

REFERENCE TITLE: **DUI; license suspensions; restrictions**

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **SB 1334**

Introduced by  
Senator Pace

**AN ACT**

**AMENDING SECTIONS 28-673, 28-1321, 28-1383, 28-1385, 28-1387, 28-1401, 28-1402, 28-1442, 28-3319, 28-3320 AND 28-3322, ARIZONA REVISED STATUTES; RELATING TO DRIVING UNDER THE INFLUENCE.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-673, Arizona Revised Statutes, is amended to  
3 read:

4 28-673. Traffic accidents; implied consent; tests

5 A. A person who operates a motor vehicle within this state gives  
6 consent to a test or tests of the person's blood, breath, urine or other  
7 bodily substance for the purposes of determining alcohol concentration or  
8 drug content if the person is involved in a traffic accident resulting in  
9 death or serious physical injury as defined in section 13-105 and a law  
10 enforcement officer has probable cause to believe that the person caused  
11 the accident or the person is issued a citation for a violation of any  
12 provision of this article, article 2, 3 or 5 through 15 of this chapter or  
13 chapter 4 of this title.

14 B. The test or tests chosen by the law enforcement agency shall be  
15 administered at the direction of a law enforcement officer who has  
16 reasonable grounds to believe that the person was involved in a traffic  
17 accident resulting in death or serious physical injury as defined in  
18 section 13-105 and who has probable cause to believe that the person  
19 caused the accident or the person was issued a citation for a violation of  
20 any provision of this article, article 2, 3 or 5 through 15 of this  
21 chapter or chapter 4 of this title.

22 C. After a determination is made that a person was involved in a  
23 traffic accident resulting in death or serious physical injury as defined  
24 in section 13-105 and the officer has probable cause to believe that the  
25 person caused the accident or the person was issued a citation for a  
26 violation of any provision of this article, article 2, 3 or 5 through 15  
27 of this chapter or chapter 4 of this title, the person may be requested to  
28 submit to and successfully complete any test or tests prescribed by  
29 subsection A of this section, and if the person refuses, the person shall  
30 be informed that the person's license or permit to drive will be suspended  
31 or denied for twelve months, or for two years for a second or subsequent  
32 refusal in a period of eighty-four months, unless the person expressly  
33 agrees to submit to and successfully completes the test or tests. A  
34 failure to expressly agree to the test or successfully complete the test  
35 is deemed a refusal. The person shall also be informed that if the test  
36 results show a blood or breath alcohol concentration of 0.08 or more, or  
37 if the results show a blood or breath alcohol concentration of 0.04 or  
38 more and the person was driving or in actual physical control of a  
39 commercial motor vehicle, the person's license or permit to drive will be  
40 suspended or denied for not less than ninety consecutive days.

41 D. If a person refuses to submit to the test designated by the law  
42 enforcement agency as provided in subsection B of this section:

43 1. The test shall not be given, except as provided in section  
44 28-1388, subsection E or pursuant to a search warrant.

1           2. The law enforcement officer directing the administration of the  
2 test shall:

3           (a) File a certified report of the refusal with the department.

4           (b) On behalf of the department, serve an order of suspension on  
5 the person that is effective ~~fifteen~~ THIRTY days after the date the order  
6 is served.

7           (c) Require the immediate surrender of any license or permit to  
8 drive that is issued by this state and that is in the possession or  
9 control of the person.

10          (d) If the license or permit is not surrendered, state the reason  
11 why it is not surrendered.

12          (e) If a valid license or permit is surrendered, issue a temporary  
13 driving permit that is valid for ~~fifteen~~ THIRTY days.

14          (f) Forward the certified report of refusal, a copy of the  
15 completed notice of suspension, a copy of any completed temporary permit  
16 and any driver license or permit taken into possession under this section  
17 to the department within five days after the issuance of the notice of  
18 suspension.

19          E. Section 28-1321, subsections E through P apply to any test  
20 prescribed by this section and to any person who refuses to submit to a  
21 test prescribed by this section, except that:

22           1. The certified report shall state the law enforcement officer's  
23 reasonable grounds to believe that the person was involved in a traffic  
24 accident resulting in death or serious physical injury as defined in  
25 section 13-105 and the law enforcement officer's probable cause to believe  
26 that the person caused the accident or the person was issued a citation  
27 for a violation of any provision of this article, article 2, 3 or 5  
28 through 15 of this chapter or chapter 4 of this title.

29           2. The certified report shall be filed pursuant to subsection D of  
30 this section.

31           3. The scope of the hearing shall include the law enforcement  
32 officer's probable cause to believe that the person was involved in a  
33 traffic accident resulting in death or serious physical injury as defined  
34 in section 13-105 and the law enforcement officer's probable cause to  
35 believe that the person caused the accident or the person was issued a  
36 citation for a violation of any provision of this article, article 2, 3 or  
37 5 through 15 of this chapter or chapter 4 of this title.

38          F. A person who is dead, unconscious or otherwise in a condition  
39 rendering the person incapable of refusal is deemed not to have withdrawn  
40 the consent provided by subsection A of this section and the test or tests  
41 shall be administered.

1           Sec. 2. Section 28-1321, Arizona Revised Statutes, is amended to  
2 read:

3           28-1321. Implied consent; tests; refusal to submit to test;  
4                           order of suspension; hearing; review; temporary  
5                           permit; notification of suspension; special  
6                           ignition interlock restricted driver license

7           A. A person who operates a motor vehicle in this state gives  
8 consent, subject to section 4-244, paragraph 34 or section 28-1381,  
9 28-1382 or 28-1383, to a test or tests of the person's blood, breath,  
10 urine or other bodily substance for the purpose of determining alcohol  
11 concentration or drug content if the person is arrested for any offense  
12 arising out of acts alleged to have been committed in violation of this  
13 chapter or section 4-244, paragraph 34 while the person was driving or in  
14 actual physical control of a motor vehicle while under the influence of  
15 intoxicating liquor or drugs. The test or tests chosen by the law  
16 enforcement agency shall be administered at the direction of a law  
17 enforcement officer having reasonable grounds to believe that the person  
18 was driving or in actual physical control of a motor vehicle in this state  
19 either:

- 20           1. While under the influence of intoxicating liquor or drugs.  
21           2. If the person is under twenty-one years of age, with spirituous  
22 liquor in the person's body.

23           B. After an arrest a violator shall be requested to submit to and  
24 successfully complete any test or tests prescribed by subsection A of this  
25 section, and if the violator refuses the violator shall be informed that  
26 the violator's license or permit to drive will be suspended or denied for  
27 twelve months, or for two years for a second or subsequent refusal within  
28 a period of eighty-four months, unless the violator expressly agrees to  
29 submit to and successfully completes the test or tests. A failure to  
30 expressly agree to the test or successfully complete the test is deemed a  
31 refusal. The violator shall also be informed that:

32           1. If the test results show a blood or breath alcohol concentration  
33 of 0.08 or more, if the results show a blood or breath alcohol  
34 concentration of 0.04 or more and the violator was driving or in actual  
35 physical control of a commercial motor vehicle or if the results show  
36 there is any drug defined in section 13-3401 or its metabolite in the  
37 person's body and the person does not possess a valid prescription for the  
38 drug, the violator's license or permit to drive will be suspended or  
39 denied for not less than ninety consecutive days.

40           2. The violator's driving privilege, license, permit, right to  
41 apply for a license or permit or nonresident operating privilege may be  
42 issued or reinstated following the period of suspension only if the  
43 violator completes alcohol or other drug screening.

44           C. A person who is dead, unconscious or otherwise in a condition  
45 rendering the person incapable of refusal is deemed not to have withdrawn

1 the consent provided by subsection A of this section and the test or tests  
2 may be administered, subject to section 4-244, paragraph 34 or section  
3 28-1381, 28-1382 or 28-1383.

4 D. If a person under arrest refuses to submit to the test  
5 designated by the law enforcement agency as provided in subsection A of  
6 this section:

7 1. The test shall not be given, except as provided in section  
8 28-1388, subsection E or pursuant to a search warrant.

9 2. The law enforcement officer directing the administration of the  
10 test shall:

11 (a) File a certified report of the refusal with the department.

12 (b) On behalf of the department, serve an order of suspension on  
13 the person that is effective ~~fifteen~~ THIRTY days after the date the order  
14 is served.

15 (c) Require the immediate surrender of any license or permit to  
16 drive that is issued by this state and that is in the possession or  
17 control of the person. The law enforcement agency may do either of the  
18 following to a driver license or permit taken into possession under this  
19 subdivision:

20 (i) In compliance with sections 41-151.15 and 41-151.19, destroy  
21 the driver license or permit.

22 (ii) Forward the driver license or permit to the department within  
23 five days after the issuance of the notice of suspension.

24 (d) If the license or permit is not surrendered, state the reason  
25 why it is not surrendered.

26 (e) If a valid license or permit is surrendered, issue a temporary  
27 driving permit that is valid for ~~fifteen~~ THIRTY days.

28 (f) Forward the certified report of refusal, a copy of the  
29 completed notice of suspension and a copy of any completed temporary  
30 permit to the department within five days after the issuance of the notice  
31 of suspension.

32 E. The certified report is subject to the penalty for perjury as  
33 prescribed by section 28-1561 and shall state all of the following:

34 1. The officer's reasonable grounds to believe that the arrested  
35 person was driving or in actual physical control of a motor vehicle in  
36 this state either:

37 (a) While under the influence of intoxicating liquor, ~~or drugs~~ ANY  
38 DRUG, A VAPOR RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY  
39 COMBINATION OF LIQUOR, DRUGS OR VAPOR RELEASING SUBSTANCES IF THE PERSON  
40 IS IMPAIRED TO THE SLIGHTEST DEGREE.

41 (b) If the person is under twenty-one years of age, with spirituous  
42 liquor in the person's body.

43 2. The manner in which the person refused to submit to the test or  
44 tests.

45 3. That the person was advised of the consequences of refusal.

1 F. On receipt of the certified report of refusal and a copy of the  
2 order of suspension and on the effective date stated on the order, the  
3 department shall enter the order of suspension on its records unless a  
4 written or online request for a hearing as provided in this section has  
5 been filed by the accused person. If the department receives only the  
6 certified report of refusal, the department shall notify the person named  
7 in the report in writing sent by mail that:

8 1. ~~Fifteen~~ THIRTY days after the date of issuance of the notice the  
9 department will suspend the person's license or permit, driving privilege  
10 or nonresident driving privilege.

11 2. The department will provide an opportunity for a hearing if the  
12 person requests a hearing in writing or online and the request is received  
13 by the department within ~~fifteen~~ THIRTY days after the notice is sent.

14 G. The order of suspension issued by a law enforcement officer or  
15 the department under this section shall notify the person that:

16 1. The person may submit a written or online request for a hearing.

17 2. The request for a hearing must be received by the department  
18 within ~~fifteen~~ THIRTY days after the date of the notice or the order of  
19 suspension will become final.

20 3. The affected person's license or permit to drive or right to  
21 apply for a license or permit or any nonresident operating privilege will  
22 be suspended for twelve months from that date or for two years from that  
23 date for a second or subsequent refusal within a period of eighty-four  
24 months.

25 4. The person's driving privilege, license, permit, right to apply  
26 for a license or permit or nonresident operating privilege may be issued  
27 or reinstated following the period of suspension only if the person  
28 completes alcohol or other drug screening.

29 H. The order for suspension shall:

30 1. Be accompanied by printed forms that are ready to mail to the  
31 department, that may be filled out and signed by the person to indicate  
32 the person's desire for a hearing and that advise the person that the  
33 person may alternatively submit an online request for a hearing.

34 2. Advise the person that unless the person has surrendered any  
35 driver license or permit issued by this state the person's hearing request  
36 will not be accepted, except that the person may certify pursuant to  
37 section 28-3170 that the license or permit is lost or destroyed.

38 I. On the receipt of a request for a hearing, the department shall  
39 set the hearing within sixty days. The department may hold the hearing in  
40 person, by telephone or by videoconference. If the department holds the  
41 hearing in person, the hearing shall be held in the county in which the  
42 person named in the report resides unless the law enforcement agency  
43 filing the certified report of refusal pursuant to subsection D of this  
44 section requests at the time of its filing that the hearing be held in the  
45 county where the refusal occurred.

1 J. A timely request for a hearing stays the suspension until a  
2 hearing is held, except that the department shall not return any  
3 surrendered license or permit to the person but may issue temporary  
4 permits to drive that expire ~~no~~ NOT later than when the department has  
5 made its final decision. If the person is a resident without a license or  
6 permit or has an expired license or permit, the department may allow the  
7 person to apply for a restricted license or permit. If the department  
8 determines the person is otherwise entitled to the license or permit, the  
9 department shall issue and retain a restricted license or permit subject  
10 to this section.

11 K. Hearings requested under this section shall be conducted in the  
12 same manner and under the same conditions as provided in section 28-3306.  
13 For the purposes of this section, the scope of the hearing shall include  
14 only the issues of whether:

15 1. A law enforcement officer had reasonable grounds to believe that  
16 the person was driving or was in actual physical control of a motor  
17 vehicle in this state either:

18 (a) While under the influence of intoxicating liquor, ~~or drugs~~ ANY  
19 DRUG, A VAPOR RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY  
20 COMBINATION OF LIQUOR, DRUGS OR VAPOR RELEASING SUBSTANCES IF THE PERSON  
21 IS IMPAIRED TO THE SLIGHTEST DEGREE.

22 (b) If the person is under twenty-one years of age, with spirituous  
23 liquor in the person's body.

24 2. The person was placed under arrest.

25 3. The person refused to submit to the test.

26 4. The person was informed of the consequences of refusal.

27 L. If the department determines at the hearing to suspend the  
28 affected person's privilege to operate a motor vehicle, the suspension  
29 provided in this section is effective ~~fifteen~~ THIRTY days after giving  
30 written notice of the suspension, except that the department may issue or  
31 extend a temporary license that expires on the effective date of the  
32 suspension. If the person is a resident without a license or permit or  
33 has an expired license or permit to operate a motor vehicle in this state,  
34 the department shall deny to the person the issuance of a license or  
35 permit for a period of twelve months after the order of suspension becomes  
36 effective or for a period of two years after the order of suspension  
37 becomes effective for a second or subsequent refusal within a period of  
38 eighty-four months, and may reinstate the person's driving privilege,  
39 license, permit, right to apply for a license or permit or nonresident  
40 operating privilege following the period of suspension only if the person  
41 completes alcohol or other drug screening.

42 M. If the suspension order is sustained after the hearing, a motion  
43 for rehearing is not required. ~~Within thirty days after a suspension~~  
44 ~~order is sustained, the affected person may file a petition in the~~  
45 ~~superior court to review the final order of suspension or denial by the~~

1 ~~department in the same manner provided in section 28-3317. The court~~  
2 ~~shall hear the review of the final order of suspension or denial on an~~  
3 ~~expedited basis.~~ THE PERSON WHOSE LICENSE IS SUSPENDED MAY SEEK REVIEW OF  
4 THE DECISION PURSUANT TO SECTION 12-904.

5 N. If the suspension or determination that there should be a denial  
6 of issuance is not sustained, the ruling is not admissible in and has no  
7 effect on any administrative, civil or criminal court proceeding.

8 O. If it has been determined under the procedures of this section  
9 that a nonresident's privilege to operate a motor vehicle in this state  
10 has been suspended, the department shall give information either in  
11 writing or by electronic means of the action taken to the motor vehicle  
12 administrator of the state of the person's residence and of any state in  
13 which the person has a license.

14 P. After completing ~~not less than ninety consecutive days of the~~  
15 ~~period of suspension required by this section and~~ any alcohol or other  
16 drug screening that is ordered by the department pursuant to this chapter,  
17 a person whose driving privilege is suspended pursuant to this section may  
18 apply to the department for a special ignition interlock restricted driver  
19 license pursuant to section 28-1401. Unless the certified ignition  
20 interlock period is extended by the department pursuant to section  
21 28-1461, a person who is issued a special ignition interlock restricted  
22 driver license as provided in this subsection shall maintain a functioning  
23 certified ignition interlock device in compliance with this chapter during  
24 the remaining period of the suspension prescribed by this section. This  
25 subsection does not apply to a person whose driving privilege is suspended  
26 for a second or subsequent refusal within a period of eighty-four months.

27 Sec. 3. Section 28-1383, Arizona Revised Statutes, is amended to  
28 read:

29 28-1383. Aggravated driving or actual physical control while  
30 under the influence; county jail program; annual  
31 report; violation; classification; definitions

32 A. A person is guilty of aggravated driving or actual physical  
33 control while under the influence of intoxicating liquor, ~~or drugs~~ ANY  
34 DRUG, A VAPOR RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY  
35 COMBINATION OF LIQUOR, DRUGS OR VAPOR RELEASING SUBSTANCES IF THE PERSON  
36 IS IMPAIRED TO THE SLIGHTEST DEGREE if the person does any of the  
37 following:

38 1. Commits a violation of section 28-1381, section 28-1382 or this  
39 section while the person's driver license or privilege to drive is  
40 suspended, canceled, revoked or refused or while a restriction is placed  
41 on the person's driver license or privilege to drive as a result of  
42 violating section 28-1381 or 28-1382 or under section 28-1385.

43 2. Within a period of eighty-four months commits a third or  
44 subsequent violation of section 28-1381, section 28-1382 or this section  
45 or is convicted of a violation of section 28-1381, section 28-1382 or this



1 section and has previously been convicted of any combination of  
2 convictions of section 28-1381, section 28-1382 or this section or acts in  
3 another jurisdiction that if committed in this state would be a violation  
4 of section 28-1381, section 28-1382 or this section.

5 3. While a person under fifteen years of age is in the vehicle,  
6 commits a violation of either:

7 (a) Section 28-1381.

8 (b) Section 28-1382.

9 4. While the person is ordered by the court or required pursuant to  
10 section 28-3319 by the department to equip any motor vehicle the person  
11 operates with a certified ignition interlock device, commits a violation  
12 of section 28-1381, section 28-1382 or this section.

13 5. Commits a violation of section 28-1381, section 28-1382 or this  
14 section while driving the wrong way on a highway.

15 B. The dates of the commission of the offenses are the determining  
16 factor in applying the eighty-four month provision provided in subsection  
17 A, paragraph 2 of this section regardless of the sequence in which the  
18 offenses were committed. For the purposes of this section, a third or  
19 subsequent violation for which a conviction occurs does not include a  
20 conviction for an offense arising out of the same series of acts. The  
21 time that a probationer is found to be on absconder status or the time  
22 that a person is incarcerated in any state, federal, county or city jail  
23 or correctional facility is excluded when determining the eighty-four  
24 month period provided in subsection A, paragraph 2 and subsection E of  
25 this section.

26 C. The notice to a person of the suspension, cancellation,  
27 revocation or refusal of a driver license or privilege to drive is  
28 effective as provided in section 28-3318 or pursuant to the laws of the  
29 state issuing the license.

30 D. A person is not eligible for probation, pardon, commutation or  
31 suspension of sentence or release on any other basis until the person has  
32 served not less than four months in prison if the person is convicted  
33 under any of the following:

34 1. Subsection A, paragraph 1 of this section.

35 2. Subsection A, paragraph 2 of this section and within an  
36 eighty-four month period has been convicted of two prior violations of  
37 section 28-1381, section 28-1382 or this section, or any combination of  
38 those sections, or acts in another jurisdiction that if committed in this  
39 state would be a violation of section 28-1381, section 28-1382 or this  
40 section.

41 3. Subsection A, paragraph 5 of this section.

42 E. A person who is convicted under subsection A, paragraph 2 of  
43 this section and who within an eighty-four month period has been convicted  
44 of three or more prior violations of section 28-1381, section 28-1382 or  
45 this section, or any combination of those sections, or acts in another

1 jurisdiction that if committed in this state would be a violation of  
2 section 28-1381, section 28-1382 or this section is not eligible for  
3 probation, pardon, commutation or suspension of sentence or release on any  
4 other basis until the person has served not less than eight months in  
5 prison.

6 F. A person who is convicted under subsection A, paragraph 3,  
7 subdivision (a) of this section shall serve at least the minimum term of  
8 incarceration required pursuant to section 28-1381.

9 G. A person who is convicted under subsection A, paragraph 3,  
10 subdivision (b) of this section shall serve at least the minimum term of  
11 incarceration required pursuant to section 28-1382.

12 H. A person who is convicted of a violation of this section shall  
13 attend and complete alcohol or other drug screening, education or  
14 treatment from an approved facility. If the person fails to comply with  
15 this subsection and is placed on probation, in addition to the provisions  
16 of section 13-901 the court may order that the person be incarcerated as a  
17 term of probation as follows:

18 1. For a person sentenced pursuant to subsection D of this section,  
19 for an individual period of not more than four months and a total period  
20 of not more than one year.

21 2. For a person sentenced pursuant to subsection E of this section,  
22 for an individual period of not more than eight months and a total period  
23 of not more than two years.

24 I. The time that a person spends in custody pursuant to subsection  
25 H of this section shall not be counted towards the sentence imposed if the  
26 person's probation is revoked and the person is sentenced to prison after  
27 revocation of probation.

28 J. On a conviction for a violation of this section, the court:

29 1. Shall report the conviction to the department. On receipt of  
30 the report, the department shall revoke the driving privilege of the  
31 person. The department shall not issue the person a new driver license  
32 within one year of the date of the conviction and, if the violation  
33 involved intoxicating liquor, shall require the person to equip any motor  
34 vehicle the person operates with a certified ignition interlock device  
35 pursuant to section 28-3319. In addition, the court may order the person  
36 to equip any motor vehicle the person operates with a certified ignition  
37 interlock device for more than twenty-four months beginning on the date  
38 the person successfully completes the alcohol or other drug screening,  
39 education or treatment program requirements of this title and the person  
40 is otherwise eligible to reinstate the person's driver license or driving  
41 privilege. The person who operates a motor vehicle with a certified  
42 ignition interlock device under this paragraph shall comply with article 5  
43 of this chapter.

44 2. In addition to any other penalty prescribed by law, shall order  
45 the person to pay an additional assessment of \$250. If the conviction

1 occurred in the superior court or a justice court, the court shall  
2 transmit the monies received pursuant to this paragraph to the county  
3 treasurer. If the conviction occurred in a municipal court, the court  
4 shall transmit the monies received pursuant to this paragraph to the city  
5 treasurer. The city or county treasurer shall transmit the monies  
6 received to the state treasurer. The state treasurer shall deposit the  
7 monies received in the driving under the influence abatement fund  
8 established by section 28-1304. Any fine imposed for a violation of this  
9 section and any assessments, restitution and incarceration costs shall be  
10 paid before the assessment prescribed in this paragraph.

11 3. Shall order the person to pay a fine of not less than \$750.

12 4. In addition to any other penalty prescribed by law, shall order  
13 the person to pay an additional assessment of \$1,500 to be deposited by  
14 the state treasurer in the prison construction and operations fund  
15 established by section 41-1651. This assessment is not subject to any  
16 surcharge. If the conviction occurred in the superior court or a justice  
17 court, the court shall transmit the assessed monies to the county  
18 treasurer. If the conviction occurred in a municipal court, the court  
19 shall transmit the assessed monies to the city treasurer. The city or  
20 county treasurer shall transmit the monies received to the state  
21 treasurer.

22 5. In addition to any other penalty prescribed by law, shall order  
23 the person to pay an additional assessment of \$1,500 to be deposited by  
24 the state treasurer in the public safety equipment fund established by  
25 section 41-1723. This assessment is not subject to any surcharge. If the  
26 conviction occurred in the superior court or a justice court, the court  
27 shall transmit the assessed monies to the county treasurer. If the  
28 conviction occurred in a municipal court, the court shall transmit the  
29 assessed monies to the city treasurer. The city or county treasurer shall  
30 transmit the monies received to the state treasurer.

31 K. On conviction for a violation of this section the defendant  
32 shall be required by the department to attend and successfully complete an  
33 approved traffic survival school course.

34 L. After completing the period of suspension required by section  
35 28-1385, a person whose driving privilege is revoked for a violation of  
36 subsection A, paragraph 3 of this section may apply to the department for  
37 a special ignition interlock restricted driver license pursuant to section  
38 28-1401.

39 M. The court may order a person who is convicted of a violation of  
40 this section that does not involve intoxicating liquor to equip any motor  
41 vehicle the person operates with a certified ignition interlock device  
42 pursuant to section 28-3319. On receipt of the report of conviction and  
43 certified ignition interlock device requirement, the department shall  
44 require the person to equip any motor vehicle the person operates with a  
45 certified ignition interlock device pursuant to section 28-3319. In

1 addition, the court may order the person to equip any motor vehicle the  
2 person operates with a certified ignition interlock device for more than  
3 twelve months beginning on the date the person successfully completes the  
4 alcohol or other drug screening, education or treatment program  
5 requirements of this title and the person is otherwise eligible to  
6 reinstate the person's driver license or driving privilege. The person  
7 who operates a motor vehicle with a certified ignition interlock device  
8 under this subsection shall comply with article 5 of this chapter.

9 N. The sheriff of a county with a population of less than five  
10 hundred thousand persons may establish an aggravated driving under the  
11 influence jail program. If the sheriff establishes an aggravated driving  
12 under the influence jail program, the program may not be implemented until  
13 the state department of corrections enters into an agreement with the  
14 county board of supervisors pursuant to section 31-234 to facilitate the  
15 program. Notwithstanding subsections D and E of this section, if the  
16 violation occurs in a county that has established and implemented an  
17 aggravated driving under the influence jail program or in a county that is  
18 contiguous to a county that has established and implemented an aggravated  
19 driving under the influence jail program and the person is placed on  
20 probation, the mandatory term of incarceration that the person would  
21 otherwise serve in prison may be served in the jail of the county that  
22 established and implemented the program. A person who is incarcerated in  
23 a county jail pursuant to this subsection is not eligible for any release,  
24 work detail or monitoring program that the person would not otherwise be  
25 eligible for if incarcerated in prison. A county sheriff who establishes  
26 an aggravated driving under the influence jail program pursuant to this  
27 subsection shall submit an annual report to the Arizona criminal justice  
28 commission that contains the data that the Arizona statistical analysis  
29 center determines is necessary to prepare a recidivism report pursuant to  
30 section 41-2405.

31 O. Aggravated driving or actual physical control while under the  
32 influence of intoxicating liquor, ~~or drugs~~ ANY DRUG, A VAPOR RELEASING  
33 SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY COMBINATION OF LIQUOR, DRUGS  
34 OR VAPOR RELEASING SUBSTANCES IF THE PERSON IS IMPAIRED TO THE SLIGHTEST  
35 DEGREE committed under:

36 1. Subsection A, paragraph 1, 2, 4 or 5 of this section is a class  
37 4 felony.

38 2. Subsection A, paragraph 3 of this section is a class 6 felony.

39 P. For the purposes of this section:

40 1. "Suspension, cancellation, revocation or refusal" means any  
41 suspension, cancellation, revocation or refusal.

42 2. "Wrong way" means vehicular movement that is in a direction  
43 opposing the legal flow of traffic. Wrong way does not include median  
44 crossing or a collision where a motor vehicle comes to a stop facing the  
45 wrong way.

1           Sec. 4. Section 28-1385, Arizona Revised Statutes, is amended to  
2 read:

3           28-1385. Administrative license suspension for driving under  
4                           the influence or for homicide or assault involving  
5                           a motor vehicle; report; hearing; summary review;  
6                           ignition interlock device requirement

7           A. A law enforcement officer shall forward to the department a  
8 certified report as prescribed in subsection B of this section, subject to  
9 the penalty for perjury prescribed by section 28-1561, if both of the  
10 following occur:

11           1. The officer arrests a person for a violation of section 4-244,  
12 paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a  
13 violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving  
14 a motor vehicle.

15           2. The person submits to a test of the person's blood, breath,  
16 urine or other bodily substance that is ~~permitted~~ ALLOWED by section  
17 28-1321 or any other law or a sample of blood is obtained pursuant to  
18 section 28-1388 and the results are either not available or the results  
19 indicate any of the following:

20           (a) 0.08 or more alcohol concentration in the person's blood or  
21 breath.

22           (b) 0.04 or more alcohol concentration in the person's blood or  
23 breath if the person was driving or in actual physical control of a  
24 commercial motor vehicle.

25           (c) Any drug defined in section 13-3401 or its metabolite is in the  
26 person's body except if the person possesses a valid prescription for the  
27 drug.

28           B. The officer shall make the certified report required by  
29 subsection A of this section on forms supplied or approved by the  
30 department. The report shall state information that is relevant to the  
31 enforcement action, including:

32           1. Information that adequately identifies the arrested person.

33           2. A statement of the officer's grounds for belief that the person  
34 was driving or in actual physical control of a motor vehicle in violation  
35 of section 4-244, paragraph 34, section 28-1381, section 28-1382 or  
36 section 28-1383 or committed a violation of title 13, chapter 11 or  
37 section 13-1201 or 13-1204 involving a motor vehicle.

38           3. A statement that the person was arrested for a violation of  
39 section 4-244, paragraph 34, section 28-1381, section 28-1382 or section  
40 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or  
41 13-1204 involving a motor vehicle.

42           4. A report of the results of the blood or breath alcohol test that  
43 was administered, if the results are available.

44           C. If a breath test is administered, a law enforcement agency shall  
45 forward the certified report that is required by subsection A of this

1 section to the department within thirty days after the arrest occurs. If  
2 a sample of blood, urine or other bodily substance is obtained, the law  
3 enforcement agency shall forward the certified report that is required by  
4 subsection A of this section to the department within thirty days after  
5 the date the report of the analysis is provided to the law enforcement  
6 agency. If a report is not forwarded to the department within the time  
7 limit prescribed by this subsection, the report is inadmissible in a  
8 hearing held pursuant to this section unless the violation listed in  
9 subsection A of this section resulted in ~~a~~ death or serious physical  
10 injury. For the purposes of this subsection, "serious physical injury"  
11 has the same meaning prescribed in section 13-105.

12 D. The officer shall also serve an order of suspension on the  
13 person on behalf of the department. The order of suspension:

14 1. Is effective ~~fifteen~~ THIRTY days after the date it is served.

15 2. Shall require the immediate surrender of any license or permit  
16 to drive that is issued by this state and that is in the possession or  
17 control of the person.

18 3. Shall contain information concerning the right to a summary  
19 review and hearing, including information concerning the hearing as  
20 required by section 28-1321, subsections G and H.

21 4. Shall be accompanied by printed forms that are ready to mail to  
22 the department, that the person may fill out and sign to indicate the  
23 person's desire for a hearing or summary review and that advise the person  
24 that the person may alternatively submit an online request for a hearing  
25 or summary review.

26 5. Shall be entered on the department's records on receipt of the  
27 report by the officer and a copy of the order of suspension.

28 6. Shall inform the person that the person's driving privilege,  
29 license, permit, right to apply for a license or permit or nonresident  
30 operating privilege may be issued or reinstated following the period of  
31 suspension OR ISSUANCE OF A SPECIAL IGNITION INTERLOCK RESTRICTED DRIVER  
32 LICENSE only if the person completes alcohol or other drug screening.

33 7. Shall contain information on alcohol or other drug education and  
34 treatment programs that are provided by a facility approved by the  
35 department of health services.

36 E. If the blood test result is unavailable at the time the test is  
37 administered, the result shall be forwarded to the department before the  
38 hearing held pursuant to this section in a form prescribed by the  
39 director.

40 F. If the license or permit is not surrendered pursuant to  
41 subsection D of this section, the officer shall state the reason for the  
42 nonsurrender. If a valid license or permit is surrendered, the officer  
43 shall issue a temporary driving permit that is valid for ~~fifteen~~ THIRTY  
44 days. The officer shall forward a copy of the completed order of  
45 suspension and a copy of any completed temporary permit to the department

1 within five days after the issuance of the order of suspension along with  
2 the report. The law enforcement agency may do either of the following  
3 with a valid license or permit that is surrendered pursuant to this  
4 section:

5 1. In compliance with sections 41-151.15 and 41-151.19, destroy the  
6 license or permit.

7 2. Forward the license or permit to the department within five days  
8 after the issuance of the notice of suspension.

9 G. The department shall suspend the affected person's license or  
10 permit to drive or right to apply for a license or permit or any  
11 nonresident operating privilege for not less than ninety consecutive days  
12 from that date. If the person is otherwise qualified, the department may  
13 reinstate the person's driving privilege, license, permit, right to apply  
14 for a license or permit or nonresident operating privilege following the  
15 period of suspension only if the violator completes alcohol or other drug  
16 screening.

17 H. Notwithstanding subsections A, B, C, D, E, F and G of this  
18 section, **ON REQUEST** the department shall ~~suspend the driving privileges of~~  
19 **ISSUE A SPECIAL IGNITION INTERLOCK RESTRICTED DRIVER LICENSE TO** the person  
20 described in subsection A of this section ~~for at least thirty consecutive~~  
21 ~~days and shall restrict the person's driving privileges as prescribed in~~  
22 ~~section 28-144 for at least sixty consecutive additional days~~ if the  
23 person:

24 1. Did not cause death or serious physical injury as defined in  
25 section 13-105 to another person during the course of conduct out of which  
26 the current action arose.

27 2. Has not been convicted of a violation of section 4-244,  
28 paragraph 34, section 28-1381, section 28-1382 or section 28-1383 within  
29 eighty-four months of the date of commission of the acts out of which the  
30 current action arose. The dates of commission of the acts are the  
31 determining factor in applying the eighty-four month provision.

32 ~~3. Has not had the person's privilege to drive suspended pursuant~~  
33 ~~to this section or section 28-1321 within eighty-four months of the date~~  
34 ~~of commission of the acts out of which the current action arose.~~

35 ~~4.~~ 3. Provides satisfactory evidence to the department of the  
36 person's completion of alcohol or other drug screening that is ordered by  
37 the department. If the person does not complete alcohol or other drug  
38 screening, the department may impose a ninety day suspension pursuant to  
39 this section.

40 I. If the officer does not serve an order of suspension pursuant to  
41 subsection D of this section and if the department does not receive the  
42 report of the results of the blood or breath alcohol test pursuant to  
43 subsection B, paragraph 4 of this section, but subsequently receives the  
44 results and the results indicate 0.08 or more alcohol concentration in the  
45 person's blood or breath, a blood or breath alcohol concentration of 0.04

1 or more and the person was driving or in actual physical control of a  
2 commercial motor vehicle or any drug defined in section 13-3401 or its  
3 metabolite in the person's body and the person does not possess a valid  
4 prescription for the drug, the department shall notify the person named in  
5 the report in writing sent by mail that ~~fifteen~~ THIRTY days after the date  
6 of issuance of the notice the department will suspend the person's license  
7 or permit, driving privilege or nonresident driving privilege. The notice  
8 shall also state that the department will provide an opportunity for a  
9 hearing and summary review if the person requests a hearing or review in  
10 writing and the request is received by the department within ~~fifteen~~  
11 THIRTY days after the notice is sent.

12 J. A timely request for a hearing stays the suspension until a  
13 hearing is held, except that the department shall not return any  
14 surrendered license or permit to the person but may issue temporary  
15 permits to drive that expire ~~no~~ NOT later than when the department has  
16 made its final decision. If the person is a resident without a license or  
17 permit or has an expired license or permit, the department may allow the  
18 person to apply for a restricted license or permit. If the department  
19 determines the person is otherwise entitled to the restricted license or  
20 permit, the department shall issue, but retain, the license or permit,  
21 subject to this section. All hearings requested under this section shall  
22 be conducted in the same manner and under the same conditions as provided  
23 in section 28-3306.

24 K. For the purposes of this section, the scope of the hearing shall  
25 include only the following issues:

26 1. Whether the officer had reasonable grounds to believe the person  
27 was driving or was in actual physical control of a motor vehicle while  
28 under the influence of intoxicating liquor, ~~or drugs~~ ANY DRUG, A VAPOR  
29 RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY COMBINATION OF  
30 LIQUOR, DRUGS OR VAPOR RELEASING SUBSTANCES IF THE PERSON IS IMPAIRED TO  
31 THE SLIGHTEST DEGREE.

32 2. Whether the person was placed under arrest for a violation of  
33 section 4-244, paragraph 34, section 28-1381, section 28-1382 or section  
34 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or  
35 13-1204 involving a motor vehicle.

36 3. Whether a test was taken, the results of which indicated any of  
37 the following:

38 (a) An alcohol concentration in the person's blood or breath at the  
39 time the test was administered of either:

40 (i) 0.08 or more.

41 (ii) 0.04 or more if the person was driving or in actual physical  
42 control of a commercial motor vehicle.

43 (b) Any drug defined in section 13-3401 or its metabolite in the  
44 person's body except if the person possesses a valid prescription for the  
45 drug.



1           4. Whether the testing method used was valid and reliable.

2           5. Whether the test results were accurately evaluated.

3           L. The results of the blood or breath alcohol test shall be  
4 admitted on establishing the requirements in section 28-1323 or 28-1326.

5           M. If the department determines at the hearing to suspend the  
6 affected person's privilege to operate a motor vehicle, the suspension  
7 provided in this section is effective ~~fifteen~~ THIRTY days after giving  
8 written notice of the suspension, except that the department may issue or  
9 extend a temporary license that expires on the effective date of the  
10 suspension. If the person is a resident without a license or permit or has  
11 an expired license or permit to operate a motor vehicle in this state, the  
12 department shall deny the issuance of a license or permit to the person  
13 for not less than ninety consecutive days. The department may reinstate  
14 the person's driving privilege, license, permit, right to apply for a  
15 license or permit or nonresident operating privilege following the period  
16 of suspension only if the violator completes alcohol or other drug  
17 screening.

18           N. A person may request a summary review of an order issued  
19 pursuant to this section instead of a hearing at any time before the  
20 effective date of the order. A timely request for summary review stays  
21 the suspension until a decision is issued. The person shall submit the  
22 request in writing to the department together with any written explanation  
23 as to why the department should not suspend the driving privilege. The  
24 department shall review all reports submitted by the officer and any  
25 written explanation submitted by the person and shall determine if the  
26 order of suspension should be sustained or voided. The department shall  
27 not hold a hearing, and the review is not subject to title 41, chapter 6.  
28 The department shall notify the person of its decision.

29           O. If the suspension or determination that there should be a denial  
30 of issuance is not sustained after a hearing or review, the ruling is not  
31 admissible in and does not have any effect on any civil or criminal court  
32 proceeding.

33           P. If it has been determined under the procedures of this section  
34 that a nonresident's privilege to operate a motor vehicle in this state  
35 has been suspended, the department shall give information either in  
36 writing or by electronic means of the action taken to the motor vehicle  
37 administrator of the state of the person's residence and of any state in  
38 which the person has a license.

39           Q. A PERSON WHO IS ISSUED A SPECIAL IGNITION INTERLOCK RESTRICTED  
40 DRIVER LICENSE PURSUANT TO SUBSECTION H OF THIS SECTION SHALL MAINTAIN A  
41 FUNCTIONING CERTIFIED IGNITION INTERLOCK DEVICE IN COMPLIANCE WITH THIS  
42 CHAPTER DURING THE REMAINING PERIOD OF THE SUSPENSION PRESCRIBED BY THIS  
43 SECTION.

1 R. IF THE SUSPENSION ORDER IS SUSTAINED AFTER THE HEARING, A MOTION  
2 FOR REHEARING IS NOT REQUIRED. THE PERSON WHOSE LICENSE IS SUSPENDED MAY  
3 SEEK REVIEW OF THE DECISION PURSUANT TO SECTION 12-904.

4 Sec. 5. Section 28-1387, Arizona Revised Statutes, is amended to  
5 read:

6 28-1387. Prior convictions; alcohol or other drug screening,  
7 education and treatment; license suspension;  
8 supervised probation; civil liability; procedures

9 A. The court shall allow the allegation of a prior conviction or  
10 any other pending charge of a violation of section 28-1381, 28-1382 or  
11 28-1383 or an act in another jurisdiction that if committed in this state  
12 would be a violation of section 28-1381, 28-1382 or 28-1383 filed twenty  
13 or more days before the date the case is actually tried and may allow the  
14 allegation of a prior conviction or any other pending charge of a  
15 violation of section 28-1381, 28-1382 or 28-1383 or an act in another  
16 jurisdiction that if committed in this state would be a violation of  
17 section 28-1381, 28-1382 or 28-1383 filed at any time before the date the  
18 case is actually tried if this state makes available to the defendant when  
19 the allegation is filed a copy of any information obtained concerning the  
20 prior conviction or other pending charge. Any conviction may be used to  
21 enhance another conviction irrespective of the dates on which the offenses  
22 occurred within the eighty-four month provision. For the purposes of this  
23 article, an order of a juvenile court adjudicating a person delinquent is  
24 equivalent to a conviction.

25 B. In addition to any other penalties prescribed by law, the judge  
26 shall order a person who is convicted of a violation of section 28-1381,  
27 28-1382 or 28-1383 to complete alcohol or other drug screening that is  
28 provided by a facility approved by the department of health services, the  
29 United States department of veterans affairs or a probation department.  
30 If a judge determines that the person requires further alcohol or other  
31 drug education or treatment, the person may be required pursuant to court  
32 order to obtain alcohol or other drug education or treatment under the  
33 court's supervision from an approved facility. The judge may review an  
34 education or treatment determination at the request of the state, the  
35 defendant or the probation officer or on the judge's initiative. The  
36 person shall pay the costs of the screening, education or treatment  
37 unless, after considering the person's ability to pay all or part of the  
38 costs, the court waives all or part of the costs. If a person is referred  
39 to a screening, education or treatment facility, the facility shall report  
40 to the court whether the person has successfully completed the screening,  
41 education or treatment program. The court may accept evidence of a  
42 person's completion of alcohol or other drug screening pursuant to section  
43 28-1445 as sufficient to meet the requirements of this section or section  
44 28-1381, 28-1382 or 28-1383 or may order the person to complete additional  
45 alcohol or other drug screening, education or treatment programs. If a

1 person has previously been ordered to complete an alcohol or other drug  
 2 screening, education or treatment program pursuant to this section, the  
 3 judge shall order the person to complete an alcohol or other drug  
 4 screening, education or treatment program unless the court determines that  
 5 alternative sanctions are more appropriate.

6 C. After a person who is sentenced pursuant to section 28-1381,  
 7 subsection I has served twenty-four consecutive hours in jail or after a  
 8 person who is sentenced pursuant to section 28-1381, subsection K or  
 9 section 28-1382, subsection D or E has served forty-eight consecutive  
 10 hours in jail and after the court receives confirmation that the person is  
 11 employed or is a student, the court shall provide in the sentence that the  
 12 defendant, if the defendant is employed or is a student and can continue  
 13 the defendant's employment or schooling, may continue the employment or  
 14 schooling for not more than twelve hours a day nor more than six days a  
 15 week, unless the court finds good cause to not allow the release and  
 16 places those findings on the record. The person shall spend the remaining  
 17 day, days or parts of days in jail until the sentence is served and shall  
 18 be allowed out of jail only long enough to complete the actual hours of  
 19 employment or schooling.

20 ~~D. Unless the license of a person convicted under section 28-1381~~  
 21 ~~or 28-1382 has been or is suspended pursuant to section 28-1321 or~~  
 22 ~~28-1385, the department on receipt of the abstract of conviction of a~~  
 23 ~~violation of section 28-1381 or 28-1382 shall suspend the license of the~~  
 24 ~~affected person for not less than ninety consecutive days.~~

25 ~~E. D. When the department receives notification that the person~~  
 26 ~~meets the criteria provided in section 28-1385, subsection SUBSECTIONS G~~  
 27 ~~AND H, the department shall suspend the driving privileges of the person~~  
 28 ~~for not less than thirty consecutive days and shall restrict the person's~~  
 29 ~~driving privileges as described in section 28-144 for not less than sixty~~  
 30 ~~consecutive additional days~~ ISSUE A SPECIAL IGNITION INTERLOCK RESTRICTED  
 31 DRIVER LICENSE TO THE PERSON.

32 ~~F. E. If a person is placed on probation for violating section~~  
 33 ~~28-1381 or 28-1382, the probation shall be supervised unless the court~~  
 34 ~~finds that supervised probation is not necessary or the court does not~~  
 35 ~~have supervisory probation services.~~

36 ~~G. F. Any political subdivision processing or using the services~~  
 37 ~~of a person ordered to perform community restitution pursuant to section~~  
 38 ~~28-1381 or 28-1382 does not incur any civil liability to the person~~  
 39 ~~ordered to perform community restitution as a result of these activities~~  
 40 ~~unless the political subdivision or its agent or employee acts with gross~~  
 41 ~~negligence.~~

42 ~~H. G. The court may order alternative sanctions to community~~  
 43 ~~restitution that is ordered pursuant to section 28-1381, subsection K or~~  
 44 ~~section 28-1382, subsection E if the court determines that education,~~  
 45 ~~treatment or other alternative sanctions are more appropriate.~~

1 ~~+~~ H. Except for another violation of this article, the state  
2 shall not dismiss a charge of violating any provision of this article  
3 unless there is an insufficient legal or factual basis to pursue that  
4 charge.

5 Sec. 6. Section 28-1401, Arizona Revised Statutes, is amended to  
6 read:

7 28-1401. Special ignition interlock restricted driver  
8 licenses; application fee

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

21 1. Section 28-1321, if the person meets the criteria of section  
22 28-1321, subsection P.

23 2. Section 28-1381, if the person meets the criteria of section  
24 28-1381, subsection O 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 3. Section 28-1382, if the person meets the criteria of section  
28 28-1382, subsection H 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 4. Section 28-1383, if the person meets the criteria of section  
32 28-1383, subsection L and the person presents evidence that is  
33 satisfactory to the director and that shows that the person has completed  
34 the requirements prescribed in section 28-1387, subsection B.

35 5. Section 28-1385, if the person meets the criteria of section  
36 28-1385, subsection H.

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

40 C. The department shall issue a special ignition interlock  
41 restricted driver license during the period of a court-ordered restriction  
42 pursuant to sections 28-3320 and 28-3322 subject to the ~~restrictions~~  
43 ~~described in section 28-144 and the~~ certified ignition interlock  
44 requirements prescribed in article 5 of this chapter.

1 D. If the department issues a special ignition interlock restricted  
2 driver license, the department shall not delete a suspension or revocation  
3 from its records.

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

7 Sec. 7. Section 28-1402, Arizona Revised Statutes, is amended to  
8 read:

9 28-1402. Issuance of special ignition interlock restricted  
10 driver license

11 A. On application pursuant to section 28-1401, subsection A the  
12 department may, and pursuant to section 28-1401, subsection C the  
13 department shall, issue a special ignition interlock restricted driver  
14 license that only allows a person whose class D or class G license has  
15 been suspended pursuant to section 28-1385 or suspended or revoked for a  
16 first refusal pursuant to section 28-1321, a second violation of section  
17 28-1381 or 28-1382 or a first violation of section 28-1383, subsection A,  
18 paragraph 3 to operate a motor vehicle that is equipped with a functioning  
19 certified ignition interlock device ~~and only under the restrictions~~  
20 ~~described in section 28-144.~~

21 B. The department may only issue a special ignition interlock  
22 restricted driver license to an applicant who is otherwise qualified by  
23 law.

24 C. Except as provided in section 28-1463, if the department  
25 suspends, revokes, cancels or otherwise rescinds a person's special  
26 ignition interlock restricted license or privilege for any reason, the  
27 department shall not issue a new license or reinstate the special ignition  
28 interlock restricted driver license during the prescribed period of  
29 suspension or revocation or while the person is otherwise ineligible to  
30 receive a license.

31 Sec. 8. Section 28-1442, Arizona Revised Statutes, is amended to  
32 read:

33 28-1442. Driving under the influence; records; reporting

34 A. The administrative office of the courts shall report to the  
35 governor's office of highway safety by September 1 of each year for the  
36 previous fiscal year:

37 1. The number of complaints issued charging a violation that  
38 include both sections 28-1381 and 28-1382.

39 2. The number of complaints issued charging a violation that  
40 include either section 28-1381 or 28-1382.

41 B. By September 1 of each year the motor vehicle division shall  
42 report to the governor's office of highway safety the number of ignition  
43 interlock devices ordered to be installed pursuant to sections 28-1381,  
44 28-1382 and 28-1383 for the previous fiscal year.

1 C. By September 1 of each year the motor vehicle division shall  
2 report to the governor's office of highway safety the number of ignition  
3 interlock devices that are currently in use in this state pursuant to an  
4 order to be installed pursuant to sections 28-1381, 28-1382 and 28-1383.

5 D. By September 1 of each year each county attorney and municipal  
6 prosecutor shall report to the governor's office of highway safety the  
7 number of cases dismissed pursuant to section 28-1387, subsection ~~H~~ H for  
8 the previous fiscal year.

9 E. By October 1 of each year the governor's office of highway  
10 safety shall report the information collected for the previous fiscal year  
11 pursuant to subsections A, B, C and D of this section to the president of  
12 the senate and the speaker of the house of representatives.

13 Sec. 9. Section 28-3319, Arizona Revised Statutes, is amended to  
14 read:

15 28-3319. Action after license suspension, revocation or  
16 denial for driving under the influence or refusal  
17 of test; ignition interlock device requirement;  
18 definition

19 A. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383,  
20 28-3320 or 28-3322, the license of a driver or the driving privilege of a  
21 nonresident is suspended or revoked, the department shall not terminate  
22 the suspension or revocation or issue a special ignition interlock  
23 restricted driver license, if applicable, pursuant to chapter 4, article  
24 3.1 of this title until the person provides proof of financial  
25 responsibility pursuant to chapter 9, article 3 of this title.

26 B. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383,  
27 28-3320 or 28-3322, an unlicensed resident is denied a license or permit  
28 to operate a motor vehicle, the department shall not issue a license or  
29 permit until the person provides proof of financial responsibility  
30 pursuant to chapter 9, article 3 of this title.

31 C. If a person whose license or driving privilege is suspended or  
32 revoked pursuant to section 28-1321, 28-1381, 28-1382, 28-1383 or 28-1385  
33 is ordered, pursuant to section 28-1381, 28-1382, 28-1383 or 28-1385, to  
34 attend alcohol or other drug screening, education or treatment, the  
35 department shall not either:

36 1. Terminate the suspension or issue a special ignition interlock  
37 restricted driver license, if applicable, pursuant to chapter 4, article  
38 3.1 of this title until the person or licensed treatment facility provides  
39 proof that the person has completed or is participating satisfactorily in  
40 alcohol or other drug screening, education or treatment.

41 2. Issue a new license or a special ignition interlock restricted  
42 driver license, if applicable, pursuant to chapter 4, article 3.1 of this  
43 title to operate a motor vehicle after the revocation until the person or  
44 licensed treatment facility provides proof that the person has completed  
45 the ~~court ordered~~ COURT-ORDERED program.

1 D. On receipt of a report of conviction from a court for a  
2 violation that involved intoxicating liquor or that specifically requires  
3 the installation of a certified ignition interlock device, the department  
4 shall require any motor vehicle the convicted person operates to be  
5 equipped with a functioning certified ignition interlock device and the  
6 convicted person to meet the requirements prescribed in section 28-1461 as  
7 follows:

8 1. For twelve months if:

9 (a) Except as provided in subsection G of this section, the person  
10 is convicted of a violation of section 28-1381, section 28-1382,  
11 subsection A, paragraph 1 or section 28-1383, subsection A, paragraph 3,  
12 subdivision (a).

13 (b) The department determines that within a period of eighty-four  
14 months the person is convicted of a second or subsequent violation of  
15 section 28-1381 or section 28-1382, subsection A, paragraph 1 with a prior  
16 conviction of a violation of section 28-1381, 28-1382 or 28-1383 or an act  
17 in another jurisdiction that if committed in this state would be a  
18 violation of section 28-1381, 28-1382 or 28-1383.

19 2. For eighteen months if the person is convicted of a violation of  
20 section 28-1382, subsection A, paragraph 2.

21 3. For twenty-four months if:

22 (a) The person is convicted of a violation of section 28-1382,  
23 subsection A, paragraph 2 and the department determines that within a  
24 period of eighty-four months the person has a prior conviction of a  
25 violation of section 28-1381, 28-1382 or 28-1383 or an act in another  
26 jurisdiction that if committed in this state would be a violation of  
27 section 28-1381, 28-1382 or 28-1383.

28 (b) The person is convicted of a violation of section 28-1383,  
29 subsection A, paragraph 1, 2, 4 or 5 or paragraph 3, subdivision (b).

30 E. The requirement prescribed in subsection D of this section  
31 begins on the date the person successfully completes the alcohol or other  
32 drug screening, education or treatment program requirements of this title  
33 and the person is otherwise eligible to reinstate the person's driver  
34 license or driving privilege AND INCLUDES ANY AMOUNT OF TIME THAT A PERSON  
35 WAS ISSUED A SPECIAL IGNITION INTERLOCK RESTRICTED DRIVER LICENSE FOR THE  
36 VIOLATIONS GIVING RISE TO THE REQUIREMENTS PRESCRIBED IN SUBSECTION D OF  
37 THIS SECTION.

38 F. A person who is required to equip a motor vehicle with a  
39 certified ignition interlock device pursuant to this section shall comply  
40 with chapter 4, article 5 of this title.

41 G. The department shall defer the remainder of the time period  
42 prescribed in subsection D, paragraph 1, subdivision (a) of this section  
43 commencing with the later of six months from the date the interlock was  
44 installed or the completion of the requirements of this subsection if all  
45 of the following apply:



1           1. The person is sentenced pursuant to section 28-1381,  
2 subsection I.

3           2. The person successfully completes an alcohol education program  
4 consisting of at least sixteen hours pursuant to section 28-1381.

5           3. The person has maintained a functioning ignition interlock  
6 device on all motor vehicles the person operates and has met the  
7 requirements of section 28-1461.

8           4. The person has not attempted to operate a vehicle with an  
9 alcohol concentration of 0.08 or more two or more times during the period  
10 of license restriction or limitation.

11           5. At the time of the offense, the person was not involved in a  
12 motor vehicle accident that resulted in physical injury or property  
13 damage.

14           6. All necessary compliance information has been provided to the  
15 department by the ignition interlock device provider, the alcohol  
16 screening program and the alcohol education program.

17           H. The deferment pursuant to subsection G of this section is  
18 permanent, unless the person is arrested for a violation of section  
19 28-1381, 28-1382 or 28-1383 that occurs during the period of the  
20 deferment. If the person is arrested as described in this subsection, the  
21 department shall revoke the deferment and require the person to complete  
22 the remainder of the time period prescribed in subsection D, paragraph 1,  
23 subdivision (a) of this section.

24           I. Notwithstanding any other law, the department shall reduce the  
25 length of time that a person is required to have a functioning certified  
26 ignition interlock device installed in a motor vehicle pursuant to  
27 subsection D of this section by the length of time that the person is  
28 incarcerated in a jail or prison facility for a violation of section  
29 28-1381 or 28-1383 that did not involve intoxicating liquor.

30           J. For the purposes of this section, "certified ignition interlock  
31 device" has the same meaning prescribed in section 28-1301.

32           Sec. 10. Section 28-3320, Arizona Revised Statutes, is amended to  
33 read:

34           28-3320. Suspension of license for persons under eighteen  
35 years of age; notice; definition

36           A. In addition to the grounds for mandatory suspension or  
37 revocation provided for in chapters 3, 4 and 5 of this title, the  
38 department shall immediately suspend the driver license or privilege to  
39 drive or refuse to issue a driver license or privilege to drive of a  
40 person who commits an offense while under eighteen years of age as  
41 follows:

42           1. For a period of ~~two years~~ **ONE YEAR** on receiving the record of  
43 the person's conviction for a violation of section 4-244, paragraph 34,  
44 section 28-1381 or section 28-1382.



1           2. For a period of three years on receiving the record of the  
2 person's conviction for a violation of section 28-1383.

3           3. Until the person's eighteenth birthday on receiving the record  
4 of the person's conviction for a violation of section 13-1602, subsection  
5 A, paragraph 1 or section 13-1604, subsection A involving the damage or  
6 disfigurement of property by graffiti.

7           4. Until the person's eighteenth birthday on receiving the record  
8 of the person's conviction of criminal damage pursuant to section 13-1602,  
9 subsection A, paragraph 5 or a violation of a city or town ordinance that  
10 prohibits the type of criminal action prescribed in section 13-1602,  
11 subsection A, paragraph 5.

12           5. Until the person's eighteenth birthday on receiving the record  
13 of the person's conviction for a violation of any statute or ordinance  
14 involving the purchase or possession of materials used for graffiti.

15           6. Until the person's eighteenth birthday on receiving the record  
16 of the person's conviction for a violation of any provision of title 13,  
17 chapter 34.

18           7. Until the person's eighteenth birthday or for a period of two  
19 years on receiving the record of the person's conviction for a second or  
20 subsequent violation of section 4-244, paragraph 9, if ordered by the  
21 court.

22           8. Until the person's eighteenth birthday on receiving the record  
23 of the person's conviction of theft of a motor vehicle pursuant to section  
24 13-1802, unlawful use of means of transportation pursuant to section  
25 13-1803 or theft of means of transportation pursuant to section 13-1814.

26           B. If ordered by the court, the department shall restrict the  
27 person's privilege to drive between the person's home, school and place of  
28 employment during specified periods of time according to the person's  
29 school and employment schedule.

30           C. If a person commits an offense prescribed in subsection  
31 ~~A, paragraph 1 of this section and the person's privilege to drive is~~  
32 ~~restricted as prescribed in subsection B of this section,~~ the department  
33 shall issue a special ignition interlock restricted driver license to the  
34 person pursuant to section 28-1401 **FOR THE DURATION OF THE SUSPENSION**  
35 **PRESCRIBED IN SUBSECTION A OF THIS SECTION ON PROOF OF ENROLLMENT IN AN**  
36 **ALCOHOL OR OTHER DRUG SCREENING AND RECOMMENDED TREATMENT THAT IS PROVIDED**  
37 **BY A FACILITY THAT IS APPROVED BY THE DEPARTMENT OF HEALTH SERVICES, THE**  
38 **UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR A PROBATION DEPARTMENT.**

39           D. If ordered by the court pursuant to section 4-246, subsection D,  
40 the department shall suspend the driving privilege of a person under  
41 eighteen years of age for a period of up to one hundred eighty days on  
42 receiving the record of the person's first conviction for a violation of  
43 section 4-244, paragraph 9.

44           E. For the purposes of this section, "conviction" means a final  
45 conviction or judgment, including an order of the juvenile court finding

1 that a juvenile violated any provision of this title or committed a  
2 delinquent act that if committed by an adult would constitute a criminal  
3 offense.

4 Sec. 11. Section 28-3322, Arizona Revised Statutes, is amended to  
5 read:

6 28-3322. Suspension of license for persons eighteen, nineteen  
7 and twenty years of age; special ignition  
8 interlock restricted driver license; definition

9 A. In addition to the grounds for mandatory suspension or  
10 revocation provided for in chapters 3, 4 and 5 of this title, the  
11 department shall immediately suspend the driver license or privilege to  
12 drive or refuse to issue a driver license or privilege to drive of a  
13 person who commits a violation of section 4-244, paragraph 34 while the  
14 person is eighteen, nineteen or twenty years of age on receipt of the  
15 record of the person's conviction for a violation of section 4-244,  
16 paragraph 34 for a period of two years.

17 ~~B. If ordered by the court, the department shall restrict the~~  
18 ~~person's privilege to drive between the person's home, school and place of~~  
19 ~~employment during specified periods of time according to the person's~~  
20 ~~school and employment schedule.~~

21 ~~C. If a person's privilege to drive is restricted as prescribed in~~  
22 ~~subsection B of this section, the department shall issue a special~~  
23 ~~ignition interlock restricted driver license to the person pursuant to~~  
24 ~~section 28-1401.~~

25 B. THE DEPARTMENT SHALL ISSUE A SPECIAL IGNITION INTERLOCK  
26 RESTRICTED DRIVER LICENSE TO A PERSON PURSUANT TO SECTION 28-1401 FOR THE  
27 DURATION OF THE SUSPENSION PRESCRIBED BY SUBSECTION A OF THIS SECTION ON  
28 PROOF OF ENROLLMENT IN AN ALCOHOL OR OTHER DRUG SCREENING AND RECOMMENDED  
29 TREATMENT PROGRAM THAT IS PROVIDED BY A FACILITY THAT IS APPROVED BY THE  
30 DEPARTMENT OF HEALTH SERVICES, THE UNITED STATES DEPARTMENT OF VETERANS  
31 AFFAIRS OR A PROBATION DEPARTMENT.

32 ~~D.~~ C. For the purposes of this section, "conviction" means a final  
33 conviction or judgment, including an order of the juvenile court finding  
34 that a juvenile violated any provision of this title or committed a  
35 delinquent act that if committed by an adult would constitute a criminal  
36 offense.