

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1274

(Reference to Senate engrossed bill)

1 Page 1, after line 45, insert:

2 "Sec. 2. Section 28-702.01, Arizona Revised Statutes, is amended to
3 read:

4 28-702.01. Maximum speed limit; waste of a finite resource;
5 civil penalties; exceptions

6 A. ~~If the maximum speed limit on a public highway in this state is~~
7 ~~fifty-five miles per hour,~~ A person shall not drive a motor vehicle at a
8 speed in excess of ~~fifty-five miles per hour on that highway~~ THE MAXIMUM
9 SPEED LIMIT ON A STREET OR HIGHWAY. If the speed at which the person is
10 alleged to have driven as provided in section 28-707, subsection A or the
11 speed at which the court finds the person drove is ~~sixty-five~~:

12 1. TEN miles per hour or less OVER THE MAXIMUM SPEED LIMIT, the
13 offense is designated as the waste of a finite resource and is a civil
14 traffic violation subject to subsection B of this section.

15 2. ELEVEN MILES PER HOUR OR MORE OVER THE MAXIMUM SPEED LIMIT, THE
16 OFFENSE IS DESIGNATED AS A CIVIL TRAFFIC VIOLATION AND THE PERSON IS SUBJECT
17 TO A CIVIL PENALTY OF NOT MORE THAN THE AMOUNT PROVIDED IN SECTION 28-1598.

18 B. If a person is found responsible for a civil traffic violation
19 pursuant to subsection A, PARAGRAPH 1 of this section:

20 1. A department or agency of this state shall not consider the
21 violation for the purpose of determining whether the person's driver license
22 should be suspended or revoked and a court shall not transmit abstracts of
23 records of judgment for the violation to the department.

1 2. An insurer shall not consider the violation as a moving traffic
2 violation against the person for the purpose of establishing rates of motor
3 vehicle insurance charged by the insurer and shall not cancel or refuse to
4 renew a policy of insurance because of the violation.

5 3. The civil penalty shall not exceed fifteen dollars plus the
6 surcharges imposed pursuant to sections 12-116.01 and 12-116.02.

7 4. A report shall not be made under section 28-1559, subsection B.

8 C. ~~If the maximum speed limit on a public highway in this state is
9 fifty-five miles per hour, a person shall not drive a motor vehicle at a
10 speed in excess of fifty-five miles per hour on that highway. If the speed
11 at which the person is alleged to have driven as provided in section 28-707,
12 subsection A or the speed at which the court finds the person drove is more
13 than sixty five miles per hour, the offense is designated as a civil traffic
14 violation and the person is subject to a civil penalty of not more than the
15 amount provided in section 28-1598.~~

16 D. C. This section does not apply to ~~an interstate system highway
17 located outside of an urbanized area, as defined in section 28-702.04, with a
18 population of fifty thousand or more persons:~~

- 19 1. A SCHOOL CROSSING.
- 20 2. A STATE HIGHWAY WORK ZONE.
- 21 3. A SPEED ZONE.
- 22 4. A BUSINESS OR RESIDENTIAL DISTRICT."

23 Rerumber to conform

24 Page 9, between lines 15 and 16, insert:

25 "Sec. 9. Section 28-3392, Arizona Revised Statutes, is amended to
26 read:

27 28-3392. Defensive driving school: eligibility

28 A. A court:

29 1. Shall allow an individual who is issued a citation for a civil
30 traffic moving violation pursuant to chapter 3, articles 2, 3, 4 and 6
31 through 15 of this title or a local civil traffic ordinance relating to the
32 same subject matter to attend a defensive driving school for the purposes
33 provided in this article.

1 2. Except as prescribed in subsection C of this section, may allow an
2 individual who is issued a citation for a violation of section 28-701.02 to
3 attend a defensive driving school.

4 B. A person who attends a defensive driving school pursuant to this
5 article is not eligible to attend a defensive driving school again within
6 ~~twenty-four~~ TWELVE months from the day of the last violation for which the
7 person was authorized by this article to attend a defensive driving school.

8 C. Notwithstanding subsection A of this section:

9 1. An individual who commits a civil or criminal traffic violation
10 resulting in death or serious physical injury is not eligible to attend a
11 defensive driving school, except that the court may order the individual to
12 attend a defensive driving school in addition to another sentence imposed by
13 the court on an adjudication or admission of the traffic violation.

14 2. If a commercial driver license holder or a driver of a commercial
15 motor vehicle that requires a commercial driver license is found guilty or
16 responsible for a moving violation, the court may require the violator to
17 attend defensive driving school as an element of sentence, but may not
18 dismiss the conviction or finding of responsibility and shall report the
19 conviction or finding of responsibility to the department as prescribed in
20 section 28-1559. A commercial driver license holder or a driver of a
21 commercial motor vehicle that requires a commercial driver license is not
22 eligible for the defensive driving diversion program."

23 Renumber to conform

24 Amend title to conform

DAVID W. STEVENS

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