

REFERENCE TITLE: licenses; consular identification cards

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2434

Introduced by
Representative Quiñonez

AN ACT

AMENDING SECTIONS 28-440, 28-3153 AND 28-3158, ARIZONA REVISED STATUTES;
RELATING TO DRIVER AND NONOPERATING IDENTIFICATION LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-440, Arizona Revised Statutes, is amended to
3 read:

4 28-440. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Bulk records" means multiple records that are retrieved
7 collectively from the department's database as a result of a single
8 request. Bulk records does not include retrieving one record at a time
9 from a single request.

10 2. "CONSULAR IDENTIFICATION CARD" HAS THE SAME MEANING PRESCRIBED
11 IN SECTION 41-5001.

12 ~~2.~~ 3. "Duplicate" means a counterpart produced by any of the
13 following:

- 14 (a) The same impression or from the same matrix as the original.
- 15 (b) Means of photography, including enlargements and miniatures.
- 16 (c) Mechanical or electronic rerecording.
- 17 (d) Chemical reproduction.
- 18 (e) Any other equivalent technique that accurately reproduces the
19 original.

20 ~~3.~~ 4. "Electronic signature" means an electronic sound, symbol or
21 process attached to or logically associated with a document and executed
22 or adopted by a person with the intent to sign the document.

23 ~~4.~~ 5. "Express consent" means consent in writing, including
24 consent that is conveyed electronically and that bears an electronic
25 signature.

26 ~~5.~~ 6. "Highly restricted personal information" means an
27 individual's photograph or image, social security number, CONSULAR
28 IDENTIFICATION CARD NUMBER and medical or disability information.

29 ~~6.~~ 7. "Insurance support organization" has the same meaning
30 prescribed in section 20-2102.

31 ~~7.~~ 8. "Medical or disability information" means a restriction or
32 medical code placed on a person's motor vehicle record pursuant to section
33 28-3159, subsection A, paragraph 1 or section 28-3167.

34 ~~8.~~ 9. "Motor vehicle record" means any record that pertains to a
35 driver license or permit, vehicle registration, vehicle title or
36 identification document issued by the department or its duly authorized
37 third parties, agents or contractors that are authorized to issue any of
38 those documents.

39 ~~9.~~ 10. "Opt in" means a customer of the department has provided
40 express consent to the department to allow the release of the customer's
41 personal information, including highly restricted personal information, in
42 a form prescribed by the director.

43 ~~10.~~ 11. "Original":

- 44 (a) Of a record means the record itself or any counterpart intended
45 to have the same effect by the person executing or issuing it.

1 (b) Of a photograph means the negative or a print from the
2 negative.

3 (c) Of data stored in a computer or similar device means a printout
4 or other output that is readable by sight and that is shown to reflect the
5 data accurately.

6 ~~11.~~ 12. "Personal information" means information that identifies
7 an individual and that includes an individual's photograph, social
8 security number, driver identification number, name, address, telephone
9 number and medical or disability information. Personal information does
10 not include an individual's five-digit zip code and information about
11 vehicular accidents, driving violations and driver status.

12 ~~12.~~ 13. "Photographs" includes still photographs, x-ray films,
13 videotapes, motion pictures and digitized electronic images.

14 ~~13.~~ 14. "Records" has the same meaning prescribed in section
15 41-151.

16 ~~14.~~ 15. "Vehicle history report" means a report that is developed
17 to track the registration and total loss history of a particular vehicle
18 and includes odometer readings and brand codes, title brand codes and any
19 related vehicle data. Vehicle history report does not include names and
20 addresses.

21 Sec. 2. Section 28-3153, Arizona Revised Statutes, is amended to
22 read:

23 28-3153. Driver license issuance; prohibitions

24 A. The department shall not issue the following:

25 1. A driver license to a person who is under eighteen years of age,
26 except that the department may issue:

27 (a) A restricted instruction permit for a class D or G license to a
28 person who is at least fifteen years of age.

29 (b) An instruction permit for a class D, G or M license as provided
30 by this chapter to a person who is at least fifteen years and six months
31 of age.

32 (c) A class G or M license as provided by this chapter to a person
33 who is at least sixteen years of age.

34 2. A class D, G or M license or instruction permit to a person who
35 is under eighteen years of age and who has been tried in adult court and
36 convicted of a second or subsequent violation of criminal damage to
37 property pursuant to section 13-1602, subsection A, paragraph 1 or
38 convicted of a felony offense in the commission of which a motor vehicle
39 is used, including theft of a motor vehicle pursuant to section 13-1802,
40 unlawful use of means of transportation pursuant to section 13-1803 or
41 theft of means of transportation pursuant to section 13-1814, or who has
42 been adjudicated delinquent for a second or subsequent act that would
43 constitute criminal damage to property pursuant to section 13-1602,
44 subsection A, paragraph 1 or adjudicated delinquent for an act that would
45 constitute a felony offense in the commission of which a motor vehicle is

1 used, including theft of a motor vehicle pursuant to section 13-1802,
2 unlawful use of means of transportation pursuant to section 13-1803 or
3 theft of means of transportation pursuant to section 13-1814, if committed
4 by an adult.

5 3. A class A, B or C license to a person who is under twenty-one
6 years of age, except that the department may issue a class A, B or C
7 license that is restricted to only intrastate driving to a person who is
8 at least eighteen years of age.

9 4. A license to a person whose license or driving privilege has
10 been suspended, during the suspension period.

11 5. Except as provided in section 28-3315, a license to a person
12 whose license or driving privilege has been revoked.

13 6. A class A, B or C license to a person who has been disqualified
14 from obtaining a commercial driver license.

15 7. A license to a person who on application notifies the department
16 that the person is an alcoholic as defined in section 36-2021 or a drug
17 dependent person as defined in section 36-2501, unless the person submits
18 a medical examination report that includes a current evaluation from a
19 substance abuse counselor indicating that, in the opinion of the
20 counselor, the condition does not affect or impair the person's ability to
21 safely operate a motor vehicle.

22 8. A license to a person who has been adjudged to be incapacitated
23 pursuant to section 14-5304 and who at the time of application has not
24 obtained either a court order that allows the person to drive or a
25 termination of incapacity as provided by law.

26 9. A license to a person who is required by this chapter to take an
27 examination unless the person successfully passes the examination.

28 10. A license to a person who is required under the motor vehicle
29 financial responsibility laws of this state to deposit proof of financial
30 responsibility and who has not deposited the proof.

31 11. A license to a person if the department has good cause to
32 believe that the operation of a motor vehicle on the highways by the
33 person would threaten the public safety or welfare.

34 12. A license to a person whose driver license has been ordered to
35 be suspended for failure to pay child support, except that a noncommercial
36 restricted license may be issued pursuant to section 25-518.

37 13. A class A, B or C license to a person whose license or driving
38 privilege has been canceled until the cause for the cancellation has been
39 removed.

40 14. A class A, B or C license or instruction permit to a person
41 whose state of domicile is not this state.

42 15. A class A, B or C license to a person who fails to demonstrate
43 proficiency in the English language as determined by the department.

1 B. The department shall not issue a driver license to or renew the
2 driver license of the following persons:

3 1. A person about whom the court notifies the department that the
4 person violated the person's written promise to appear in court when
5 charged with a violation of the motor vehicle laws of this state until the
6 department receives notification in a manner approved by the department
7 that the person appeared either voluntarily or involuntarily or that the
8 case has been adjudicated, that the case is being appealed or that the
9 case has otherwise been disposed of as provided by law.

10 2. If notified pursuant to section 28-1601, a person who fails to
11 pay a civil penalty as provided in section 28-1601, except for a parking
12 violation, until the department receives notification in a manner approved
13 by the department that the person paid the civil penalty, that the case is
14 being appealed or that the case has otherwise been disposed of as provided
15 by law.

16 C. The magistrate or the clerk of the court shall provide the
17 notification to the department prescribed by subsection B of this section.

18 ~~D. Notwithstanding any other law, the department shall not issue to
19 or renew a driver license or nonoperating identification license for a
20 person who does not submit proof satisfactory to the department that the
21 applicant's presence in the United States is authorized under federal law.
22 For an application for a driver license or a nonoperating identification
23 license, the department shall not accept as a primary source of
24 identification a driver license issued by a state if the state does not
25 require that a driver licensed in that state be lawfully present in the
26 United States under federal law. The director shall adopt rules necessary
27 to carry out the purposes of this subsection. The rules shall include
28 procedures for:~~

29 ~~1. Verification that the applicant's presence in the United States
30 is authorized under federal law.~~

31 ~~2. Issuance of a temporary driver permit pursuant to section
32 28-3157 pending verification of the applicant's status in the United
33 States.~~

34 Sec. 3. Section 28-3158, Arizona Revised Statutes, is amended to
35 read:

36 28-3158. Driver license or instruction permit application

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

39 B. An applicant shall pay the fee prescribed by section 28-3002 for
40 a driver license or for an instruction permit issued under section
41 28-3154, 28-3155, 28-3156 or 28-3225. The department shall refund an
42 application fee pursuant to section 28-373.

43 C. An applicant for an instruction permit or a driver license shall
44 give the department satisfactory proof of the applicant's full legal name,
45 date of birth, sex and domicile residence address in this state, if the

1 applicant has a residence address, ~~and that the applicant's presence in~~
2 ~~the United States is authorized under federal law~~ AND SHALL GIVE THE
3 DEPARTMENT THE APPLICANT'S SOCIAL SECURITY NUMBER OR CONSULAR
4 IDENTIFICATION CARD NUMBER.

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

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

9 2. Whether the applicant has been licensed, and if so, the type of
10 license issued, when the license was issued and what state or country
11 issued the license.

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

14 4. The social security number OR CONSULAR IDENTIFICATION CARD
15 NUMBER of the applicant.

16 E. The department shall:

17 1. Verify that a social security number OR CONSULAR IDENTIFICATION
18 CARD NUMBER provided by an applicant is a valid number assigned to that
19 applicant.

20 2. Retain the social security number OR CONSULAR IDENTIFICATION
21 CARD NUMBER in its records.

22 F. The social security number OR CONSULAR IDENTIFICATION CARD
23 NUMBER provided to the department pursuant to subsection D of this section
24 for an applicant's driver license or instruction permit shall not appear
25 on an applicant's driver license or instruction permit unless the
26 applicant requests that the social security number OR CONSULAR
27 IDENTIFICATION CARD NUMBER appear on the applicant's driver license or
28 instruction permit as the driver license or instruction permit number.
29 Except as provided in sections 28-455 and 41-1954, the department shall
30 not release the social security number OR CONSULAR IDENTIFICATION CARD
31 NUMBER to any person unless the applicant requests that the social
32 security number OR CONSULAR IDENTIFICATION CARD NUMBER appear on the
33 applicant's driver license or instruction permit as the driver license or
34 instruction permit number. The provisions of this subsection shall be
35 included in each application.

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

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

1 ~~+~~ H. The department may request an applicant who appears in
2 person for a license, a duplicate license or reinstatement of a driving
3 privilege to complete satisfactorily the vision screening prescribed by
4 the department.

5 ~~+~~ I. If a driver license applicant submits satisfactory proof to
6 the department that the applicant is a veteran, on request of the
7 applicant, the department shall allow a distinguishing mark to appear on
8 the license that identifies the person as a veteran.