

REFERENCE TITLE: DUI; community restitution; driver license

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1033

Introduced by
Senator Waring

AN ACT

AMENDING SECTION 28-3319, ARIZONA REVISED STATUTES; RELATING TO DRIVING UNDER THE INFLUENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-3319, Arizona Revised Statutes, is amended to
3 read:

4 28-3319. Action after license suspension, revocation or denial
5 for driving under the influence or refusal of test;
6 ignition interlock device requirement; definition

7 A. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383, 28-3320
8 or 28-3322, the license of a driver or the driving privilege of a nonresident
9 is suspended or revoked, the department shall not terminate the suspension or
10 revocation or issue a special ignition interlock restricted driver license,
11 if applicable, pursuant to chapter 4, article 3.1 of this title until the
12 person provides proof of financial responsibility pursuant to chapter 9,
13 article 3 of this title.

14 B. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383, 28-3320
15 or 28-3322, an unlicensed resident is denied a license or permit to operate a
16 motor vehicle, the department shall not issue a license or permit until the
17 person provides proof of financial responsibility pursuant to chapter 9,
18 article 3 of this title.

19 C. If a person whose license or driving privilege is suspended or
20 revoked pursuant to section 28-1321, 28-1381, 28-1382 or 28-1383 is ordered,
21 pursuant to section 28-1381, 28-1382 or 28-1383, to attend alcohol or other
22 drug screening, education or treatment, the department shall not either:

23 1. Terminate the suspension or issue a special ignition interlock
24 restricted driver license, if applicable, pursuant to chapter 4, article 3.1
25 of this title until the person provides proof from the treatment facility
26 that the person has completed or is participating satisfactorily in alcohol
27 or other drug screening, education or treatment.

28 2. Issue a new license or a special ignition interlock restricted
29 driver license, if applicable, pursuant to chapter 4, article 3.1 of this
30 title to operate a motor vehicle after the revocation until the person
31 provides proof from the facility that the person has completed the court
32 ordered program.

33 ~~D. IF A PERSON WHOSE LICENSE OR DRIVING PRIVILEGE IS REVOKED PURSUANT~~
34 ~~TO SECTION 28-1381 OR 28-1382 IS ORDERED, PURSUANT TO SECTION 28-1381,~~
35 ~~SUBSECTION K OR 28-1382, SUBSECTION F, TO PERFORM COMMUNITY RESTITUTION, THE~~
36 ~~DEPARTMENT SHALL NOT ISSUE THE PERSON A NEW DRIVER LICENSE UNTIL THE PERSON~~
37 ~~PROVIDES TO THE DEPARTMENT PROOF FROM THE COURT THAT THE PERSON HAS COMPLETED~~
38 ~~THE COMMUNITY RESTITUTION.~~

39 ~~D.~~ E. On receipt of a report of conviction from a court, the
40 department shall require any motor vehicle the convicted person operates to
41 be equipped with a functioning certified ignition interlock device and the
42 convicted person to meet the requirements prescribed in section 28-1461 for
43 twelve months if any of the following applies:

44 1. The department determines that within a period of eighty-four
45 months a person is convicted of a second or subsequent violation of section

1 28-1381 with a prior conviction of a violation of section 28-1381 or 28-1382
2 or an act in another jurisdiction that if committed in this state would be a
3 violation of section 28-1381 or 28-1382.

4 2. The person is sentenced pursuant to section 28-1381 or SECTION
5 28-1382, subsection D, except that if the person's alcohol concentration is
6 0.20 or more, the certified ignition interlock device is required for
7 eighteen months.

8 3. The person is sentenced pursuant to section 28-1382, subsection F,
9 except that if the person's alcohol concentration is 0.20 or more, the
10 certified ignition interlock device is required for twenty-four months.

11 4. The conviction is for a violation of section 28-1383, subsection A,
12 paragraph 1, 2 or 4 or paragraph 3, subdivision (b).

13 ~~E.~~ F. The requirement prescribed in subsection ~~D~~ E of this section
14 begins on the date of reinstatement of the person's driving privilege
15 following a suspension or revocation or on the date of the department's
16 receipt of the report of conviction, whichever occurs later.

17 ~~F.~~ G. A person who is required to equip a motor vehicle with a
18 certified ignition interlock device pursuant to subsection ~~D~~ E of this
19 section shall comply with chapter 4, article 5 of this title.

20 ~~G.~~ H. For the purposes of this section, "certified ignition interlock
21 device" has the same meaning prescribed in section 28-1301.