

House Engrossed

identification driver licenses; Native American

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

HOUSE BILL 2852

AN ACT

AMENDING SECTIONS 28-3165 AND 28-3166, 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 28-3165, Arizona Revised Statutes, is amended to
3 read:

4 28-3165. Nonoperating identification license; immunity;
5 rules; emancipated minors; definition

6 A. On receipt of an application from a person who does not have a
7 valid driver license issued by this state or whose driving privilege is
8 suspended, the department shall issue a nonoperating identification
9 license that contains a distinguishing number assigned to the licensee,
10 the full legal name, the date of birth, the residence address and a brief
11 description of the licensee and either a facsimile of the signature of the
12 licensee or a space on which the licensee is required to write the
13 licensee's usual signature with pen and ink. A nonoperating
14 identification license that is issued to a person whose driving privilege
15 is suspended shall not be valid for more than one hundred eighty days from
16 the date of issuance.

17 B. On request of an applicant:

18 1. The department shall allow the applicant to provide on the
19 nonoperating identification license a post office box address that is
20 regularly used by the applicant.

21 2. If the applicant submits satisfactory proof to the department
22 that the applicant is a veteran, the department shall allow a
23 distinguishing mark to appear on the nonoperating identification license
24 that identifies that person as a veteran.

25 3. IF THE APPLICANT ELECTS TO SHOW AND SUBMITS SATISFACTORY PROOF
26 TO THE DEPARTMENT THAT THE APPLICANT IS AN ENROLLED MEMBER OF A FEDERALLY
27 RECOGNIZED INDIAN TRIBE, THE DEPARTMENT SHALL ALLOW A DISTINGUISHING MARK
28 TO APPEAR ON THE NONOPERATING IDENTIFICATION LICENSE THAT IDENTIFIES THE
29 APPLICANT AS A NATIVE AMERICAN. THE DISTINGUISHING MARK MAY NOT IDENTIFY
30 A SPECIFIC INDIAN TRIBE OR OTHER SPECIFIC PERSONAL INFORMATION THAT IS
31 SUBMITTED ON THE DOCUMENTS THAT PROVIDE SATISFACTORY PROOF THAT THE PERSON
32 IS AN ENROLLED MEMBER OF A FEDERALLY RECOGNIZED INDIAN TRIBE. DOCUMENTS
33 THAT PROVIDE SATISFACTORY PROOF THAT THE PERSON IS AN ENROLLED MEMBER OF A
34 FEDERALLY RECOGNIZED INDIAN TRIBE INCLUDE:

35 (a) AN ENHANCED TRIBAL CARD.

36 (b) A TRIBAL IDENTIFICATION CARD.

37 (c) A TRIBAL CERTIFICATE OF INDIAN BLOOD.

38 (d) A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

39 C. A person who is issued a license pursuant to this section shall
40 use it only for identification purposes of the licensee. The nonoperating
41 identification license does not grant authority to operate a motor vehicle
42 in this state. The department shall clearly label the nonoperating
43 identification license "for identification only, not for operation of a
44 motor vehicle".

1 D. On issuance of a driver license, the holder of a nonoperating
2 identification license shall surrender the nonoperating identification
3 license to the department, and the department shall not refund any fee
4 paid for the issuance of the nonoperating identification license.

5 E. A nonoperating identification license shall contain the
6 photograph of the licensee. WHEN ISSUING A NONOPERATING IDENTIFICATION
7 LICENSE, the department shall use a process ~~in the issuance of~~
8 ~~nonoperating identification licenses~~ that prohibits as nearly as possible
9 the ability to superimpose a photograph on the license without ready
10 detection. The department shall process nonoperating identification
11 licenses and photo attachments in color.

12 F. On application, an applicant shall give the department
13 satisfactory proof of the applicant's full legal name, date of birth, sex
14 and residence address, if the applicant has a residence address, and that
15 the applicant's presence in the United States is authorized under federal
16 law. The application shall briefly describe the applicant, state whether
17 the applicant has been licensed, and if so, the type of license issued,
18 when and by what state or country and whether any such license is under
19 suspension, revocation or cancellation. The application shall contain
20 other identifying information required by the department.

21 G. The department may adopt and implement procedures to deny a
22 nonoperating identification license to a person who has been deported.
23 The department may adopt and implement procedures to reinstate a person's
24 privilege to apply for a nonoperating identification license if the
25 person's legal presence status is restored.

26 H. A nonoperating identification license issued by the department
27 is solely for the use and convenience of the applicant for identification
28 purposes.

29 I. The department shall adopt rules and establish fees for issuance
30 of a nonoperating identification license, except that the department shall
31 not require an examination.

32 J. The fees established pursuant to this section do not apply to
33 any of the following:

- 34 1. A person who is sixty-five years of age or older.
- 35 2. A person who is a recipient of public monies as an individual
36 with a disability under title XVI of the social security act, as amended.
- 37 3. A veteran who does not have a residence address.
- 38 4. A veteran whose residence address is the address of a shelter
39 that provides services to the homeless.
- 40 5. A child WHO IS in the custody of the department of child safety.

41 K. If a person qualifies for a nonoperating identification license
42 and is under the legal drinking age, the department shall issue a license
43 that is marked by color, code or design to immediately distinguish it from
44 a nonoperating identification license issued to a person of legal drinking
45 age. The department shall indicate on the nonoperating identification

1 license issued pursuant to this subsection the year in which the person
2 will attain the legal drinking age.

3 L. If a minor has been emancipated pursuant to title 12, chapter
4 15, on application and proof of emancipation, the department shall issue a
5 nonoperating identification license that contains the words "emancipated
6 minor".

7 M. Notwithstanding any other law, if an applicant for a
8 nonoperating identification license is at least sixteen years of age and
9 either does not have a residence address or is in the department of child
10 safety's custody, the applicant does not need a signature of the
11 applicant's parent, guardian, foster parent or employer.

12 N. For the purposes of this section, "veteran" has the same meaning
13 prescribed in section 41-601.

14 Sec. 2. Section 28-3166, Arizona Revised Statutes, is amended to
15 read:

16 28-3166. Driver license content and application; marked
17 licenses; emancipated minors

18 A. The department shall issue a driver license to a qualified
19 applicant. The driver license shall contain a distinguishing number
20 assigned to the licensee, the license class, any endorsements, the
21 licensee's full name, date of birth and residence address, if the licensee
22 has a residence address, a brief description of the licensee and either a
23 facsimile of the signature of the licensee or a space on which the
24 licensee is required to write the licensee's usual signature with pen and
25 ink. A driver license is not valid until it is signed by the licensee.
26 On request of an applicant:

27 1. The department shall allow the applicant to provide on the
28 driver license a post office box address that is regularly used by the
29 applicant and that is located in the county in which the applicant
30 resides.

31 2. If the applicant submits satisfactory proof to the department
32 that the applicant is a veteran, the department shall allow a
33 distinguishing mark to appear on the license that identifies the person as
34 a veteran.

35 3. IF THE APPLICANT ELECTS AND SUBMITS SATISFACTORY PROOF TO THE
36 DEPARTMENT THAT THE APPLICANT IS AN ENROLLED MEMBER OF A FEDERALLY
37 RECOGNIZED INDIAN TRIBE, THE DEPARTMENT SHALL ALLOW A DISTINGUISHING MARK
38 TO APPEAR ON THE LICENSE THAT IDENTIFIES THE APPLICANT AS A NATIVE
39 AMERICAN. THE DISTINGUISHING MARK MAY NOT IDENTIFY A SPECIFIC INDIAN
40 TRIBE OR OTHER SPECIFIC PERSONAL INFORMATION THAT IS SUBMITTED ON
41 DOCUMENTS THAT PROVIDE SATISFACTORY PROOF THAT THE PERSON IS AN ENROLLED
42 MEMBER OF A FEDERALLY RECOGNIZED INDIAN TRIBE. DOCUMENTS THAT PROVIDE
43 SATISFACTORY PROOF THAT THE PERSON IS AN ENROLLED MEMBER OF A FEDERALLY
44 RECOGNIZED INDIAN TRIBE INCLUDE:

- 1 (a) AN ENHANCED TRIBAL CARD.
- 2 (b) A TRIBAL IDENTIFICATION CARD.
- 3 (c) A TRIBAL CERTIFICATE OF INDIAN BLOOD.
- 4 (d) A TRIBAL OR BUREAU OF INDIAN AFFAIRS AFFIDAVIT OF BIRTH.

5 B. An application for a driver license and the driver license
6 issued shall contain the photo image of the applicant or licensee. WHEN
7 ISSUING A DRIVER LICENSE, the department shall use a process ~~in the~~
8 ~~issuance of driver licenses~~ that prohibits as nearly as possible the
9 ability to alter or reproduce the license or that prohibits the ability to
10 superimpose a photo image on the license without ready detection. The
11 department shall process driver licenses and photo images in color.

12 C. An applicant who is at least sixteen but under twenty-four years
13 of age shall provide the department with satisfactory proof of the
14 applicant's legal name and date of birth.

15 D. If a person is qualified for a driver license and is under the
16 legal drinking age, the department shall issue a license that is marked by
17 color, code or design to immediately distinguish it from a license issued
18 to a person of legal drinking age. The department shall indicate on the
19 driver license issued pursuant to this subsection the year in which the
20 person will attain the legal drinking age.

21 E. The department shall mark a special ignition interlock
22 restricted driver license issued pursuant to chapter 4, article 3.1 of
23 this title by color, code or design to immediately distinguish it from
24 other licenses issued by the department.

25 F. If a person is qualified for a driver license but is subject to
26 the certified ignition interlock device limitations prescribed in section
27 28-1381, 28-1382, 28-1383 or 28-3319, the department shall issue a license
28 that is marked by color, code or design to immediately distinguish it from
29 other licenses issued by the department.

30 G. The department shall not include information in the magnetic
31 stripe and bar code of a driver license other than information that the
32 department is authorized to obtain and place on a driver license pursuant
33 to this article.

34 H. If a minor has been emancipated pursuant to title 12, chapter
35 15, on application and proof of emancipation, the department shall issue a
36 driver license that contains the words "emancipated minor".