

REFERENCE TITLE: employer sponsored driver licenses

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2683

Introduced by
Representative Miranda B

AN ACT

AMENDING SECTION 28-3153, 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 28-3153, Arizona Revised Statutes, is amended to
3 read:
4 28-3153. Driver license issuance; prohibitions; employer
5 sponsored license
6 A. The department shall not issue the following:
7 1. A driver license to a person who is under eighteen years of age,
8 except that the department may issue:
9 (a) A restricted instruction permit for a class D or G license to a
10 person who is at least fifteen years of age.
11 (b) An instruction permit for a class D, G or M license as provided by
12 this chapter to a person who is at least fifteen years and seven months of
13 age.
14 (c) A class G or M license as provided by this chapter to a person who
15 is at least sixteen years of age.
16 2. A class D, G or M license or instruction permit to a person who is
17 under eighteen years of age and who has been tried in adult court and
18 convicted of a second or subsequent violation of criminal damage to property
19 pursuant to section 13-1602, subsection A, paragraph 1 or convicted of a
20 felony offense in the commission of which a motor vehicle is used, including
21 theft of a motor vehicle pursuant to section 13-1802, unlawful use of means
22 of transportation pursuant to section 13-1803 or theft of means of
23 transportation pursuant to section 13-1814, or who has been adjudicated
24 delinquent for a second or subsequent act that would constitute criminal
25 damage to property pursuant to section 13-1602, subsection A, paragraph 1 or
26 adjudicated delinquent for an act that would constitute a felony offense in
27 the commission of which a motor vehicle is used, including theft of a motor
28 vehicle pursuant to section 13-1802, unlawful use of means of transportation
29 pursuant to section 13-1803 or theft of means of transportation pursuant to
30 section 13-1814, if committed by an adult.
31 3. A class A, B or C license to a person who is under twenty-one years
32 of age, except that the department may issue a class A, B or C license that
33 is restricted to only intrastate driving to a person who is at least eighteen
34 years of age.
35 4. A license to a person whose license or driving privilege has been
36 suspended, during the suspension period.
37 5. Except as provided in section 28-3315, a license to a person whose
38 license or driving privilege has been revoked.
39 6. A class A, B or C license to a person who has been disqualified
40 from obtaining a commercial driver license.
41 7. A license to a person who on application notifies the department
42 that the person is an alcoholic as defined in section 36-2021 or a drug
43 dependent person as defined in section 36-2501, unless the person
44 successfully completes the medical screening process pursuant to section
45 28-3052 or submits a medical examination report that includes a current

1 evaluation from a substance abuse counselor indicating that, in the opinion
2 of the counselor, the condition does not affect or impair the person's
3 ability to safely operate a motor vehicle.

4 8. A license to a person who has been adjudged to be incapacitated
5 pursuant to section 14-5304 and who at the time of application has not
6 obtained either a court order that allows the person to drive or a
7 termination of incapacity as provided by law.

8 9. A license to a person who is required by this chapter to take an
9 examination unless the person successfully passes the examination.

10 10. A license to a person who is required under the motor vehicle
11 financial responsibility laws of this state to deposit proof of financial
12 responsibility and who has not deposited the proof.

13 11. A license to a person if the department has good cause to believe
14 that the operation of a motor vehicle on the highways by the person would
15 threaten the public safety or welfare.

16 12. A license to a person whose driver license has been ordered to be
17 suspended pursuant to section 25-518.

18 13. A class A, B or C license to a person whose license or driving
19 privilege has been canceled until the cause for the cancellation has been
20 removed.

21 14. A class A, B or C license or instruction permit to a person whose
22 state of domicile is not this state.

23 B. The department shall not issue a driver license to or renew the
24 driver license of the following persons:

25 1. A person about whom the court notifies the department that the
26 person violated the person's written promise to appear in court when charged
27 with a violation of the motor vehicle laws of this state until the department
28 receives notification in a manner approved by the department that the person
29 appeared either voluntarily or involuntarily or that the case has been
30 adjudicated, that the case is being appealed or that the case has otherwise
31 been disposed of as provided by law.

32 2. If notified pursuant to section 28-1601, a person who fails to pay
33 a civil penalty as provided in section 28-1601, except for a parking
34 violation, until the department receives notification in a manner approved by
35 the department that the person paid the civil penalty, that the case is being
36 appealed or that the case has otherwise been disposed of as provided by law.

37 C. The magistrate or the clerk of the court shall provide the
38 notification to the department prescribed by subsection B of this section.

39 D. Notwithstanding any other law, **EXCEPT AS PROVIDED IN SUBSECTION E**
40 **OF THIS SECTION**, the department shall not issue to or renew a driver license
41 or nonoperating identification license for a person who does not submit proof
42 satisfactory to the department that the applicant's presence in the United
43 States is authorized under federal law. For an application for a driver
44 license or a nonoperating identification license, the department shall not
45 accept as a primary source of identification a driver license issued by a

1 state if the state does not require that a driver licensed in that state be
2 lawfully present in the United States under federal law. The director shall
3 adopt rules necessary to carry out the purposes of this subsection. The
4 rules shall include procedures for:

- 5 1. Verification that the applicant's presence in the United States is
6 authorized under federal law.
- 7 2. Issuance of a temporary driver permit pursuant to section 28-3157
8 pending verification of the applicant's status in the United States.

9 E. THE DEPARTMENT MAY ISSUE A CLASS D DRIVER LICENSE OR A COMMERCIAL
10 DRIVER LICENSE TO A PERSON WHO DOES NOT SUBMIT PROOF SATISFACTORY TO THE
11 DEPARTMENT THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED
12 UNDER FEDERAL LAW IF ALL OF THE FOLLOWING APPLY:

- 13 1. THE PERSON IS SPONSORED BY THE PERSON'S EMPLOYER AND THE EMPLOYER
14 PAYS A FEE TO THE DEPARTMENT IN AN AMOUNT TO BE DETERMINED BY THE DIRECTOR
15 FOR THE SPONSORSHIP.
- 16 2. THE PERSON SUBMITS AN APPLICATION FOR THE EMPLOYER SPONSORED
17 LICENSE TO THE DEPARTMENT IN A MANNER THAT IS DETERMINED BY THE DIRECTOR.
- 18 3. THE DEPARTMENT OF PUBLIC SAFETY CONDUCTS A CRIMINAL HISTORY RECORDS
19 CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544 AND THE EMPLOYER PAYS
20 ALL FEES NECESSARY TO CONDUCT THE CRIMINAL HISTORY RECORDS CHECK.
- 21 4. IF THE PERSON DRIVES A VEHICLE OWNED BY OR REGISTERED TO THE
22 PERSON'S EMPLOYER, THE EMPLOYER PROVIDES PROOF THAT THE VEHICLE IS COVERED BY
23 A MOTOR VEHICLE LIABILITY POLICY IN COMPLIANCE WITH CHAPTER 9 OF THIS TITLE.

24 F. A LICENSE THAT IS ISSUED PURSUANT TO SUBSECTION E OF THIS SECTION
25 SHALL CONTAIN THE WORDS "EMPLOYER SPONSORED" ON THE FRONT OF THE LICENSE.