

REFERENCE TITLE: class G driver licenses; qualifications

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

## **HB 2833**

Introduced by  
Representatives Gillette: Biasiucci, Martinez, Seaman; Senator Borrelli

AN ACT

AMENDING SECTIONS 28-3164 AND 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

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 AN ADULT DRIVER EDUCATION COURSE  
28 TO ENHANCE STREET AND HIGHWAY SAFETY AND TO REDUCE THE NUMBER OF VEHICLE  
29 COLLISIONS AND MOVING TRAFFIC VIOLATIONS. THE COURSE MAY ONLY BE TAUGHT  
30 BY A DEPARTMENT-APPROVED PROVIDER AND MAY BE CONDUCTED IN A CLASSROOM OR  
31 ONLINE, DEPENDING ON THE PROVIDER'S AUTHORITY FROM THE DEPARTMENT. THE  
32 COURSE CURRICULUM MUST BE FOUR HOURS IN LENGTH AND BE DEMONSTRABLY  
33 EFFECTIVE IN REDUCING VEHICLE COLLISIONS OR MOVING VIOLATIONS, OR BOTH,  
34 BASED ON DELIVERY MODALITIES THAT THE CURRICULUM USES, INCLUDING ONLINE,  
35 CLASSROOM-BASED AND VIDEO INSTRUCTIONAL METHODS. BEFORE BEING APPROVED BY  
36 THE DEPARTMENT IN A MANNER PRESCRIBED BY THE DIRECTOR, A COURSE PROVIDER  
37 MUST SUBMIT AN EFFECTIVENESS STUDY TO THE DEPARTMENT THAT DEMONSTRATES THE  
38 EFFECTIVENESS OF THE CURRICULUM THAT IS USED IN THE PROVIDER'S COURSE.  
39 THE STUDY MUST BE EXCLUSIVELY CONDUCTED BY INDEPENDENT STATE AGENCIES OR  
40 ACCREDITED ACADEMIC INSTITUTIONS WITHIN THE UNITED STATES. A PRELICENSURE  
41 COURSE THAT HAS UNDERGONE EFFICACY STUDIES IN OTHER STATES MAY QUALIFY AS  
42 DEMONSTRATING THE EFFECTIVENESS OF THE CURRICULUM OF THE DEPARTMENT-  
43 APPROVED PROVIDER'S COURSE. NOTWITHSTANDING ANY OTHER LAW, BEFORE THE  
44 DEPARTMENT MAY ISSUE A DRIVER LICENSE TO AN APPLICANT, THE APPLICANT MUST

1 COMPLETE THE ADULT DRIVER EDUCATION COURSE DESCRIBED IN THIS SUBSECTION IF  
2 THE APPLICANT EITHER:

- 3 1. IS AT LEAST SIXTEEN YEARS OF AGE AND HAS NOT PREVIOUSLY EITHER:  
4 (a) BEEN ISSUED A DRIVER LICENSE FROM THIS STATE OR ANOTHER STATE.  
5 (b) COMPLETED A DEPARTMENT-APPROVED DRIVER EDUCATION COURSE.  
6 2. HAS AN EXPIRED, SUSPENDED OR REVOKED DRIVER LICENSE FROM THIS  
7 STATE OR ANOTHER STATE.

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

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

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

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

19 3. THE PERSON SUCCESSFULLY COMPLETES A DEPARTMENT-APPROVED ADULT  
20 DRIVER PROGRAM. THE PERSON IS NOT REQUIRED TO PASS THE EXAMINATION  
21 PRESCRIBED IN SECTION 28-3164. THE ADULT DRIVER PROGRAM MUST:

22 (a) INCLUDE LITERATURE ON THE INFORMATION THAT IS PRESCRIBED IN  
23 SUBSECTIONS C AND D OF THIS SECTION.

24 (b) BE TAUGHT BY A DEPARTMENT-APPROVED PROVIDER AND MAY BE  
25 CONDUCTED IN A CLASSROOM OR ONLINE, DEPENDING ON THE PROVIDER'S AUTHORITY  
26 FROM THE DEPARTMENT.

27 ~~3.~~ 4. Any of the following applies:

28 (a) The person has satisfactorily completed a driver education  
29 program that is approved by the department of transportation. If the  
30 driver education program is offered by a public high school, the program  
31 shall be approved by the department of transportation in consultation with  
32 the department of education.

33 (b) Both of the following apply:

34 (i) The person completes a driver education program that is offered  
35 by a defensive driving school that is certified pursuant to section  
36 28-3395 and that is approved by the supreme court or a traffic survival  
37 school.

38 (ii) A custodial parent or guardian of the person certifies in  
39 writing to the department that the applicant has completed at least twenty  
40 hours of supervised driving practice and that at least six of the required  
41 practice hours were at night.

42 (c) A custodial parent or guardian of the person certifies in  
43 writing to the department that the applicant has completed at least thirty  
44 hours of supervised driving practice and that at least ten of the required  
45 practice hours were at night.

1           5. THE PERSON'S PARENT OR LEGAL GUARDIAN SIGNS A FORM STATING THAT  
2 THE PARENT OR LEGAL GUARDIAN UNDERSTANDS THE INFORMATION PRESCRIBED IN  
3 SUBSECTIONS C AND D OF THIS SECTION.

4           ~~B. If the applicant successfully passes the examination prescribed~~  
5 ~~in section 28-3164 and satisfies the requirements prescribed in subsection~~  
6 ~~A of this section, the department may issue a class G driver license to~~  
7 ~~the applicant.~~

8           ~~C.~~ B. Except as provided in subsection ~~D~~ C of this section, a  
9 class G driver license entitles the licensee to drive a motor vehicle that  
10 requires a class G license on the public highways.

11           ~~D.~~ C. Except as provided in subsection ~~K~~ J of this section, for  
12 the first six months that a class G licensee holds the license, the  
13 licensee shall not drive a motor vehicle on a public highway from  
14 12:00 a.m. to 5:00 a.m. unless either:

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

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

21           ~~E.~~ D. Except as provided in this subsection and subsection ~~K~~ J of  
22 this section, for the first six months that a class G licensee holds the  
23 license, the licensee shall not drive a motor vehicle on a public highway  
24 at any time if the licensee is driving a motor vehicle containing more  
25 than one passenger under the age of eighteen. This restriction does not:

26           1. Prohibit the licensee from driving a motor vehicle containing  
27 passengers under the age of eighteen if the passengers are the licensee's  
28 siblings.

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

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

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

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

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

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

44           ~~G.~~ F. A peace officer shall not stop or issue a citation to a  
45 person operating a motor vehicle on a highway in this state for a

1 violation of subsection ~~C, D,~~ OR ~~E~~ of this section unless the peace  
2 officer has reasonable cause to believe there is another alleged violation  
3 of a motor vehicle law of this state.

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

6 1. For a first violation, is subject to a maximum civil penalty of  
7 \$75. The department shall extend the restriction prescribed by subsection  
8 ~~C, D,~~ OR ~~E~~ of this section for thirty days, or if the restriction  
9 prescribed by subsection ~~C, D,~~ OR ~~E~~ of this section is complete, the  
10 thirty day restriction begins on the department's receipt of the report of  
11 the finding of responsibility.

12 2. For a second violation, is subject to a maximum civil penalty of  
13 \$100. The department shall extend the restriction prescribed by  
14 subsection ~~C, D,~~ OR ~~E~~ of this section for sixty days, or if the  
15 restriction prescribed by subsection ~~C, D,~~ OR ~~E~~ of this section is  
16 complete, the sixty day restriction begins on the department's receipt of  
17 the report of the finding of responsibility. If at the time of the second  
18 violation the licensee is subject to an extension of the six month period  
19 pursuant to paragraph 1 of this subsection, the extensions run  
20 consecutively.

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

28 ~~I.~~ H. A citation issued for violating subsection ~~D~~ C of this  
29 section shall be dismissed if the licensee to whom the citation was issued  
30 produces any of the following evidence to the appropriate court officer on  
31 or before the date and time specified on the citation for court appearance  
32 and in a manner specified by the court:

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

37 2. A written, notarized letter from a representative of the  
38 sanctioned school sponsored activity certifying that the licensee was  
39 returning from the school activity.

40 3. A written, notarized letter from the licensee's employer  
41 certifying that the licensee was returning from the licensee's place of  
42 employment.

43 4. A written, notarized letter from a representative of the  
44 sanctioned religious activity certifying that the licensee was returning  
45 from the religious activity.

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

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

13           ~~L~~. K. A person who holds a class G driver license may apply for a  
14 class D license on or after the person's eighteenth birthday, except that  
15 a person whose class G driver license is suspended pursuant to section  
16 28-3321 is not entitled to receive a class D driver license until after  
17 the suspension period expires.

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

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

26           2. Either:

27           (a) The person has satisfactorily completed a motorcycle driver  
28 education program that is approved by the department. If the driver  
29 education program is offered by a public high school, the program shall be  
30 approved by the department of transportation in consultation with the  
31 department of education.

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