

ARIZONA STATE SENATE

RESEARCH STAFF



TO: MEMBERS OF THE SENATE
PUBLIC SAFETY & HUMAN SERVICES
COMMITTEE

DATE: March 13, 2012

SUBJECT: Strike everything amendment to H.B. 2348, relating to communication devices; class G licensees

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Purpose

Prohibits certain permit and license holders under the age of 18 from using wireless communication devices while operating a motor vehicle, and designates violations as secondary offenses.

Background

A permittee for a class D or G license is required to be at least 15 years and 6 months of age and pass all parts of the driver license examination except the driving test (A.R.S. § 28-3164). Arizona law allows a person under the age of 18 to apply for a class G driver license if the person is at least 16 years of age, has an instruction permit for at least six months, and has either completed an approved driver education program or a custodial parent or guardian of the applicant certifies in writing that the applicant has completed at least 30 hours of supervised driving practice and at least 10 of those hours were at night. Lastly, an applicant must successfully pass the driver license examination.

Statute imposes curfew and passenger restrictions on class G licensees for the first six months. Under these curfew restrictions, the licensee is prohibited from operating a motor vehicle on a public highway from 12:00 a.m. to 5:00 a.m. except under specified circumstances. The licensee is also prohibited from operating a motor vehicle that contains more than one passenger under the age of 18 unless the passengers are the licensee's siblings. An initial violation of these restrictions subjects the licensee to a maximum civil penalty of \$75, and the Arizona Department of Transportation (ADOT) must extend the passenger and curfew restrictions for 30 days. For a second violation, a licensee is subject to a maximum civil penalty of \$100 and a restriction extension of 60 days. Third or subsequent violations subject the licensee to a maximum civil penalty of \$100, and ADOT is required to suspend the licensee's driving privileges for 30 days. All extensions run consecutively.

Statute prohibits a police officer from stopping or issuing a citation to a class G licensee found to be in violation of these restrictions unless the officer witnesses or has reason to believe that another traffic violation has occurred (secondary offense). All driving restrictions and any other penalties imposed on a licensee no longer apply when the licensee turns 18 years of age.

There is no anticipated fiscal impact on the state General Fund associated with this legislation.

Provisions

STRIKER MEMO

H.B. 2348

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1. Prohibits the following persons from driving a motor vehicle while using a wireless communication device for any reason except during an emergency in which stopping the motor vehicle will create an additional safety hazard:
 - a) a permittee for a class D or G license; and
 - b) a class G licensee, for the first six months.
2. Classifies violations as secondary offenses.
3. Specifies the following three penalties for using a wireless communication device while driving:
 - a) a maximum civil penalty of \$75 and a restriction extension of 30 days for a first violation;
 - b) a maximum civil penalty of \$100 and a restriction extension of 60 days for second violation; and
 - c) a maximum civil penalty of \$100 and a 30 day license suspension for a third or subsequent violation.
4. Specifies the restrictions imposed on a class G license no longer apply when the licensee turns 18 years of age.
5. Makes conforming changes.
6. Becomes effective on July 1, 2013.

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