:

14 28-3480. Operation in violation of restriction;  
15 classification; civil traffic violation

16 A. A person who operates a motor vehicle in violation of a driver  
17 license restriction is guilty of a class 2 misdemeanor.

18 B. IF THE RESTRICTION THAT IS VIOLATED IS THE REQUIREMENT TO WEAR  
19 CORRECTIVE LENSES WHILE OPERATING A MOTOR VEHICLE, THE PERSON IS  
20 RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION.

21 Sec. 12. Title 28, chapter 8, article 8, Arizona Revised Statutes,  
22 is amended by adding sections 28-3482 and 28-3483, to read:

23 28-3482. Driving on a license suspended for failure to appear  
24 or pay; restricted privilege to drive; civil  
25 penalty; dismissal

26 A. A PERSON MAY NOT DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY IF  
27 THE PERSON'S PRIVILEGE TO DRIVE A MOTOR VEHICLE IS SUSPENDED PURSUANT TO  
28 SECTION 28-1601 OR 28-3308.

29 B. A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A CIVIL  
30 TRAFFIC VIOLATION.

31 C. IF A PERSON IS CITED FOR A VIOLATION OF THIS SECTION AND THE  
32 PERSON PRESENTS EVIDENCE TO THE COURT THAT THE PERSON'S UNRESTRICTED  
33 PRIVILEGE TO DRIVE HAS BEEN REINSTATED, THE COURT MAY DISMISS THE CHARGE  
34 OF DRIVING UNDER A SUSPENDED LICENSE.

35 28-3483. Driving on a suspended license conviction;  
36 restricted driving privilege

37 A PERSON WHO IS CONVICTED OF DRIVING ON A SUSPENDED CLASS D OR M  
38 LICENSE BEFORE JANUARY 1, 2011 MAY APPLY FOR A RESTRICTED PRIVILEGE TO  
39 DRIVE ON A FORM PRESCRIBED BY THE DIRECTOR. THE DEPARTMENT SHALL ISSUE A  
40 RESTRICTED PRIVILEGE TO DRIVE THAT IS VALID FOR ONE YEAR AND THAT LIMITS  
41 THE PERSON'S DRIVING PRIVILEGE AS DESCRIBED IN SECTION 28-144 IF THE  
42 PERSON DOES ALL OF THE FOLLOWING:

43 1. COMPLETES ALL REQUIREMENTS OF THE SENTENCE IMPOSED BY THE COURT.

44 2. SATISFIES ALL SUSPENSION PERIODS IMPOSED ON THE PERSON'S DRIVING  
45 PRIVILEGE AS A RESULT OF A CONVICTION OF OR A FINDING OF RESPONSIBILITY  
46 FOR A VIOLATION OF THIS TITLE.

1           3. PAYS THE APPLICABLE REINSTATEMENT FEE AS PRESCRIBED BY SECTION  
2 28-3002.

3           Sec. 13. Section 28-3511, Arizona Revised Statutes, is amended to  
4 read:

5           28-3511. Removal and immobilization or impoundment of  
6 vehicle; Arizona crime information center database

7           A. A peace officer shall cause the removal and either  
8 immobilization or impoundment of a vehicle if the peace officer determines  
9 that:

10          1. A person is driving the vehicle while any of the following  
11 applies:

12           (a) Except as otherwise provided in this subdivision, the person's  
13 driving privilege is ~~suspended or~~ revoked for any reason. A peace officer  
14 shall not cause the removal and either immobilization or impoundment of a  
15 vehicle pursuant to this subdivision if the person's privilege to drive is  
16 valid in this state.

17           (b) The person has not ever been issued a valid driver license or  
18 permit by this state and the person does not produce evidence of ever  
19 having a valid driver license or permit issued by another jurisdiction.  
20 This subdivision does not apply to the operation of an implement of  
21 husbandry.

22           (c) The person is subject to an ignition interlock device  
23 requirement pursuant to chapter 4 of this title and the person is  
24 operating a vehicle without a functioning certified ignition interlock  
25 device. This subdivision does not apply to the operation of a vehicle due  
26 to a substantial emergency as defined in section 28-1464.

27           (d) In furtherance of the illegal presence of an alien in the  
28 United States and in violation of a criminal offense, the person is  
29 transporting or moving or attempting to transport or move an alien in this  
30 state in a vehicle if the person knows or recklessly disregards the fact  
31 that the alien has come to, has entered or remains in the United States in  
32 violation of law.

33           (e) The person is concealing, harboring or shielding or attempting  
34 to conceal, harbor or shield from detection an alien in this state in a  
35 vehicle if the person knows or recklessly disregards the fact that the  
36 alien has come to, entered or remains in the United States in violation of  
37 law.

38          2. The vehicle is displayed for sale or for transfer of ownership  
39 with a vehicle identification number that has been destroyed, removed,  
40 covered, altered or defaced.

41           B. A peace officer shall cause the removal and impoundment of a  
42 vehicle if the peace officer determines that a person is driving the  
43 vehicle and if all of the following apply:

44          1. The person's driving privilege is canceled, ~~suspended~~ or revoked  
45 for any reason or the person has not ever been issued a driver license or

1 permit by this state and the person does not produce evidence of ever  
2 having a driver license or permit issued by another jurisdiction.

3 2. The person is not in compliance with the financial  
4 responsibility requirements of chapter 9, article 4 of this title.

5 3. The person is driving a vehicle that is involved in an accident  
6 that results in either property damage or injury to or death of another  
7 person.

8 C. Except as provided in subsection D of this section, while a  
9 peace officer has control of the vehicle the peace officer shall cause the  
10 removal and either immobilization or impoundment of the vehicle if the  
11 peace officer has probable cause to arrest the driver of the vehicle for a  
12 violation of section 4-244, paragraph 34 or section 28-1382 or 28-1383.

13 D. A peace officer shall not cause the removal and either the  
14 immobilization or impoundment of a vehicle pursuant to subsection C of  
15 this section if all of the following apply:

16 1. The peace officer determines that the vehicle is currently  
17 registered and that the driver or the vehicle is in compliance with the  
18 financial responsibility requirements of chapter 9, article 4 of this  
19 title.

20 2. The spouse of the driver is with the driver at the time of the  
21 arrest.

22 3. The peace officer has reasonable grounds to believe that the  
23 spouse of the driver:

24 (a) Has a valid driver license.

25 (b) Is not impaired by intoxicating liquor, any drug, a vapor  
26 releasing substance containing a toxic substance or any combination of  
27 liquor, drugs or vapor releasing substances.

28 (c) Does not have any spirituous liquor in the spouse's body if the  
29 spouse is under twenty-one years of age.

30 4. The spouse notifies the peace officer that the spouse will drive  
31 the vehicle from the place of arrest to the driver's home or other place  
32 of safety.

33 5. The spouse drives the vehicle as prescribed by paragraph 4 of  
34 this subsection.

35 E. Except as otherwise provided in this article, a vehicle that is  
36 removed and either immobilized or impounded pursuant to subsection A, B or  
37 C of this section shall be immobilized or impounded for thirty days. An  
38 insurance company does not have a duty to pay any benefits for charges or  
39 fees for immobilization or impoundment.

40 F. The owner of a vehicle that is removed and either immobilized or  
41 impounded pursuant to subsection A, B or C of this section, the spouse of  
42 the owner and each person who has provided the department with indicia of  
43 ownership as prescribed in section 28-3514 or other interest in the  
44 vehicle that exists immediately before the immobilization or impoundment  
45 shall be provided with an opportunity for an immobilization or poststorage  
46 hearing pursuant to section 28-3514.

1 G. A law enforcement agency that employs the peace officer who  
2 removes and either immobilizes or impounds a vehicle pursuant to this  
3 section shall enter information about the removal and either  
4 immobilization or impoundment of the vehicle in the Arizona crime  
5 information center database within three business days after the removal  
6 and either immobilization or impoundment.

7 Sec. 14. Section 28-4135, Arizona Revised Statutes, is amended to  
8 read:

9 28-4135. Motor vehicle financial responsibility requirement;  
10 civil penalties; restricted driving privilege;  
11 evidence at hearing

12 A. A motor vehicle that is operated on a highway in this state  
13 shall be covered by one of the following:

14 1. A motor vehicle or automobile liability policy that provides  
15 limits not less than those prescribed in section 28-4009.

16 2. An alternate method of coverage as provided in section 28-4076.

17 3. A certificate of self-insurance as prescribed in section  
18 28-4007.

19 4. A policy that satisfies the financial responsibility  
20 requirements prescribed in article 2 of this chapter.

21 B. A person operating a motor vehicle on a highway in this state  
22 shall have evidence within the motor vehicle of current financial  
23 responsibility applicable to the motor vehicle. The evidence may be  
24 displayed on a wireless communication device that is in the motor vehicle.  
25 If a person displays the evidence on a wireless communication device  
26 pursuant to this subsection, the person is not consenting for law  
27 enforcement to access other contents of the wireless communication device.

28 C. Failure to produce evidence of financial responsibility on the  
29 request of a law enforcement officer investigating a motor vehicle  
30 accident or an alleged violation of a motor vehicle law of this state or a  
31 traffic ordinance of a city or town is a civil traffic violation that is  
32 punishable as prescribed in this section.

33 D. A citation issued for violating subsection B or C of this  
34 section shall be dismissed if the person to whom the citation was issued  
35 produces evidence to the appropriate court officer on or before the date  
36 and time specified on the citation for court appearance and in a manner  
37 specified by the court, including the certification of evidence by mail,  
38 of either of the following:

39 1. The financial responsibility requirements prescribed in this  
40 section were met for the motor vehicle at the date and time the citation  
41 was issued.

42 2. A motor vehicle or automobile liability policy that meets the  
43 financial responsibility requirements of this state and that insured the  
44 person and the motor vehicle the person was operating at the time the  
45 person received the citation regardless of whether or not the motor  
46 vehicle was named in the policy.

1 E. Except as provided in section 28-4137, a person who violates  
2 this section is subject to a civil penalty as follows:

3 1. The court shall impose a minimum civil penalty of five hundred  
4 dollars for the first violation. On receipt of the abstract of the record  
5 of judgment, the department shall suspend the ~~driver license of the person~~  
6 ~~and the registration and license plates of the motor vehicle involved~~  
7 PERSON'S DRIVING PRIVILEGES OR RESTRICT THE PERSON'S DRIVING PRIVILEGES AS  
8 DESCRIBED IN SECTION 28-144 for three months. BEFORE ISSUING A RESTRICTED  
9 DRIVING PRIVILEGE PURSUANT TO THIS PARAGRAPH, THE DEPARTMENT SHALL VERIFY  
10 THAT THE PERSON IS IN COMPLIANCE WITH THE FINANCIAL RESPONSIBILITY  
11 REQUIREMENTS OF THIS ARTICLE.

12 2. If a person violates this section a second time within a period  
13 of thirty-six months, the court shall impose a minimum civil penalty of  
14 seven hundred fifty dollars. On receipt of the abstract of the record of  
15 judgment, the department shall suspend the driver license of the person  
16 and the registration and license plates of the motor vehicle involved for  
17 six months.

18 3. If a person violates this section three or more times within a  
19 period of thirty-six months, the court shall impose a minimum civil  
20 penalty of one thousand dollars. On receipt of the abstract of the record  
21 of judgment, the department shall suspend the driver license of the person  
22 and the registration and license plates of the motor vehicle involved for  
23 one year. The department shall require on reinstatement of the driver  
24 license, the registration and the license plates that the person file with  
25 the department proof of financial responsibility in accordance with  
26 article 3 of this chapter.

27 F. A court may require a person to produce an insurance  
28 identification card as evidence in a hearing for a violation of this  
29 section.

30 Sec. 15. Applicability

31 This act applies to:

32 1. All cases in which, as of the effective date of this act, the  
33 defendant or violator has not been sentenced or assessed a civil penalty.

34 2. Any offense committed on or after the effective date of  
35 this act.

36 Sec. 16. Effective date

37 This act is effective from and after December 31, 2018.