

REFERENCE TITLE: commercial driver license examiners; notice

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2166

Introduced by
Representative Biasiucci

AN ACT

AMENDING SECTIONS 28-5101.03 AND 28-5108, ARIZONA REVISED STATUTES;
RELATING TO AUTHORIZED THIRD PARTIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-5101.03, Arizona Revised Statutes, is amended
3 to read:

4 28-5101.03. Authorized third party commercial driver license
5 examiners; requirements

6 A. Beginning July 1, 2014, a person must be a separately authorized
7 third party commercial driver license examiner to perform commercial
8 driver license skills testing.

9 B. A third party commercial driver license examiner authorized
10 pursuant to this section must comply with all quality control requirements
11 prescribed by the department.

12 C. ANY SUSPENSION OR CANCELLATION OF A THIRD PARTY AUTHORIZATION OR
13 CERTIFICATION FOLLOWING ANY INSPECTION OR AUDIT MUST FOLLOW THE PROCEDURES
14 FOR CANCELLATION OR SUSPENSION PURSUANT TO SECTION 28-5108. ANY NOTICE
15 ISSUED PURSUANT TO SECTION 28-5108 MUST BE SENT TO THE COMMERCIAL DRIVER
16 LICENSE EXAMINER AND THE EMPLOYER OF THE EXAMINER.

17 Sec. 2. Section 28-5108, Arizona Revised Statutes, is amended to
18 read:

19 28-5108. Cancellation or suspension of authorization or
20 certification; hearing; appeal

21 A. The director may suspend or cancel an authorization or
22 certification, or both, granted pursuant to this article if the director
23 determines that the third party or certificate holder has done any of the
24 following:

25 1. Made a material misrepresentation or misstatement in the
26 application for authorization or certification.

27 2. Violated a law of this state.

28 3. Violated a rule or policy adopted by the department.

29 4. Failed to keep and maintain records required by this article.

30 5. Allowed an unauthorized person to engage in any business
31 pursuant to this article.

32 6. Been involved in any activity that the director determines to be
33 inappropriate in relation to the authority granted.

34 B. The director may suspend or cancel an authorization or
35 certification, or both, granted pursuant to this chapter if the director
36 determines that an individual included in the application for
37 authorization or certification:

38 1. Made a misrepresentation, omission or misstatement in the
39 application to conceal a matter that may cause the application to be
40 denied.

41 2. Has been convicted of fraud or an ~~auto-related~~ **AUTO-RELATED**
42 felony in a state, territory or possession of the United States or a
43 foreign country within the ten years immediately preceding the date a
44 criminal records check is complete.

1 3. Has been convicted of a felony, other than a felony described in
2 paragraph 2 of this subsection, in a state, territory or possession of the
3 United States or a foreign country within the five years immediately
4 preceding the date a criminal records check is complete.

5 C. The director shall suspend or cancel an authorization of a third
6 party granted pursuant to this article if the director determines that the
7 third party failed to maintain the bond required pursuant to section
8 28-5104.

9 D. If the director has reasonable grounds to believe that a
10 certificate holder or other person employed by an authorized third party
11 has committed a serious violation, the director may order a summary
12 suspension of the third party's authorization granted pursuant to this
13 chapter pending formal suspension or cancellation proceedings. For the
14 purposes of this subsection, "serious violation" means:

15 1. Title or registration fraud.
16 2. Driver license or identification license fraud.
17 3. Improper disclosure of personal information as defined in
18 section 28-440.

19 4. Bribery.

20 5. Theft.

21 E. On determining that grounds for suspension or cancellation of an
22 authorization or certification, or both, exist, the director shall give
23 written notice to the third party or certificate holder to appear at a
24 hearing before the director **NOT LESS THAN FOURTEEN DAYS AFTER RECEIVING**
25 **THE NOTICE** to show cause why the authorization or certification should not
26 be suspended or canceled. **THE NOTICE SHALL INCLUDE:**

27 1. **THE LAW, RULE, POLICY, PROCEDURE OR STANDARD OF THIS STATE**
28 **ALLEGEDLY VIOLATED.**

29 2. **THE DATE OF THE ALLEGED VIOLATION.**

30 3. **THE SWORN STATEMENT OR REPORT OF THE DEPARTMENT AGENT WHO**
31 **WITNESSED THE ALLEGED VIOLATION.**

32 4. **DOCUMENTATION THAT THE SUSPENSION OR CANCELLATION OF THE THIRD**
33 **PARTY AUTHORIZATION OR CERTIFICATION IS BOTH:**

34 (a) **IN THE BEST INTEREST OF THIS STATE.**

35 (b) **CANNOT BE REMEDIED BY COMPLIANCE OR REMEDIAL ACTION TO PREVENT**
36 **FUTURE PROBLEMS.**

37 F. After consideration of the evidence presented at the hearing,
38 the director shall serve notice of the director's finding and order to the
39 third party or certificate holder.

40 G. If a third party authorization or a certification is suspended
41 or canceled, the third party or certificate holder may appeal the decision
42 pursuant to title 12, chapter 7, article 6.