

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 153**  
**HOUSE BILL 2366**

AN ACT

AMENDING SECTION 28-672, ARIZONA REVISED STATUTES; RELATING TO MOTOR  
VEHICLE ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-672, Arizona Revised Statutes, is amended to  
3 read:

4 28-672. Causing serious physical injury or death by a moving  
5 violation; time limitation; penalties; violation;  
6 classification; definition

7 A. A person is guilty of causing serious physical injury or death  
8 by a moving violation if the person violates any one of the following and  
9 the violation results in an accident causing serious physical injury or  
10 death to another person:

- 11 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
- 12 2. Section 28-729.
- 13 3. Section 28-771.
- 14 4. Section 28-772.
- 15 5. Section 28-773.
- 16 6. Section 28-792.
- 17 7. Section 28-794.
- 18 8. Section 28-797, subsection F, G, H or I.
- 19 9. Section 28-855, subsection B.
- 20 10. Section 28-857, subsection A.

21 B. A person who violates this section shall attend and successfully  
22 complete traffic survival school educational sessions that are designed to  
23 improve the safety and habits of drivers and that are approved by the  
24 department. In addition, the court may order the person to perform  
25 community restitution.

26 C. The court shall report a conviction for a violation of this  
27 section to the department and:

28 1. For a first violation of this section, ~~may~~ SHALL direct the  
29 department to suspend THE PERSON'S DRIVING PRIVILEGE OR RESTRICT the  
30 person's driving privilege AS DESCRIBED IN SECTION 28-144 for AT LEAST  
31 NINETY DAYS AND not more than one hundred eighty days if the violation  
32 results in serious physical injury and AT LEAST ONE HUNDRED EIGHTY DAYS  
33 AND not more than one year if the violation results in death.

34 2. For a second or subsequent violation of this section within a  
35 period of thirty-six months, shall direct the department to suspend the  
36 person's driving privilege for one hundred eighty days if the violation  
37 results in serious physical injury and one year if the violation results  
38 in death.

39 D. If a person's driving privilege is suspended pursuant to any  
40 other statute because of an incident involving a violation of this  
41 section, the suspension period prescribed in subsection C of this section  
42 shall run consecutively with the other suspension period.

43 E. If a person fails to successfully complete traffic survival  
44 school educational sessions or perform community restitution pursuant to  
45 this section, the court shall notify the department and the department

1 shall promptly suspend the driver license or permit of the driver or the  
2 privilege of a nonresident to drive a motor vehicle in this state until  
3 the order is satisfied.

4 F. If the person who suffers serious physical injury as a result of  
5 a violation of this section appears before the court in which the action  
6 is pending at any time before trial and acknowledges receipt of  
7 satisfaction for the injury, on payment of the costs incurred, the court  
8 shall order that the prosecution be dismissed and the defendant be  
9 discharged. The reasons for the order shall be set forth and entered of  
10 record, and the order shall be a bar to another prosecution for the same  
11 offense.

12 G. Restitution awarded pursuant to section 13-603 as a result of a  
13 violation of this section shall not exceed one hundred thousand dollars.

14 H. A prosecution for a violation of this section must be commenced  
15 within two years after actual discovery of the offense by the state or the  
16 political subdivision having jurisdiction or discovery by the state or the  
17 political subdivision that should have occurred with the exercise of  
18 reasonable diligence, whichever first occurs.

19 I. A person who violates this section is guilty of a class 1  
20 misdemeanor.

21 J. For the purposes of this section, "serious physical injury" has  
22 the same meaning prescribed in section 13-105.

APPROVED BY THE GOVERNOR APRIL 30, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.