

REFERENCE TITLE: gender; driver licenses; nonoperating identification

State of Arizona
House of Representatives
Fifty-fourth Legislature
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HB 2289

Introduced by
Representatives Gabaldón: Andrade, Blanc, Cano, Chávez, Engel, Espinoza,
Friese, Jermaine, Longdon, Powers Hannley, Rodriguez, Sierra, Teller,
Terán, Senator Gonzales

AN ACT

AMENDING SECTIONS 28-3158, 28-3165 AND 28-3166, ARIZONA REVISED STATUTES;
RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3158, Arizona Revised Statutes, is amended to
3 read:

4 28-3158. Driver license or instruction permit application

5 A. A person who applies for an instruction permit or for a driver
6 license shall use a form furnished by the department.

7 B. An applicant shall pay the fee prescribed by section 28-3002 for
8 a driver license or for an instruction permit issued under section
9 28-3154, 28-3155, 28-3156 or 28-3225. For a class A, B or C license
10 application, payment of the fee required by this section entitles the
11 applicant to not more than three attempts to pass the written examination
12 or road test within twelve months from the date of the application. The
13 department shall refund an application fee pursuant to section 28-373.

14 C. An applicant for an instruction permit or a driver license shall
15 give the department satisfactory proof of the applicant's full legal name,
16 date of birth, ~~sex~~ GENDER and domicile residence address in this state, if
17 the applicant has a residence address, and that the applicant's presence
18 in the United States is authorized under federal law. FOR THE PURPOSES OF
19 THIS SUBSECTION, IF THE APPLICANT CHOOSES THE APPLICANT'S GENDER AS
20 NONBINARY, AN AFFIDAVIT THAT STATES THAT THE APPLICANT IDENTIFIES AS
21 GENDER NONBINARY AND THAT THE APPLICANT SIGNS AND SUBMITS TO THE
22 DEPARTMENT IS SATISFACTORY PROOF OF THE APPLICANT'S GENDER.

23 D. The application for an instruction permit or a driver license
24 shall state the following:

25 1. A brief description of the applicant and any other identifying
26 information required by the department.

27 2. Whether the applicant has been licensed, and if so, the type of
28 license issued, when the license was issued and what state or country
29 issued the license.

30 3. If the applicant was never licensed, the applicant's last
31 previous state or country of residence.

32 4. The social security number of the applicant.

33 E. The department shall:

34 1. Verify that a social security number provided by an applicant is
35 a valid number assigned to that applicant.

36 2. Retain the social security number in its records.

37 F. The social security number provided to the department pursuant
38 to subsection D of this section for an applicant's driver license or
39 instruction permit shall not appear on an applicant's driver license or
40 instruction permit unless the applicant requests that the social security
41 number appear on the applicant's driver license or instruction permit as
42 the driver license or instruction permit number. Except as provided in
43 sections 28-455 and 41-1954, the department shall not release the social
44 security number to any person unless the applicant requests that the
45 social security number appear on the applicant's driver license or

instruction permit as the driver license or instruction permit number.
The provisions of this subsection shall be included in each application.

G. The department may adopt and implement procedures to deny a driver license or instruction permit to a person who has been deported. The department may adopt and implement procedures to reinstate a person's privilege to apply for a driver license or permit if the person's legal presence status is restored.

H. On request of an applicant, the department shall allow the applicant to provide on the license or permit a post office box address that is regularly used by the applicant.

I. The department may request an applicant who appears in person for a license, a duplicate license or reinstatement of a driving privilege to complete satisfactorily the vision screening prescribed by the department.

J. If a driver license applicant submits satisfactory proof to the department that the applicant is a veteran, on request of the applicant, the department shall allow a distinguishing mark to appear on the license that identifies the person as a veteran.

Sec. 2. Section 28-3165, Arizona Revised Statutes, is amended to read:

28-3165. Nonoperating identification license; immunity; rules; emancipated minors; definition

A. On receipt of an application from a person who does not have a valid driver license issued by this state or whose driving privilege is suspended, the department shall issue a nonoperating identification license that contains a distinguishing number assigned to the licensee, the full legal name, the date of birth, the residence address and a brief description of the licensee and either a facsimile of the signature of the licensee or a space on which the licensee is required to write the licensee's usual signature with pen and ink. A nonoperating identification license that is issued to a person whose driving privilege is suspended shall not be valid for more than one hundred eighty days from the date of issuance.

B. On request of an applicant:

1. The department shall allow the applicant to provide on the nonoperating identification license a post office box address that is regularly used by the applicant.

2. If the applicant submits satisfactory proof to the department that the applicant is a veteran, the department shall allow a distinguishing mark to appear on the nonoperating identification license that identifies that person as a veteran.

C. A person who is issued a license pursuant to this section shall use it only for identification purposes of the licensee. The nonoperating identification license does not grant authority to operate a motor vehicle in this state. The department shall clearly label the nonoperating

1 identification license "for identification only, not for operation of a
2 motor vehicle".

3 D. On issuance of a driver license, the holder of a nonoperating
4 identification license shall surrender the nonoperating identification
5 license to the department and the department shall not refund any fee paid
6 for the issuance of the nonoperating identification license.

7 E. A nonoperating identification license shall contain the
8 photograph of the licensee. The department shall use a process in the
9 issuance of nonoperating identification licenses that prohibits as nearly
10 as possible the ability to superimpose a photograph on the license without
11 ready detection. The department shall process nonoperating identification
12 licenses and photo attachments in color.

13 F. On application, an applicant shall give the department
14 satisfactory proof of the applicant's full legal name, date of birth, ~~sex~~
15 GENDER and residence address, if the applicant has a residence address,
16 and that the applicant's presence in the United States is authorized under
17 federal law. The application shall briefly describe the applicant, state
18 whether the applicant has been licensed, and if so, the type of license
19 issued, when and by what state or country and whether any such license is
20 under suspension, revocation or cancellation. The application shall
21 contain other identifying information required by the department. FOR THE
22 PURPOSES OF THIS SUBSECTION, IF THE APPLICANT CHOOSES THE APPLICANT'S
23 GENDER AS NONBINARY, AN AFFIDAVIT THAT STATES THAT THE APPLICANT
24 IDENTIFIES AS GENDER NONBINARY AND THAT THE APPLICANT SIGNS AND SUBMITS TO
25 THE DEPARTMENT IS SATISFACTORY PROOF OF THE APPLICANT'S GENDER.

26 G. The department may adopt and implement procedures to deny a
27 nonoperating identification license to a person who has been deported.
28 The department may adopt and implement procedures to reinstate a person's
29 privilege to apply for a nonoperating identification license if the
30 person's legal presence status is restored.

31 H. A nonoperating identification license issued by the department
32 is solely for the use and convenience of the applicant for identification
33 purposes.

34 I. The department shall adopt rules and establish fees for issuance
35 of a nonoperating identification license, except that the department shall
36 not require an examination.

37 J. The fees established pursuant to this section do not apply to
38 any of the following:

- 39 1. A person who is sixty-five years of age or older.
- 40 2. A person who is a recipient of public monies as an individual
- 41 with a disability under title XVI of the social security act, as amended.
- 42 3. A veteran who does not have a residence address.
- 43 4. A veteran whose residence address is the address of a shelter
- 44 that provides services to the homeless.

1 K. If a person qualifies for a nonoperating identification license
2 and is under the legal drinking age, the department shall issue a license
3 that is marked by color, code or design to immediately distinguish it from
4 a nonoperating identification license issued to a person of legal drinking
5 age. The department shall indicate on the nonoperating identification
6 license issued pursuant to this subsection the year in which the person
7 will attain the legal drinking age.

8 L. If a minor has been emancipated pursuant to title 12, chapter
9 15, on application and proof of emancipation, the department shall issue a
10 nonoperating identification license that contains the words "emancipated
11 minor".

12 M. For the purposes of this section, "veteran" has the same meaning
13 prescribed in section 41-601.

14 Sec. 3. Section 28-3166, Arizona Revised Statutes, is amended to
15 read:

16 28-3166. Driver license content and application; marked
17 licenses; emancipated minors

18 A. The department shall issue a driver license to a qualified
19 applicant. The driver license shall contain a distinguishing number
20 assigned to the licensee, the license class, any endorsements, the
21 licensee's full name, date of birth and residence address, if the licensee
22 has a residence address, a brief description of the licensee, INCLUDING
23 THE LICENSEE'S SELECTED GENDER OF FEMALE, MALE OR NONBINARY, and either a
24 facsimile of the signature of the licensee or a space on which the
25 licensee is required to write the licensee's usual signature with pen and
26 ink. A driver license is not valid until it is signed by the licensee.
27 On request of an applicant:

28 1. The department shall allow the applicant to provide on the
29 driver license a post office box address that is regularly used by the
30 applicant and that is located in the county in which the applicant
31 resides.

32 2. If the applicant submits satisfactory proof to the department
33 that the applicant is a veteran, the department shall allow a
34 distinguishing mark to appear on the license that identifies the person as
35 a veteran.

36 B. An application for a driver license and the driver license
37 issued shall contain the photo image of the applicant or licensee. The
38 department shall use a process in the issuance of driver licenses that
39 prohibits as nearly as possible the ability to alter or reproduce the
40 license or that prohibits the ability to superimpose a photo image on the
41 license without ready detection. The department shall process driver
42 licenses and photo images in color.

43 C. An applicant who is at least sixteen but under twenty-four years
44 of age shall provide the department with satisfactory proof of the
45 applicant's legal name and date of birth.

1 D. If a person is qualified for a driver license and is under the
2 legal drinking age, the department shall issue a license that is marked by
3 color, code or design to immediately distinguish it from a license issued
4 to a person of legal drinking age. The department shall indicate on the
5 driver license issued pursuant to this subsection the year in which the
6 person will attain the legal drinking age.

7 E. The department shall mark a special ignition interlock
8 restricted driver license issued pursuant to chapter 4, article 3.1 of
9 this title by color, code or design to immediately distinguish it from
10 other licenses issued by the department.

11 F. If a person is qualified for a driver license but is subject to
12 the certified ignition interlock device limitations prescribed in section
13 28-1381, 28-1382, 28-1383 or 28-3319, the department shall issue a license
14 that is marked by color, code or design to immediately distinguish it from
15 other licenses issued by the department.

16 G. The department shall not include information in the magnetic
17 stripe and bar code of a driver license other than information that the
18 department is authorized to obtain and place on a driver license pursuant
19 to this article.

20 H. If a minor has been emancipated pursuant to title 12, chapter
21 15, on application and proof of emancipation, the department shall issue a
22 driver license that contains the words "emancipated minor".