

APPROPRIATIONS

SENATE AMENDMENTS TO S.B. 1030

(Reference to printed bill)

Page 1, line 36, strike the colon

Strike lines 37 through 43, insert "NOTIFY A PERSON WHO IS ELIGIBLE FOR A
RESTRICTED PRIVILEGE TO DRIVE PURSUANT TO THIS SECTION THAT THE PERSON IS
ELIGIBLE. THE DEPARTMENT SHALL ISSUE A LICENSE THAT RESTRICTS"

Line 44, strike "DEPARTMENT TO RESTRICT"; after "DRIVE" insert "AS FOLLOWS:
1."

Line 45, strike "HOME, SCHOOL AND"; after "EMPLOYMENT" insert "AND RESIDENCE"

Page 2, strike lines 1 through 10, insert "WHILE AT EMPLOYMENT.

2. BETWEEN THE PERSON'S PLACE OF RESIDENCE, THE PERSON'S PLACE OF
EMPLOYMENT AND THE PERSON'S SECONDARY OR POSTSECONDARY SCHOOL ACCORDING TO
THE PERSON'S EMPLOYMENT OR EDUCATIONAL SCHEDULE.

3. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A SCREENING, EDUCATION
OR TREATMENT FACILITY FOR SCHEDULED APPOINTMENTS.

4. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF THE
PERSON'S PROBATION OFFICER FOR SCHEDULED APPOINTMENTS.

5. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF A
PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL.

6. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A CERTIFIED IGNITION
INTERLOCK DEVICE SERVICE FACILITY.

E. ON APPLICATION, THE DEPARTMENT SHALL ISSUE A DRIVER LICENSE THAT
RESTRICTS A PERSON'S PRIVILEGE TO DRIVE PURSUANT TO SUBSECTION D OF THIS
SECTION ONLY IF ALL OF THE FOLLOWING APPLY:

1. THE PERSON HAS COMPLETED ALL REQUIREMENTS OF THE SENTENCE IMPOSED
BY THE COURT.

2. THE PERSON HAS SATISFIED ALL SUSPENSION PERIODS IMPOSED ON THE
PERSON'S DRIVER LICENSE AS A RESULT OF THE CONVICTION OF OR A FINDING OF
RESPONSIBILITY FOR A VIOLATION OF ANY PROVISION OF THIS TITLE EXCEPT THIS
SECTION.

1 3. THE PERSON PAYS THE APPLICABLE REINSTATEMENT FEE PRESCRIBED BY
2 SECTION 28-3002."

3 Reletter to conform

4 Page 2, strike lines 17 through 22, insert:

5 "Sec. 2. Section 28-4135, Arizona Revised Statutes, is amended to
6 read:

7 28-4135. Motor vehicle financial responsibility requirement;
8 civil penalties

9 A. A motor vehicle that is operated on a highway in this state shall
10 be covered by one of the following:

11 1. A motor vehicle or automobile liability policy that provides limits
12 not less than those prescribed in section 28-4009.

13 2. An alternate method of coverage as provided in section 28-4076.

14 3. A certificate of self-insurance as prescribed in section 28-4007.

15 4. A policy that satisfies the financial responsibility requirements
16 prescribed in article 2 of this chapter.

17 B. A person operating a motor vehicle on a highway in this state shall
18 have evidence within the motor vehicle of current financial responsibility
19 applicable to the motor vehicle.

20 C. Failure to produce evidence of financial responsibility on the
21 request of a law enforcement officer investigating a motor vehicle accident
22 or an alleged violation of a motor vehicle law of this state or a traffic
23 ordinance of a city or town is a civil traffic violation that is punishable
24 as prescribed in this section.

25 D. A citation issued for violating subsection B or C of this section
26 shall be dismissed if the person to whom the citation was issued produces
27 evidence to the appropriate court officer on or before the date and time
28 specified on the citation for court appearance and in a manner specified by
29 the court, including the certification of evidence by mail, of either of the
30 following:

1 1. The financial responsibility requirements prescribed in this
2 section were met for the motor vehicle at the date and time the citation was
3 issued.

4 2. A motor vehicle or automobile liability policy that meets the
5 financial responsibility requirements of this state and that insured the
6 person and the motor vehicle the person was operating at the time the person
7 received the citation regardless of whether or not the motor vehicle was
8 named in the policy.

9 E. Except as provided in section 28-4137, a person who violates this
10 section is subject to a civil penalty as follows:

11 1. The court shall impose a minimum civil penalty of five hundred
12 dollars for the first violation. On receipt of the abstract of the record of
13 judgment, the department shall suspend the driver license of the person and
14 the registration and license plates of the motor vehicle involved for three
15 months.

16 2. If a person violates this section a second time within a period of
17 thirty-six months, the court shall impose a minimum civil penalty of seven
18 hundred fifty dollars. On receipt of the abstract of the record of judgment,
19 the department shall suspend the driver license of the person and the
20 registration and license plates of the motor vehicle involved for six months.

21 3. If a person violates this section three or more times within a
22 period of thirty-six months, the court shall impose a minimum civil penalty
23 of one thousand dollars. On receipt of the abstract of the record of
24 judgment, the department shall suspend the driver license of the person and
25 the registration and license plates of the motor vehicle involved for one
26 year. The department shall require on reinstatement of the driver license,
27 the registration and the license plates that the person file with the
28 department proof of financial responsibility in accordance with article 3 of
29 this chapter. **THE PERSON IS NOT REQUIRED TO HAVE AN SR-22 MOTOR VEHICLE**
30 **LIABILITY POLICY.**

31 Sec. 3. Section 28-4141, Arizona Revised Statutes, is amended to read:

32 28-4141. Suspension of license, registration and license plates

1 A. On imposing a civil penalty for a violation of this article, the
2 court may, if the violation is the first violation within a thirty-six month
3 period, and shall, if the violation is a second or subsequent violation
4 within a thirty-six month period, order the surrender of the person's driver
5 license.

6 B. If a suspension is ordered, the court shall direct the department
7 to suspend the driver license of the person and the registration and license
8 plate of the motor vehicle involved for the time provided in section 28-4135.

9 C. If the person is a nonresident, the court shall direct the
10 department to suspend the nonresident operating privilege of the person and
11 notify the official in charge of issuance of driver licenses in the state
12 where the nonresident resides of the suspension of the person's nonresident
13 operating privilege.

14 D. Registration and license plates that have been suspended on
15 imposition of a civil penalty for a violation of this article:

16 1. Remain suspended for the period for which the suspension was
17 issued.

18 2. On completion of the suspension period, remain suspended until the
19 registered owner both:

20 (a) Provides proof of financial responsibility pursuant to article 3
21 of this chapter for the owner's motor vehicle to the department. **THE**
22 **REGISTERED OWNER IS NOT REQUIRED TO HAVE AN SR-22 MOTOR VEHICLE LIABILITY**
23 **POLICY.**

24 (b) Pays a fee of twenty-five dollars to the department.

25 E. A person's driver license that has been suspended on imposition of
26 a civil penalty for a violation of this article:

27 1. Remains suspended for the period for which the suspension was
28 issued.

29 2. On completion of the suspension period, remains suspended until the
30 person both:

1 (a) Provides proof of financial responsibility pursuant to article 3
2 of this chapter to the department. **THE PERSON IS NOT REQUIRED TO HAVE AN SR-**
3 **22 MOTOR VEHICLE LIABILITY POLICY.**

4 (b) Pays a ten dollar fee to the department.

5 F. A person whose driver license, motor vehicle registration or
6 nonresident driving privilege is suspended pursuant to a civil penalty for a
7 violation of this article is not entitled to a hearing on the suspension
8 before the department but is entitled to a hearing for a restricted license
9 as provided in section 28-4145.

10 Sec. 4. Section 28-4144, Arizona Revised Statutes, is amended to read:
11 **28-4144. Notice: suspension; reinstatement fees**

12 A. If the owner's response to a mailing pursuant to section 28-4143
13 indicates that the motor vehicle does not meet the financial responsibility
14 requirement of section 28-4135 or section 28-4033, subsection A, paragraph 2,
15 subdivision (c), the department shall send a suspension notice to the owner
16 that states:

17 1. The motor vehicle does not meet the financial responsibility
18 requirements.

19 2. The owner's driver license and motor vehicle registration will be
20 suspended fifteen days after the date the suspension notice is mailed and, if
21 the owner is required to comply with section 28-4033, subsection A, paragraph
22 2, subdivision (c), that **THE REGISTRATION OF** all motor vehicles that are
23 registered to the owner and that do not meet the financial responsibility
24 requirements will be suspended fifteen days after the date the notice is
25 mailed unless either:

26 (a) The owner produces additional evidence to the department on or
27 before the effective date of the suspension that the financial responsibility
28 requirement of section 28-4135 or section 28-4033, subsection A, paragraph 2,
29 subdivision (c) was met for the vehicle on the date of the accident.

30 (b) The owner requests a hearing.

1 B. If a response is not received within thirty days after the date the
2 original notice requiring proof of financial responsibility is mailed, the
3 department shall:

4 1. Send a suspension notice to the owner that the owner's driver
5 license and motor vehicle registration or registration privilege will be
6 suspended fifteen days after the date the suspension notice is mailed and, if
7 the owner is required to comply with section 28-4033, subsection A, paragraph
8 2, subdivision (c), that THE REGISTRATION OF all motor vehicles that are
9 registered to the owner and that do not meet the financial responsibility
10 requirements will be suspended fifteen days after the date the notice is
11 mailed unless the owner submits evidence of financial responsibility or proof
12 that the vehicle was sold pursuant to section 28-4143 before the effective
13 date of the suspension.

14 2. If a response or evidence of financial responsibility or proof of
15 vehicle sale pursuant to section 28-4143 is not received within the required
16 time, suspend the motor vehicle registration or registration privilege,
17 license plate and driver license.

18 3. If there is no other basis for the suspension and evidence of
19 financial responsibility or evidence of vehicle sale is later submitted,
20 verify the evidence of financial responsibility or sale pursuant to section
21 28-4143 and remove the suspension from the public record if financial
22 responsibility is proven.

23 C. Except as provided in subsection B of this section, if the motor
24 vehicle registration, registration privilege, license plate or driver license
25 is suspended pursuant to section 28-4143 or this section:

26 1. The suspension is for a minimum of one year.

27 2. The department shall not terminate the suspension until the
28 applicant both:

29 (a) Files with the department proof of financial responsibility in
30 accordance with article 3 of this chapter. THE APPLICANT IS NOT REQUIRED TO
31 HAVE AN SR-22 MOTOR VEHICLE LIABILITY POLICY.

1 (b) Pays to the department a ten dollar fee for the reinstatement of
2 the driver license and a twenty-five dollar fee for the reinstatement of the
3 motor vehicle registration and license plate, except that these fees do not
4 apply to a suspension removed pursuant to subsection B of this section or to
5 a suspension applicable to a person who is required to comply with the
6 financial responsibility requirements prescribed in article 2 of this chapter
7 unless the person was required to comply with the financial responsibility
8 requirements prescribed in section 28-4033, subsection A, paragraph 2,
9 subdivision (c).

10 Sec. 5. Section 28-4149, Arizona Revised Statutes, is amended to read:

11 28-4149. Suspension: notice of intent

12 A. If the department determines from information provided by an
13 insurer or department records that a motor vehicle liability policy has been
14 cancelled or has not been renewed as provided in section 28-4148 and pursuant
15 to a schedule prescribed by the director, the department shall send the
16 registered owner or lessee a notice of intent to suspend the license plate
17 and registration of the vehicle.

18 B. On receiving evidence of financial responsibility as prescribed in
19 this article, the department shall immediately delete the cancellation or
20 nonrenewal from the record.

21 C. If the registered owner or lessee fails to provide evidence of
22 financial responsibility as prescribed in this section within fifteen days of
23 the mailing date of the notice of intent to suspend the registration and
24 license plate of the vehicle, the department shall notify the owner or lessee
25 that the license plate and registration of the vehicle have been suspended.
26 If the owner or lessee at a later date provides evidence that liability
27 insurance coverage meeting the requirements of this article was in effect
28 before the effective date of the suspension or provides evidence of
29 compliance with section 28-4152 before the effective date of the suspension,
30 the department shall void the suspension.

31 D. If the owner's or lessee's motor vehicle registration privilege and
32 license plate are suspended, the department shall not terminate the

1 suspension, except as provided in subsection C of this section, until proof
2 of financial responsibility pursuant to article 3 of this chapter is filed
3 with the department. ~~THE OWNER OR LESSEE IS NOT REQUIRED TO HAVE AN SR-22~~
4 ~~MOTOR VEHICLE LIABILITY POLICY.~~

5 Sec. 6. Section 28-4153, Arizona Revised Statutes, is amended to read:

6 ~~28-4153. False certification or affirmation; violation;~~
7 ~~classification; suspension; fees~~

8 A. A person who makes a false certification or affirms falsely to any
9 matter or thing required by section 28-4152 to be certified or affirmed is
10 guilty of a class 2 misdemeanor.

11 B. If the department has reasonable grounds to believe the registered
12 owner of a motor vehicle registered in this state has falsely certified or
13 affirmed any matter or thing required by section 28-4152, the department
14 shall:

15 1. Suspend the registered owner's motor vehicle registration, license
16 plate and driver license for a period of one year.

17 2. Send notice to the registered owner that the motor vehicle
18 registration, license plate and driver license will be suspended fifteen days
19 after the date the notice was mailed unless a hearing is requested.

20 C. The department shall not terminate the suspension until the
21 applicant both:

22 1. Files with the department proof of financial responsibility
23 pursuant to article 3 of this chapter. ~~THE APPLICANT IS NOT REQUIRED TO HAVE~~
24 ~~AN SR-22 MOTOR VEHICLE LIABILITY POLICY.~~

25 2. Pays ten dollars to the department for the reinstatement of the
26 driver license and twenty-five dollars for the reinstatement of the motor
27 vehicle registration and license plate.

28 Sec. 7. ~~Restricted driving privilege~~

29 If on January 1, 2011 a person's driver license is suspended pursuant
30 to section 28-3473, Arizona Revised Statutes, the person may request that the
31 department restrict the person's privilege to drive as described in section
32 28-3473, subsection D, Arizona Revised Statutes, as amended by this act.

1 Sec. 8. Effective date
2 Section 28-3473, Arizona Revised Statutes, as amended by this act, is
3 effective from and after December 31, 2010."
4 Amend title to conform

3/9/10
9:35 AM
S: slp