

COMMITTEE ON FINANCE

SENATE AMENDMENTS TO H.B. 2348

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-3154, Arizona Revised Statutes, is amended to
3 read:

4 **28-3154. Instruction permit for a class D or G license**

5 A. A person who is at least fifteen years and six months of age may
6 apply to the department for an instruction permit for a class D or G
7 license. The department may issue an instruction permit to the applicant
8 after the applicant successfully passes all parts of the examination other
9 than the driving test.

10 B. The instruction permit entitles the permittee to drive a motor
11 vehicle requiring a class D or G license on the public highways for twelve
12 months when both of the following conditions are met:

13 1. The permittee has the permit in the permittee's immediate
14 possession.

15 2. The permittee is accompanied by a person who has a class A, B, C or
16 D license, who is at least twenty-one years of age and who occupies a seat
17 beside the permittee.

18 **C. A PERMITTEE SHALL NOT DRIVE A MOTOR VEHICLE WHILE USING A WIRELESS**
19 **COMMUNICATION DEVICE FOR ANY REASON EXCEPT DURING AN EMERGENCY IN WHICH**
20 **STOPPING THE MOTOR VEHICLE IS IMPOSSIBLE OR WILL CREATE AN ADDITIONAL**
21 **EMERGENCY OR SAFETY HAZARD. A PEACE OFFICER SHALL NOT STOP OR ISSUE A**
22 **CITATION TO A PERSON OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR**
23 **A VIOLATION OF THIS SUBSECTION UNLESS THE PEACE OFFICER HAS REASONABLE CAUSE**
24 **TO BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS**
25 **STATE.**

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

27 **28-3174. Class G driver licenses; restrictions; civil**
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:

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

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

6 3. Either:

7 (a) The person has satisfactorily completed a driver education program
8 that is approved by the department of transportation. If the driver
9 education program is offered by a public high school, the program shall be
10 approved by the department of transportation in consultation with the
11 department of education.

12 (b) A custodial parent or guardian of the person certifies in writing
13 to the department that the applicant has completed at least thirty hours of
14 supervised driving practice and that at least ten of the required practice
15 hours were at night.

16 B. If the applicant successfully passes the examination prescribed in
17 section 28-3164 and satisfies the requirements prescribed in subsection A of
18 this section, the department may issue a class G driver license to the
19 applicant.

20 C. Except as provided in subsection D of this section, a class G
21 driver license entitles the licensee to drive a motor vehicle that requires a
22 class G license on the public highways.

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

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

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

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

6 1. Prohibit the licensee from driving a motor vehicle containing
7 passengers under the age of eighteen if the passengers are the licensee's
8 siblings.

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

12 F. EXCEPT AS PROVIDED IN SUBSECTION K OF THIS SECTION, FOR THE FIRST
13 SIX MONTHS THAT A CLASS G LICENSEE HOLDS THE LICENSE, THE LICENSEE SHALL NOT
14 DRIVE A MOTOR VEHICLE WHILE USING A WIRELESS COMMUNICATION DEVICE FOR ANY
15 REASON EXCEPT DURING AN EMERGENCY IN WHICH STOPPING THE MOTOR VEHICLE IS
16 IMPOSSIBLE OR WILL CREATE AN ADDITIONAL EMERGENCY OR SAFETY HAZARD.

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

22 ~~G.~~ H. If a licensee is found responsible for violating subsection D,
23 ~~or~~ E OR F of this section, the licensee:

24 1. For a first violation, is subject to a maximum civil penalty of
25 seventy-five dollars. The department shall extend the restriction prescribed
26 by subsection D, ~~or~~ E OR F of this section for thirty days, or if the
27 restriction prescribed by subsection D, ~~or~~ E OR F of this section is
28 complete, the thirty day restriction begins on the department's receipt of
29 the report of the finding of responsibility.

30 2. For a second violation, is subject to a maximum civil penalty of
31 one hundred dollars. The department shall extend the restriction prescribed
32 by subsection D, ~~or~~ E OR F of this section for sixty days, or if the

1 restriction prescribed by subsection D, ~~or~~ E OR F of this section is
2 complete, the sixty day restriction begins on the department's receipt of the
3 report of the finding of responsibility. If at the time of the second
4 violation the licensee is subject to an extension of the six month period
5 pursuant to paragraph 1 of this subsection, the extensions run consecutively.

6 3. For a third or subsequent violation, is subject to a maximum civil
7 penalty of one hundred dollars. On the department's receipt of the report of
8 the finding of responsibility, the department shall suspend the licensee's
9 driving privilege for thirty days. If the licensee also has a suspension
10 resulting from a moving civil traffic violation or a moving criminal traffic
11 offense as prescribed by section 28-3321, the suspensions run consecutively.

12 ~~H.~~ I. A citation issued for violating subsection D of this section
13 shall be dismissed if the licensee to whom the citation was issued produces
14 any of the following evidence to the appropriate court officer on or before
15 the date and time specified on the citation for court appearance and in a
16 manner specified by the court:

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

21 2. A written, notarized letter from a representative of the sanctioned
22 school sponsored activity certifying that the licensee was returning from the
23 school activity.

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

26 4. A written, notarized letter from a representative of the sanctioned
27 religious activity certifying that the licensee was returning from the
28 religious activity.

29 ~~I.~~ J. A citation issued for violating subsection E of this section
30 shall be dismissed if the licensee to whom the citation was issued produces a
31 written, notarized letter from the parent or legal guardian of the licensee
32 to the appropriate court officer on or before the date and time specified on

1 the citation for court appearance and in a manner specified by the court that
2 states the passengers in the vehicle with the licensee at the time of the
3 violation were the siblings of the licensee.

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

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

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

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

22 2. Either:

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

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

Senate Amendments to H.B. 2348

1 Sec. 3. Effective date

2 Sections 28-3154 and 28-3174, Arizona Revised Statutes, as amended by
3 this act, are effective from and after June 30, 2013."

4 Amend title to conform

3/13/12

12:52 PM

S: CC/tf