

Senate Engrossed

graduated driver licenses; education program.

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1495

AN ACT

AMENDING SECTIONS 28-101, 28-3174 AND 28-3395, 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 28-101, Arizona Revised Statutes, is amended to
3 read:

4 28-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Alcohol" means any substance containing any form of alcohol,
7 including ethanol, methanol, propynol and isopropynol.

8 2. "Alcohol concentration" if expressed as a percentage means
9 either:

10 (a) The number of grams of alcohol per one hundred milliliters of
11 blood.

12 (b) The number of grams of alcohol per two hundred ten liters of
13 breath.

14 3. "All-terrain vehicle" means either of the following:

15 (a) A motor vehicle that satisfies all of the following:

16 (i) Is designed primarily for recreational nonhighway all-terrain
17 travel.

18 (ii) Is fifty or fewer inches in width.

19 (iii) Has an unladen weight of one thousand two hundred pounds or
20 less.

21 (iv) Travels on three or more nonhighway tires.

22 (v) Is operated on a public highway.

23 (b) A recreational off-highway vehicle that satisfies all of the
24 following:

25 (i) Is designed primarily for recreational nonhighway all-terrain
26 travel.

27 (ii) Is eighty or fewer inches in width.

28 (iii) Has an unladen weight of two thousand five hundred pounds or
29 less.

30 (iv) Travels on four or more nonhighway tires.

31 (v) Has a steering wheel for steering control.

32 (vi) Has a rollover protective structure.

33 (vii) Has an occupant retention system.

34 4. "Authorized emergency vehicle" means any of the following:

35 (a) A fire department vehicle.

36 (b) A police vehicle.

37 (c) An ambulance or emergency vehicle of a municipal department or
38 public service corporation that is designated or authorized by the
39 department or a local authority.

40 (d) Any other ambulance, fire truck or rescue vehicle that is
41 authorized by the department in its sole discretion and that meets
42 liability insurance requirements prescribed by the department.

43 5. "Autocycle" means a three-wheeled motorcycle on which the driver
44 and passengers ride in a fully or partially enclosed seating area that is
45 equipped with a roll cage, safety belts for each occupant and antilock

1 brakes and that is designed to be controlled with a steering wheel and
2 pedals.

3 6. "Automotive recycler" means a person that is engaged in the
4 business of buying or acquiring a motor vehicle solely for the purpose of
5 dismantling, selling or otherwise disposing of the parts or accessories
6 and that removes parts for resale from six or more vehicles in a calendar
7 year.

8 7. "Aviation fuel" means all flammable liquids composed of a
9 mixture of selected hydrocarbons expressly manufactured and blended for
10 the purpose of effectively and efficiently operating an internal
11 combustion engine for use in an aircraft but does not include fuel for jet
12 or turbine powered aircraft.

13 8. "Bicycle" means a device, including a racing wheelchair, that is
14 propelled by human power and on which a person may ride and that has
15 either:

16 (a) Two tandem wheels, either of which is more than sixteen inches
17 in diameter.

18 (b) Three wheels in contact with the ground, any of which is more
19 than sixteen inches in diameter.

20 9. "Board" means the transportation board.

21 10. "Bus" means a motor vehicle designed for carrying sixteen or
22 more passengers, including the driver.

23 11. "Business district" means the territory contiguous to and
24 including a highway if there are buildings in use for business or
25 industrial purposes within any six hundred feet along the highway,
26 including hotels, banks or office buildings, railroad stations and public
27 buildings that occupy at least three hundred feet of frontage on one side
28 or three hundred feet collectively on both sides of the highway.

29 12. "Certificate of ownership" means a paper or an electronic
30 record that is issued in another state or a foreign jurisdiction and that
31 indicates ownership of a vehicle.

32 13. "Certificate of title" means a paper document or an electronic
33 record that is issued by the department and that indicates ownership of a
34 vehicle.

35 14. "Combination of vehicles" means a truck or truck tractor and
36 semitrailer and any trailer that it tows but does not include a forklift
37 designed for the purpose of loading or unloading the truck, trailer or
38 semitrailer.

39 15. "Controlled substance" means a substance so classified under
40 section 102(6) of the controlled substances act (21 United States Code
41 section 802(6)) and includes all substances listed in schedules I through
42 V of 21 Code of Federal Regulations part 1308.

43 16. "Conviction" means:

44 (a) An unvacated adjudication of guilt or a determination that a
45 person violated or failed to comply with the law in a court of original

1 jurisdiction or by an authorized administrative tribunal.

2 (b) An unvacated forfeiture of bail or collateral deposited to
3 secure the person's appearance in court.

4 (c) A plea of guilty or no contest accepted by the court.

5 (d) The payment of a fine or court costs.

6 17. "County highway" means a public road that is constructed and
7 maintained by a county.

8 18. "Dealer" means a person who is engaged in the business of
9 buying, selling or exchanging motor vehicles, trailers or semitrailers and
10 who has an established place of business and has paid fees pursuant to
11 section 28-4302.

12 19. "Department" means the department of transportation acting
13 directly or through its duly authorized officers and agents.

14 20. "Digital network or software application" has the same meaning
15 prescribed in section 28-9551.

16 21. "Director" means the director of the department of
17 transportation.

18 22. "Drive" means to operate or be in actual physical control of a
19 motor vehicle.

20 23. "Driver" means a person who drives or is in actual physical
21 control of a vehicle.

22 24. "Driver license" means a license that is issued by a state to
23 an individual and that authorizes the individual to drive a motor vehicle.

24 25. "Electric bicycle" means a bicycle or tricycle that is equipped
25 with fully operable pedals and an electric motor of less than seven
26 hundred fifty watts and that meets the requirements of one of the
27 following classes:

28 (a) "Class 1 electric bicycle" means a bicycle or tricycle that is
29 equipped with an electric motor that provides assistance only when the
30 rider is pedaling and that ceases to provide assistance when the bicycle
31 or tricycle reaches the speed of twenty miles per hour.

32 (b) "Class 2 electric bicycle" means a bicycle or tricycle that is
33 equipped with an electric motor that may be used exclusively to propel the
34 bicycle or tricycle and that is not capable of providing assistance when
35 the bicycle or tricycle reaches the speed of twenty miles per hour.

36 (c) "Class 3 electric bicycle" means a bicycle or tricycle that is
37 equipped with an electric motor that provides assistance only when the
38 rider is pedaling and that ceases to provide assistance when the bicycle
39 or tricycle reaches the speed of twenty-eight miles per hour.

40 26. "Electric miniature scooter" means a device that:

41 (a) Weighs less than thirty pounds.

42 (b) Has two or three wheels.

43 (c) Has handlebars.

44 (d) Has a floorboard on which a person may stand while riding.

45 (e) Is powered by an electric motor or human power, or both.

1 (f) Has a maximum speed that does not exceed ten miles per hour,
2 with or without human propulsion, on a paved level surface.

3 27. "Electric personal assistive mobility device" means a
4 self-balancing device with one wheel or two nontandem wheels and an
5 electric propulsion system that limits the maximum speed of the device to
6 fifteen miles per hour or less and that is designed to transport only one
7 person.

8 28. "Electric standup scooter":

9 (a) Means a device that:

10 (i) Weighs less than seventy-five pounds.

11 (ii) Has two or three wheels.

12 (iii) Has handlebars.

13 (iv) Has a floorboard on which a person may stand while riding.

14 (v) Is powered by an electric motor or human power, or both.

15 (vi) Has a maximum speed that does not exceed twenty miles per
16 hour, with or without human propulsion, on a paved level surface.

17 (b) Does not include an electric miniature scooter.

18 29. "Evidence" includes both of the following:

19 (a) A display on a wireless communication device of a
20 department-generated driver license, nonoperating identification license,
21 vehicle registration card or other official record of the department that
22 is presented to a law enforcement officer or in a court or an
23 administrative proceeding.

24 (b) An electronic or digital license plate authorized pursuant to
25 section 28-364.

26 30. "Farm" means any lands primarily used for agriculture
27 production.

28 31. "Farm tractor" means a motor vehicle designed and used
29 primarily as a farm implement for drawing implements of husbandry.

30 32. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
31 that is brought into this state other than in the ordinary course of
32 business by or through a manufacturer or dealer and that has not been
33 registered in this state.

34 33. "Golf cart" means a motor vehicle that has not less than three
35 wheels in contact with the ground, that has an unladen weight of less than
36 one thousand eight hundred pounds, that is designed to be and is operated
37 at not more than twenty-five miles per hour and that is designed to carry
38 not more than four persons including the driver.

39 34. "Hazardous material" means a material, and its mixtures or
40 solutions, that the United States department of transportation determines
41 under 49 Code of Federal Regulations is, or any quantity of a material
42 listed as a select agent or toxin under 42 Code of Federal Regulations
43 part 73 that is, capable of posing an unreasonable risk to health, safety
44 and property if transported in commerce and that is required to be
45 placarded or marked as required by the department's safety rules

1 prescribed pursuant to chapter 14 of this title.

2 35. "Implement of husbandry" means a vehicle that is designed
3 primarily for agricultural purposes and that is used exclusively in the
4 conduct of agricultural operations, including an implement or vehicle
5 whether self-propelled or otherwise that meets both of the following
6 conditions:

7 (a) Is used solely for agricultural purposes including the
8 preparation or harvesting of cotton, alfalfa, grains and other farm crops.

9 (b) Is only incidentally operated or moved on a highway whether as
10 a trailer or self-propelled unit. For the purposes of this subdivision,
11 "incidentally operated or moved on a highway" means travel between a farm
12 and another part of the same farm, from one farm to another farm or
13 between a farm and a place of repair, supply or storage.

14 36. "Limousine" means a motor vehicle providing prearranged ground
15 transportation service for an individual passenger, or a group of
16 passengers, that is arranged in advance or is operated on a regular route
17 or between specified points and includes ground transportation under a
18 contract or agreement for services that includes a fixed rate or time and
19 is provided in a motor vehicle with a seating capacity not exceeding
20 fifteen passengers including the driver.

21 37. "Livery vehicle" means a motor vehicle that:

22 (a) Has a seating capacity not exceeding fifteen passengers
23 including the driver.

24 (b) Provides passenger services for a fare determined by a flat
25 rate or flat hourly rate between geographic zones or within a geographic
26 area.

27 (c) Is available for hire on an exclusive or shared ride basis.

28 (d) May do any of the following:

29 (i) Operate on a regular route or between specified places.

30 (ii) Offer prearranged ground transportation service as defined in
31 section 28-141.

32 (iii) Offer on demand ground transportation service pursuant to a
33 contract with a public airport, licensed business entity or organization.

34 38. "Local authority" means any county, municipal or other local
35 board or body exercising jurisdiction over highways under the constitution
36 and laws of this state.

37 39. "Manufacturer" means a person engaged in the business of
38 manufacturing motor vehicles, trailers or semitrailers.

39 40. "Moped" means a bicycle, not including an electric bicycle, an
40 electric miniature scooter or an electric standup scooter, that is
41 equipped with a helper motor if the vehicle has a maximum piston
42 displacement of fifty cubic centimeters or less, a brake horsepower of one
43 and one-half or less and a maximum speed of twenty-five miles per hour or
44 less on a flat surface with less than a one percent grade.

45 41. "Motorcycle" means a motor vehicle that has a seat or saddle

1 for the use of the rider and that is designed to travel on not more than
2 three wheels in contact with the ground but excludes a tractor, an
3 electric bicycle, an electric miniature scooter, an electric standup
4 scooter and a moped.

5 42. "Motor driven cycle" means a motorcycle, including every motor
6 scooter, with a motor that produces not more than five horsepower but does
7 not include an electric bicycle, an electric miniature scooter or an
8 electric standup scooter.

9 43. "Motorized quadricycle" means a self-propelled motor vehicle to
10 which all of the following apply:

11 (a) The vehicle is self-propelled by an emission-free electric
12 motor and may include pedals operated by the passengers.

13 (b) The vehicle has at least four wheels in contact with the
14 ground.

15 (c) The vehicle seats at least eight passengers, including the
16 driver.

17 (d) The vehicle is operable on a flat surface using solely the
18 electric motor without assistance from the pedals or passengers.

19 (e) The vehicle is a commercial motor vehicle as defined in section
20 28-5201.

21 (f) The vehicle is a limousine operating under a vehicle for hire
22 company permit issued pursuant to section 28-9503.

23 (g) The vehicle is manufactured by a motor vehicle manufacturer
24 that is licensed pursuant to chapter 10 of this title.

25 (h) The vehicle complies with the definition and standards for
26 low-speed vehicles set forth in federal motor vehicle safety standard 500
27 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
28 respectively.

29 44. "Motor vehicle":

30 (a) Means either:

31 (i) A self-propelled vehicle.

32 (ii) For the purposes of the laws relating to the imposition of a
33 tax on motor vehicle fuel, a vehicle that is operated on the highways of
34 this state and that is propelled by the use of motor vehicle fuel.

35 (b) Does not include a scrap vehicle, a personal delivery device, a
36 personal mobile cargo carrying device, a motorized wheelchair, an electric
37 personal assistive mobility device, an electric bicycle, an electric
38 miniature scooter, an electric standup scooter or a motorized skateboard.
39 For the purposes of this subdivision:

40 (i) "Motorized skateboard" means a self-propelled device that does
41 not have handlebars and that has a motor, a deck on which a person may
42 ride and at least two tandem wheels in contact with the ground.

43 (ii) "Motorized wheelchair" means a self-propelled wheelchair that
44 is used by a person for mobility.

45 45. "Motor vehicle fuel" includes all products that are commonly or

1 commercially known or sold as gasoline, including casinghead gasoline,
2 natural gasoline and all flammable liquids, and that are composed of a
3 mixture of selected hydrocarbons expressly manufactured and blended for
4 the purpose of effectively and efficiently operating internal combustion
5 engines. Motor vehicle fuel does not include inflammable liquids that are
6 specifically manufactured for racing motor vehicles and that are
7 distributed for and used by racing motor vehicles at a racetrack, use fuel
8 as defined in section 28-5601, aviation fuel, fuel for jet or turbine
9 powered aircraft or the mixture created at the interface of two different
10 substances being transported through a pipeline, commonly known as
11 transmix.

12 46. "Neighborhood electric vehicle" means a self-propelled
13 electrically powered motor vehicle to which all of the following apply:

14 (a) The vehicle is emission free.

15 (b) The vehicle has at least four wheels in contact with the
16 ground.

17 (c) The vehicle complies with the definition and standards for
18 low-speed vehicles set forth in federal motor vehicle safety standard 500
19 and 49 Code of Federal Regulations sections 571.3(b) and 571.500,
20 respectively.

21 47. "Nonresident" means a person who is not a resident of this
22 state as defined in section 28-2001.

23 48. "Off-road recreational motor vehicle" means a motor vehicle
24 that is designed primarily for recreational nonhighway all-terrain travel
25 and that is not operated on a public highway. Off-road recreational motor
26 vehicle does not mean a motor vehicle used for construction, building
27 trade, mining or agricultural purposes.

28 49. "Operator" means a person who drives a motor vehicle on a
29 highway, who is in actual physical control of a motor vehicle on a highway
30 or who is exercising control over or steering a vehicle being towed by a
31 motor vehicle.

32 50. "Owner" means:

33 (a) A person who holds the legal title of a vehicle.

34 (b) If a vehicle is the subject of an agreement for the conditional
35 sale or lease with the right of purchase on performance of the conditions
36 stated in the agreement and with an immediate right of possession vested
37 in the conditional vendee or lessee, the conditional vendee or lessee.

38 (c) If a mortgagor of a vehicle is entitled to possession of the
39 vehicle, the mortgagor.

40 51. "Pedestrian" means any person afoot. A person who uses an
41 electric personal assistive mobility device or a manual or motorized
42 wheelchair is considered a pedestrian unless the manual wheelchair
43 qualifies as a bicycle. For the purposes of this paragraph, "motorized
44 wheelchair" means a self-propelled wheelchair that is used by a person for
45 mobility.

1 52. "Personal delivery device":

2 (a) Means a device that is both of the following:

3 (i) Manufactured for transporting cargo and goods in an area
4 described in section 28-1225.

5 (ii) ~~is~~ Equipped with automated driving technology, including
6 software and hardware, that enables the operation of the device with the
7 remote support and supervision of a human.

8 (b) Does not include a personal mobile cargo carrying device.

9 53. "Personal mobile cargo carrying device" means an electronically
10 powered device that:

11 (a) Is operated primarily on sidewalks and within crosswalks and
12 that is designed to transport property.

13 (b) Weighs less than eighty pounds, excluding cargo.

14 (c) Operates at a maximum speed of twelve miles per hour.

15 (d) Is equipped with technology to transport personal property with
16 the active monitoring of a property owner and that is primarily designed
17 to remain within twenty-five feet of the property owner.

18 (e) Is equipped with a braking system that when active or engaged
19 enables the personal mobile cargo carrying device to come to a controlled
20 stop.

21 54. "Power sweeper" means an implement, with or without motive
22 power, that is only incidentally operated or moved on a street or highway
23 and that is designed for the removal of debris, dirt, gravel, litter or
24 sand whether by broom, vacuum or regenerative air system from asphaltic
25 concrete or cement concrete surfaces, including parking lots, highways,
26 streets and warehouses, and a vehicle on which the implement is
27 permanently mounted.

28 55. "Public transit" means the transportation of passengers on
29 scheduled routes by means of a conveyance on an individual passenger
30 fare-paying basis excluding transportation by a sightseeing bus, school
31 bus or taxi or a vehicle not operated on a scheduled route basis.

32 56. "Reconstructed vehicle" means a vehicle that has been assembled
33 or constructed largely by means of essential parts, new or used, derived
34 from vehicles or makes of vehicles of various names, models and types or
35 that, if originally otherwise constructed, has been materially altered by
36 the removal of essential parts or by the addition or substitution of
37 essential parts, new or used, derived from other vehicles or makes of
38 vehicles. For the purposes of this paragraph, "essential parts" means
39 integral and body parts, the removal, alteration or substitution of which
40 will tend to conceal the identity or substantially alter the appearance of
41 the vehicle.

42 57. "Residence district" means the territory contiguous to and
43 including a highway not comprising a business district if the property on
44 the highway for a distance of three hundred feet or more is in the main
45 improved with residences or residences and buildings in use for business.

1 58. "Right-of-way" when used within the context of the regulation
2 of the movement of traffic on a highway means the privilege of the
3 immediate use of the highway. Right-of-way when used within the context
4 of the real property on which transportation facilities and appurtenances
5 to the facilities are constructed or maintained means the lands or
6 interest in lands within the right-of-way boundaries.

7 59. "School bus" means a motor vehicle that is designed for
8 carrying more than ten passengers and that is either:

9 (a) Owned by any public or governmental agency or other institution
10 and operated for the transportation of children to or from home or school
11 on a regularly scheduled basis.

12 (b) Privately owned and operated for compensation for the
13 transportation of children to or from home or school on a regularly
14 scheduled basis.

15 60. "Scrap metal dealer" has the same meaning prescribed in section
16 44-1641.

17 61. "Scrap vehicle" has the same meaning prescribed in section
18 44-1641.

19 62. "Semitrailer" means a vehicle that is with or without motive
20 power, other than a pole trailer or single-axle tow dolly, that is
21 designed for carrying persons or property and for being drawn by a motor
22 vehicle and that is constructed so that some part of its weight and that
23 of its load rests on or is carried by another vehicle. For the purposes
24 of this paragraph, "pole trailer" has the same meaning prescribed in
25 section 28-601.

26 63. "Single-axle tow dolly" means a nonvehicle device that is drawn
27 by a motor vehicle, that is designed and used exclusively to transport
28 another motor vehicle and on which the front or rear wheels of the drawn
29 motor vehicle are mounted on the tow dolly while the other wheels of the
30 drawn motor vehicle remain in contact with the ground.

31 64. "State" means a state of the United States and the District of
32 Columbia.

33 65. "State highway" means a state route or portion of a state route
34 that is accepted and designated by the board as a state highway and that
35 is maintained by the state.

36 66. "State route" means a right-of-way whether actually used as a
37 highway or not that is designated by the board as a location for the
38 construction of a state highway.

39 67. "Street" or "highway" means the entire width between the
40 boundary lines of every way if a part of the way is open to the use of the
41 public for purposes of vehicular travel.

42 68. "Taxi" means a motor vehicle that has a seating capacity not
43 exceeding fifteen passengers, including the driver, that provides
44 passenger services and that:

45 (a) Does not primarily operate on a regular route or between

1 specified places.

2 (b) Offers local transportation for a fare determined on the basis
3 of the distance traveled or prearranged ground transportation service as
4 defined in section 28-141 for a predetermined fare.

5 69. "Title transfer form" means a paper or an electronic form that
6 is prescribed by the department for the purpose of transferring a
7 certificate of title from one owner to another owner.

8 70. "Traffic survival school" means a school that IS LICENSED
9 PURSUANT TO CHAPTER 8, ARTICLE 7.1 OF THIS TITLE AND THAT offers
10 educational sessions ~~to drivers who are required to attend and~~
11 ~~successfully complete educational sessions pursuant to this title~~ that are
12 designed to improve the safety and habits of drivers and that are approved
13 by the department.

14 71. "Trailer" means a vehicle that is with or without motive power,
15 other than a pole trailer or single-axle tow dolly, that is designed for
16 carrying persons or property and for being drawn by a motor vehicle and
17 that is constructed so that no part of its weight rests on the towing
18 vehicle. A semitrailer equipped with an auxiliary front axle commonly
19 known as a dolly is deemed to be a trailer. For the purposes of this
20 paragraph, "pole trailer" has the same meaning prescribed in section
21 28-601.

22 72. "Transportation network company" has the same meaning
23 prescribed in section 28-9551.

24 73. "Transportation network company vehicle" has the same meaning
25 prescribed in section 28-9551.

26 74. "Transportation network service" has the same meaning
27 prescribed in section 28-9551.

28 75. "Truck" means a motor vehicle designed or used primarily for
29 the carrying of property other than the effects of the driver or
30 passengers and includes a motor vehicle to which has been added a box, a
31 platform or other equipment for such carrying.

32 76. "Truck tractor" means a motor vehicle that is designed and used
33 primarily for drawing other vehicles and that is not constructed to carry
34 a load other than a part of the weight of the vehicle and load drawn.

35 77. "Vehicle":

36 (a) Means a device in, on or by which a person or property is or
37 may be transported or drawn on a public highway.

38 (b) Does not include:

39 (i) Electric bicycles, electric miniature scooters, electric
40 standup scooters and devices moved by human power.

41 (ii) Devices used exclusively on stationary rails or tracks.

42 (iii) Personal delivery devices.

43 (iv) Scrap vehicles.

44 (v) Personal mobile cargo carrying devices.

45 78. "Vehicle transporter" means either:

1 (a) A truck tractor capable of carrying a load and drawing a
2 semitrailer.

3 (b) A truck tractor with a stinger-steered fifth wheel capable of
4 carrying a load and drawing a semitrailer or a truck tractor with a dolly
5 mounted fifth wheel that is securely fastened to the truck tractor at two
6 or more points and that is capable of carrying a load and drawing a
7 semitrailer.

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

10 28-3174. Class G driver licenses; restrictions; civil
11 penalties; motorcycles

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

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

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

19 3. ~~Either~~ ANY OF THE FOLLOWING APPLIES:

20 (a) The person has satisfactorily completed a driver education
21 program that is approved by the department of transportation. If the
22 driver education program is offered by a public high school, the program
23 shall be approved by the department of transportation in consultation with
24 the department of education.

25 (b) BOTH OF THE FOLLOWING APPLY:

26 (i) THE PERSON COMPLETES A DRIVER EDUCATION PROGRAM THAT IS OFFERED
27 BY A DEFENSIVE DRIVING SCHOOL THAT IS CERTIFIED PURSUANT TO SECTION
28 28-3395 AND THAT IS APPROVED BY THE SUPREME COURT OR A TRAFFIC SURVIVAL
29 SCHOOL.

30 (ii) A CUSTODIAL PARENT OR GUARDIAN OF THE PERSON CERTIFIES IN
31 WRITING TO THE DEPARTMENT THAT THE APPLICANT HAS COMPLETED AT LEAST TWENTY
32 HOURS OF SUPERVISED DRIVING PRACTICE AND THAT AT LEAST SIX OF THE REQUIRED
33 PRACTICE HOURS WERE AT NIGHT.

34 ~~(b)~~ (c) A custodial parent or guardian of the person certifies in
35 writing to the department that the applicant has completed at least thirty
36 hours of supervised driving practice and that at least ten of the required
37 practice hours were at night.

38 B. If the applicant successfully passes the examination prescribed
39 in section 28-3164 and satisfies the requirements prescribed in subsection
40 A of this section, the department may issue a class G driver license to
41 the applicant.

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

1 D. Except as provided in subsection K of this section, for the
2 first six months that a class G licensee holds the license, the licensee
3 shall not drive a motor vehicle on a public highway from 12:00 a.m. to
4 5:00 a.m. unless either:

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

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

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

16 1. Prohibit the licensee from driving a motor vehicle containing
17 passengers under the age of eighteen if the passengers are the licensee's
18 siblings.

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

22 F. Except as provided in subsection K of this section, for the
23 first six months that a class G licensee holds the license, the licensee
24 may not drive a motor vehicle while using a wireless communication device
25 for any reason except either:

26 1. During an emergency in which stopping the motor vehicle is
27 impossible or will create an additional emergency or safety hazard.

28 2. When using an audible turn-by-turn navigation system if both of
29 the following apply:

30 (a) The destination is not manually entered into the wireless
31 communication device while the licensee is driving the motor vehicle.

32 (b) The licensee does not manually adjust the wireless
33 communication device while driving the motor vehicle.

34 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, 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 H. If a licensee is found responsible for violating subsection D, E
40 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~~ \$75. The department shall extend the restriction
43 prescribed by subsection D, E or F of this section for thirty days, or if
44 the restriction prescribed by subsection D, 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~~ \$100. The department shall extend the restriction
5 prescribed by subsection D, E or F of this section for sixty days, or if
6 the restriction prescribed by subsection D, E or F of this section is
7 complete, the sixty day restriction begins on the department's receipt of
8 the 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
11 consecutively.

12 3. For a third or subsequent violation, is subject to a maximum
13 civil penalty of ~~one hundred dollars~~ \$100. On the department's receipt of
14 the report of the finding of responsibility, the department shall suspend
15 the licensee's driving privilege for thirty days. If the licensee also
16 has a suspension resulting from a moving civil traffic violation or a
17 moving criminal traffic offense as prescribed by section 28-3321, the
18 suspensions run consecutively.

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

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

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

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

34 4. A written, notarized letter from a representative of the
35 sanctioned religious activity certifying that the licensee was returning
36 from the religious activity.

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

44 K. The restrictions imposed by subsection D, E or F of this section
45 do not apply beginning on the licensee's eighteenth birthday. Any

1 penalties or restrictions imposed pursuant to subsection H of this section
2 shall be fully satisfied even if the licensee is eighteen years of age or
3 older.

4 L. A person who holds a class G driver license may apply for a
5 class D license on or after the person's eighteenth birthday, except that
6 a person whose class G driver license is suspended pursuant to section
7 28-3321 is not entitled to receive a class D driver license until after
8 the suspension period expires.

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

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

17 2. Either:

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

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

26 Sec. 3. Section 28-3395, Arizona Revised Statutes, is amended to
27 read:

28 28-3395. Supreme court authority and duties; rules; record

29 A. The supreme court may contract with a public or private agency
30 that does not provide defensive driving schools in this state pursuant to
31 this article to provide assistance in carrying out the duties of this
32 article.

33 B. The supreme court shall:

34 1. Supervise the use of defensive driving schools by the courts in
35 this state.

36 2. Make public the amount of the court diversion fee assessed by
37 each court in this state pursuant to this article and the total cost to
38 attend a defensive driving school in each court.

39 3. Establish an automated statewide database for keeping a record
40 of persons who attend a defensive driving school. **THIS DATABASE SHALL NOT**
41 **INCLUDE A RECORD OF PERSONS WHO ATTEND A DEFENSIVE DRIVING SCHOOL FOR A**
42 **DRIVER EDUCATION PROGRAM PURSUANT TO SECTION 28-3174.**

43 4. Adopt rules that establish criteria for the certification of
44 qualified defensive driving schools and instructors used by the courts.

- 1 5. Establish procedures for courts and schools to remit reports
2 that are required by the supreme court.
- 3 6. Certify and monitor defensive driving schools and instructors
4 that serve as a court authorized diversion program.
- 5 7. Require that a defensive driving school class not exceed a total
6 of four and one-half hours, including any testing, reviewing and grading
7 related to the defensive driving school class.
- 8 8. Require each defensive driving school to submit to the supreme
9 court the school's future schedule of classroom defensive driving courses,
10 including the dates, start and end times, instructors' names and location
11 for each course. Each scheduled defensive driving school class shall
12 admit only students who are registered with that school. A defensive
13 driving school certified instructor may not teach or facilitate a
14 defensive driving school class for more than one certified defensive
15 driving school during the same class instruction time period. A course's
16 date, time and location may not be changed or canceled except for
17 extraordinary circumstances.
- 18 C. The information contained in the database required by this
19 section is not a public record.