

REFERENCE TITLE: **distracted driving; reckless driving**

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

HB 2165

Introduced by
Representative Townsend

AN ACT

AMENDING SECTION 28-693, ARIZONA REVISED STATUTES; RELATING TO RECKLESS DRIVING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-693, Arizona Revised Statutes, is amended to
3 read:

4 28-693. Reckless driving; violation; classification; license;
5 surrender

6 A. A person who drives a vehicle in reckless disregard for the
7 safety of persons or property, **INCLUDING PARTICIPATING IN AN ACTIVITY THAT**
8 **WILFULLY DISTRACTS THE PERSON FROM SAFELY OPERATING THE VEHICLE**, is guilty
9 of reckless driving.

10 B. A person convicted of reckless driving is guilty of a class 2
11 misdemeanor.

12 C. In addition, the judge may require the surrender to a police
13 officer of any driver license of the convicted person, shall report the
14 conviction to the department and may order the driving privileges of the
15 person to be suspended for a period of not more than ninety days. On
16 receipt of the abstract of conviction and order, the department shall
17 suspend the driving privilege of the person for the period of time ordered
18 by the judge.

19 D. If a person who is convicted of a violation of this section has
20 been previously convicted of a violation of this section, section 13-1102
21 or section 13-1103, subsection A, paragraph 1, in the driving of a
22 vehicle, or section 28-708, 28-1381, 28-1382 or 28-1383 within a period of
23 twenty-four months:

24 1. The person is guilty of a class 1 misdemeanor.

25 2. The person is not eligible for probation, pardon, suspension of
26 sentence or release on any basis until the person has served not less than
27 twenty days in jail.

28 3. The judge may require the surrender to a police officer of any
29 driver license of the person and shall immediately forward the abstract of
30 conviction to the department.

31 4. On receipt of the abstract of conviction, the department shall
32 revoke the driving privilege of the person.

33 E. In applying the twenty-four month period provision of subsection
34 D of this section, the dates of the commission of the offense shall be the
35 determining factor, irrespective of the sequence in which the offenses
36 were committed. A second or subsequent violation for which a conviction
37 occurs as provided in this section does not include a conviction for an
38 offense arising out of the same series of acts.

39 F. On pronouncement of a jail sentence under this section, and
40 after the court receives confirmation that the person is employed or is a
41 student, the court may provide in the sentence that if the defendant is
42 employed or is a student the defendant can continue employment or
43 schooling for not more than twelve hours per day nor more than five days
44 per week. The defendant shall spend the remaining days or parts of days
45 in jail until the sentence is served and shall be allowed out of jail only
46 long enough to complete the defendant's actual hours of employment or
47 schooling.