

House Engrossed

class G driver licenses; qualifications

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

HOUSE BILL 2833

AN ACT

AMENDING SECTION 28-3164, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3164.01; AMENDING SECTION 28-3174, 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 28-3164, Arizona Revised Statutes, is amended to
3 read:
4 28-3164. Original applicants; examination; first time driver
5 education course; fund
6 A. The department may do any of the following:
7 1. Examine an applicant for an original driver license.
8 2. Accept the examination conducted by an authorized third party
9 pursuant to chapter 13 of this title. Beginning July 1, 2014, the third
10 party must be authorized pursuant to section 28-5101.01 or 28-5101.03.
11 3. Accept documentation of successful completion of a driver
12 training course approved by the department. Beginning July 1, 2014, for a
13 class D or G license the documentation must be provided by a third party
14 authorized pursuant to section 28-5101.02.
15 4. Accept documentation that the applicant has successfully
16 completed education on special performance equipment and medically related
17 driving circumstances. Beginning July 1, 2014, the documentation must be
18 provided by a third party authorized pursuant to section 28-5101.02.
19 5. Accept documentation that the applicant has successfully
20 completed driver education lessons provided by an instructor who is
21 certified by the superintendent of public instruction.
22 B. The examination shall include all of the following:
23 1. A test of the applicant's:
24 (a) Eyesight.
25 (b) Ability to read and understand official traffic control
26 devices.
27 (c) Knowledge of safe driving practices and the traffic laws of
28 this state, including those practices and laws relating to bicycles.
29 (d) Knowledge of the effect of using a portable wireless
30 communication device as defined in section 28-914 or engaging in other
31 actions that could distract a driver on the safe or effective operation of
32 a motor vehicle.
33 2. An actual demonstration of ability to exercise ordinary and
34 reasonable control in the operation of a vehicle or vehicle combination of
35 the type covered by the license classification or endorsement for which
36 the applicant applies.
37 3. Other physical and mental examinations if the department finds
38 them necessary to determine the applicant's fitness to safely operate a
39 motor vehicle on the highways.
40 C. The department may examine an original applicant for a class M
41 license or a motorcycle endorsement or the department may accept the
42 examination conducted by an authorized third party pursuant to chapter 13,
43 article 1 of this title or documentation of successful completion of a
44 motorcycle training program approved by the department. Beginning July 1,
45 2014, the documentation of successful completion of a motorcycle training

1 program must be provided by a third party motorcycle driver license
2 training provider authorized pursuant to section 28-5101.02 or a
3 motorcycle training program approved by the department and provided in
4 another state or by the United States military. The department may
5 examine an applicant who has a motorcycle license from another
6 jurisdiction. This examination shall be the same as for all applicants,
7 except that the department may make modifications it finds necessary to
8 determine the applicant's fitness to operate a motorcycle, motor driven
9 cycle or moped on the highways.

10 D. The department shall examine a person who holds a driver license
11 issued by another country and who applies for an initial license in this
12 state as an original applicant, except that the department may waive an
13 actual demonstration of the ability to exercise ordinary and reasonable
14 control in the operation of a motor vehicle if the person applies for a
15 class D or G license and appears to meet the department's medical
16 qualifications and if the out-of-state license is not revoked or is not
17 expired for more than one year.

18 E. The department may waive the driving examination for initial
19 applicants for a class M license or a motorcycle endorsement if all of the
20 following conditions exist:

21 1. The applicant's current license indicates the applicant has been
22 specifically licensed to operate a motorcycle.

23 2. The applicant appears to meet the department's medical
24 qualifications.

25 3. The applicant's out-of-state license is not revoked or is not
26 expired for more than one year.

27 F. THE DEPARTMENT SHALL ESTABLISH A FIRST TIME DRIVER EDUCATION
28 COURSE TO ENHANCE STREET AND HIGHWAY SAFETY AND TO REDUCE THE NUMBER OF
29 VEHICLE COLLISIONS AND MOVING TRAFFIC VIOLATIONS. ONLY A
30 DEPARTMENT-APPROVED PROVIDER THAT MEETS THE DEPARTMENT'S TRAINING AND
31 CURRICULUM STANDARDS MAY TEACH THE COURSE, WHICH MAY BE CONDUCTED IN A
32 CLASSROOM OR ONLINE, DEPENDING ON THE PROVIDER'S AUTHORITY FROM THE
33 DEPARTMENT. A DEPARTMENT-APPROVED PROVIDER MAY USE A SCHOOL DISTRICT OR
34 CHARTER SCHOOL TO ADMINISTER THE COURSE. THE PROVIDER MAY CHARGE A FEE
35 FOR EACH COURSE AND SHALL REMIT A PORTION OF THE COURSE FEE IN AN AMOUNT
36 TO BE DETERMINED BY THE DIRECTOR TO THE DEPARTMENT ON A QUARTERLY
37 BASIS. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
38 35-147, THE STATE'S PORTION OF THE COLLECTED COURSE FEE IN THE FIRST TIME
39 DRIVING SCHOLARSHIP FUND ESTABLISHED BY THIS SECTION.

40 G. THE FIRST TIME DRIVER EDUCATION COURSE CURRICULUM MUST BE AT
41 LEAST FOUR HOURS IN LENGTH AND BE DEMONSTRABLY EFFECTIVE IN REDUCING
42 VEHICLE COLLISIONS OR MOVING VIOLATIONS, OR BOTH, BASED ON DELIVERY
43 MODALITIES THAT THE CURRICULUM USES, INCLUDING ONLINE, CLASSROOM-BASED AND
44 VIDEO INSTRUCTIONAL METHODS. THE COURSE SHALL PROVIDE INFORMATION ON THE
45 PROPER PROCEDURES TO FOLLOW WHEN A DRIVER IS STOPPED BY A LAW ENFORCEMENT

1 OFFICER, INCLUDING HOW THE DRIVER SHOULD SAFELY BEHAVE AND INTERACT WITH
2 THE LAW ENFORCEMENT OFFICER AND PERTINENT INFORMATION RELATING TO THE
3 DRIVER'S RIGHTS DURING A STOP UNDER THE UNITED STATES CONSTITUTION AND THE
4 ARIZONA CONSTITUTION. FOR STUDENTS UNDER EIGHTEEN YEARS OF AGE, THE
5 COURSE CONTENT AND FINAL EXAMINATION MUST SPECIFICALLY ADDRESS AND INCLUDE
6 INFORMATION RELEVANT TO CLASS G LICENSURE IN THIS STATE, INCLUDING THE
7 RESTRICTIONS PRESCRIBED IN SECTION 28-3174 TO ENSURE STUDENTS ARE WELL
8 PREPARED FOR THE STAGES AND REQUIREMENTS OF CLASS G LICENSURE. A PERSON
9 WHO SUCCESSFULLY COMPLETES THE COURSE AND PASSES THE FINAL EXAMINATION IS
10 EXEMPT FROM TAKING A WRITTEN EXAMINATION THAT IS DESCRIBED IN SUBSECTION A
11 OR D OF THIS SECTION. IF THE COURSE IS OFFERED ONLINE IT MUST INCLUDE ALL
12 OF THE FOLLOWING:

- 13 1. MECHANISMS TO VERIFY CONTINUOUS ENGAGEMENT AND PREVENT CONTENT
14 SKIPPING, ENSURING THAT A STUDENT COMPLETES THE ENTIRE COURSE.
- 15 2. INTERACTIVE EXERCISES THAT ENGAGE A STUDENT IN ACTIVE LEARNING.
- 16 3. PROGRESS TRACKING FEATURES TO MONITOR A STUDENT'S ADVANCEMENT
17 THROUGH THE COURSE MATERIAL.
- 18 4. REGULAR ASSESSMENTS TO EVALUATE A STUDENT'S UNDERSTANDING AND
19 RETENTION OF THE MATERIAL.
- 20 5. A COMPREHENSIVE FINAL EXAMINATION THAT ASSESSES THE STUDENT'S
21 READINESS AND KNOWLEDGE.

22 H. BEFORE BEING APPROVED BY THE DEPARTMENT IN A MANNER PRESCRIBED
23 BY THE DIRECTOR, A COURSE PROVIDER MUST SUBMIT AN EFFECTIVENESS STUDY TO
24 THE DEPARTMENT THAT DEMONSTRATES THE EFFECTIVENESS OF THE CURRICULUM THAT
25 IS USED IN THE PROVIDER'S COURSE. THE STUDY MUST BE EXCLUSIVELY CONDUCTED
26 BY INDEPENDENT STATE AGENCIES OR ACCREDITED ACADEMIC INSTITUTIONS WITHIN
27 THE UNITED STATES. A PRELICENSURE OR DEFENSIVE DRIVING COURSE THAT HAS
28 UNDERGONE EFFICACY STUDIES IN OTHER STATES IN THE UNITED STATES MAY
29 QUALIFY AS DEMONSTRATING THE EFFECTIVENESS OF THE CURRICULUM OF THE
30 DEPARTMENT-APPROVED PROVIDER'S COURSE. NOTWITHSTANDING ANY OTHER LAW,
31 BEFORE THE DEPARTMENT MAY ISSUE A DRIVER LICENSE TO AN APPLICANT, THE
32 APPLICANT MUST COMPLETE THE FIRST TIME DRIVER EDUCATION COURSE DESCRIBED
33 IN SUBSECTION F OF THIS SECTION IF THE APPLICANT EITHER:

- 34 1. IS AT LEAST SIXTEEN YEARS OF AGE AND HAS NOT PREVIOUSLY EITHER:
 - 35 (a) BEEN ISSUED A DRIVER LICENSE FROM THIS STATE OR ANOTHER STATE
36 IN THE UNITED STATES OR A UNITED STATES TERRITORY.
 - 37 (b) COMPLETED A DEPARTMENT-APPROVED FIRST TIME DRIVER EDUCATION
38 COURSE.
- 39 2. HAS A SUSPENDED OR REVOKED DRIVER LICENSE FROM THIS STATE OR
40 ANOTHER STATE IN THE UNITED STATES OR A UNITED STATES TERRITORY.

41 I. THE FIRST TIME DRIVING SCHOLARSHIP FUND IS ESTABLISHED TO
42 PROVIDE FINANCIAL ASSISTANCE TO FIRST TIME DRIVER EDUCATION COURSE
43 STUDENTS WHO MEET THE ELIGIBILITY REQUIREMENTS ESTABLISHED UNDER THE
44 NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS (42 UNITED STATES CODE
45 SECTIONS 1751 THROUGH 1793) OR QUALIFY FOR SCHOOL MEAL PROGRAMS PURSUANT

1 TO TITLE 15, CHAPTER 10, ARTICLE 4. THE FUND SHALL COVER ALL COSTS OF A
2 FIRST TIME DRIVING COURSE. THE DEPARTMENT SHALL ADMINISTER THE
3 FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

4 Sec. 2. Title 28, chapter 8, article 4, Arizona Revised Statutes,
5 is amended by adding section 28-3164.01, to read:

6 28-3164.01. Licensure; rules; first time driver education
7 providers; audit

8 A. A PERSON MAY NOT ACT AS A FIRST TIME DRIVER EDUCATION PROVIDER
9 UNLESS THE PERSON APPLIES FOR AND OBTAINS FROM THE DIRECTOR A LICENSE IN
10 THE MANNER AND FORM PRESCRIBED BY THE DIRECTOR. THE DEPARTMENT MAY
11 LICENSE ONLY ONE PROVIDER PER CURRICULUM AND SHALL POST AND MAINTAIN THE
12 APPROVED PROVIDERS ON ITS WEBSITE.

13 B. THE DEPARTMENT SHALL ADOPT RULES FOR THE LICENSURE OF A PROVIDER
14 THAT OFFERS FIRST TIME DRIVER EDUCATION COURSES THAT ESTABLISH STANDARDS
15 FOR EDUCATIONAL CONTENT AND REQUIRE A PROVIDER TO OFFER COMPREHENSIVE AND
16 EFFECTIVE DRIVER EDUCATION TO FIRST TIME DRIVERS AND FOR THE APPROVAL OF
17 THE PROVIDER'S CURRICULUM. THE PROVIDER MAY ALLOW OTHER DEFENSIVE DRIVING
18 SCHOOLS OR TRAFFIC SURVIVAL SCHOOLS TO USE THE PROVIDER'S APPROVED
19 CURRICULUM AS AN AFFILIATE OF THE PROVIDER.

20 C. THE DEPARTMENT MAY CONDUCT AN AUDIT OR CAUSE AN AUDIT TO BE
21 PREFORMED ON A LICENSED PROVIDER TO ENSURE COMPLIANCE WITH THIS SECTION.
22 THE DEPARTMENT MAY IMPOSE PENALTIES FOR A VIOLATION OF THIS SECTION,
23 INCLUDING REVOCATION OF THE PROVIDER'S LICENSE.

24 Sec. 3. Section 28-3174, Arizona Revised Statutes, is amended to
25 read:

26 28-3174. Class G driver licenses; restrictions; civil
27 penalties; motorcycles

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

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

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

35 3. THE PERSON SUCCESSFULLY COMPLETES A DEPARTMENT-APPROVED FIRST
36 TIME DRIVER EDUCATION COURSE PRESCRIBED IN SECTION 28-3164.

37 ~~3.~~ 4. ~~Any~~ EITHER of the following applies:

38 (a) The person has satisfactorily completed a driver education
39 program that is approved by the department of transportation. If the
40 driver education program is offered by a public high school, the program
41 shall be approved by the department of transportation in consultation with
42 the department of education.

1 ~~(b) Both of the following apply:~~
2 ~~(i) The person completes a driver education program that is offered~~
3 ~~by a defensive driving school that is certified pursuant to section~~
4 ~~28-3395 and that is approved by the supreme court or a traffic survival~~
5 ~~school.~~
6 ~~(ii) A custodial parent or guardian of the person certifies in~~
7 ~~writing to the department that the applicant has completed at least twenty~~
8 ~~hours of supervised driving practice and that at least six of the required~~
9 ~~practice hours were at night.~~
10 ~~(c)~~ (b) A custodial parent or guardian of the person certifies in
11 writing to the department that the applicant has completed at least thirty
12 hours of supervised driving practice and that at least ten of the required
13 practice hours were at night.
14 5. THE PERSON'S PARENT OR LEGAL GUARDIAN SIGNS A FORM STATING THAT
15 THE PARENT OR LEGAL GUARDIAN UNDERSTANDS THE INFORMATION PRESCRIBED IN
16 SUBSECTIONS C AND D OF THIS SECTION.
17 ~~B. If the applicant successfully passes the examination prescribed~~
18 ~~in section 28-3164 and satisfies the requirements prescribed in subsection~~
19 ~~A of this section, the department may issue a class G driver license to~~
20 ~~the applicant.~~
21 ~~C.~~ B. Except as provided in subsection ~~D~~ C of this section, a
22 class G driver license entitles the licensee to drive a motor vehicle that
23 requires a class G license on the public highways.
24 ~~D.~~ C. Except as provided in subsection ~~K~~ J of this section, for
25 the first six months that a class G licensee holds the license, the
26 licensee shall not drive a motor vehicle on a public highway from
27 12:00 a.m. to 5:00 a.m. unless either:
28 1. The licensee is accompanied by a parent or legal guardian who
29 has a class A, B, C or D license and who occupies a seat beside the class
30 G licensee.
31 2. The licensee is driving directly to or from a sanctioned school
32 sponsored activity, the licensee's place of employment, a sanctioned
33 religious activity or a family emergency.
34 ~~E.~~ D. Except as provided in this subsection and subsection ~~K~~ J of
35 this section, for the first six months that a class G licensee holds the
36 license, the licensee shall not drive a motor vehicle on a public highway
37 at any time if the licensee is driving a motor vehicle containing more
38 than one passenger under the age of eighteen. This restriction does not:
39 1. Prohibit the licensee from driving a motor vehicle containing
40 passengers under the age of eighteen if the passengers are the licensee's
41 siblings.
42 2. Apply if the licensee is accompanied by a parent or legal
43 guardian who has a class A, B, C or D license and who occupies a seat
44 beside the class G licensee.

1 ~~F.~~ E. Except as provided in subsection ~~K~~ J of this section, for
2 the first six months that a class G licensee holds the license, the
3 licensee may not drive a motor vehicle while using a wireless
4 communication device for any reason except either:

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

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

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

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

13 ~~G.~~ F. A peace officer shall not stop or issue a citation to a
14 person operating a motor vehicle on a highway in this state for a
15 violation of subsection C, D, ~~OR E~~ ~~OR F~~ of this section unless the peace
16 officer has reasonable cause to believe there is another alleged violation
17 of a motor vehicle law of this state.

18 ~~H.~~ G. If a licensee is found responsible for violating subsection
19 C, D, ~~OR E~~ ~~OR F~~ of this section, the licensee:

20 1. For a first violation, is subject to a maximum civil penalty of
21 \$75. The department shall extend the restriction prescribed by subsection
22 C, D, ~~OR E~~ ~~OR F~~ of this section for thirty days, or if the restriction
23 prescribed by subsection C, D, ~~OR E~~ ~~OR F~~ of this section is complete, the
24 thirty day restriction begins on the department's receipt of the report of
25 the finding of responsibility.

26 2. For a second violation, is subject to a maximum civil penalty of
27 \$100. The department shall extend the restriction prescribed by
28 subsection C, D, ~~OR E~~ ~~OR F~~ of this section for sixty days, or if the
29 restriction prescribed by subsection C, D, ~~OR E~~ ~~OR F~~ of this section is
30 complete, the sixty day restriction begins on the department's receipt of
31 the report of the finding of responsibility. If at the time of the second
32 violation the licensee is subject to an extension of the six month period
33 pursuant to paragraph 1 of this subsection, the extensions run
34 consecutively.

35 3. For a third or subsequent violation, is subject to a maximum
36 civil penalty of \$100. On the department's receipt of the report of the
37 finding of responsibility, the department shall suspend the licensee's
38 driving privilege for thirty days. If the licensee also has a suspension
39 resulting from a moving civil traffic violation or a moving criminal
40 traffic offense as prescribed by section 28-3321, the suspensions run
41 consecutively.

42 ~~I.~~ H. A citation issued for violating subsection ~~D~~ C of this
43 section shall be dismissed if the licensee to whom the citation was issued
44 produces any of the following evidence to the appropriate court officer on

1 or before the date and time specified on the citation for court appearance
2 and in a manner specified by the court:

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

7 2. A written, notarized letter from a representative of the
8 sanctioned school sponsored activity certifying that the licensee was
9 returning from the school activity.

10 3. A written, notarized letter from the licensee's employer
11 certifying that the licensee was returning from the licensee's place of
12 employment.

13 4. A written, notarized letter from a representative of the
14 sanctioned religious activity certifying that the licensee was returning
15 from the religious activity.

16 ~~J.~~ I. A citation issued for violating subsection ~~E~~ D of this
17 section shall be dismissed if the licensee to whom the citation was issued
18 produces a written, notarized letter from the parent or legal guardian of
19 the licensee to the appropriate court officer on or before the date and
20 time specified on the citation for court appearance and in a manner
21 specified by the court that states the passengers in the vehicle with the
22 licensee at the time of the violation were the siblings of the licensee.

23 ~~K.~~ J. The restrictions imposed by subsection C, D, ~~OR~~ E ~~OR~~ F of
24 this section do not apply beginning on the licensee's eighteenth
25 birthday. Any penalties or restrictions imposed pursuant to subsection
26 ~~H~~ G of this section shall be fully satisfied even if the licensee is
27 eighteen years of age or older.

28 ~~L.~~ K. A person who holds a class G driver license may apply for a
29 class D license on or after the person's eighteenth birthday, except that
30 a person whose class G driver license is suspended pursuant to section
31 28-3321 is not entitled to receive a class D driver license until after
32 the suspension period expires.

33 ~~M.~~ L. If a person who is under eighteen years of age and at least
34 sixteen years of age applies for a class M license or a motorcycle
35 endorsement, the department shall not issue the class M license or
36 motorcycle endorsement to the person unless both of the following apply:

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

41 2. Either:

42 (a) The person has satisfactorily completed a motorcycle driver
43 education program that is approved by the department. If the driver
44 education program is offered by a public high school, the program shall be

1 approved by the department of transportation in consultation with the
2 department of education.

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

6 Sec. 4. Legislative intent

7 The legislature intends that the first time driver education course
8 fee established pursuant to section 28-3164, Arizona Revised Statutes, as
9 amended by this act, be not more than \$30 per student and that the state's
10 portion of the \$30 fee be not more than \$10.