

REFERENCE TITLE: **DUI; treatment; education; ignition interlock**

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

SB 1184

Introduced by
Senators Gray L: Verschoor; Representatives Groe, Schapira

AN ACT

AMENDING SECTIONS 28-1304, 28-1321 AND 28-1381, ARIZONA REVISED STATUTES; AMENDING SECTION 28-1382, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 219, SECTION 2; REPEALING SECTION 28-1382, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 195, SECTION 3; AMENDING SECTIONS 28-1383, 28-1385, 28-1387, 28-1401, 28-1402, 28-1403, 28-1461, 28-1463, 28-1464, 28-3315 AND 28-3319, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1445; 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 28-1304, Arizona Revised Statutes, is amended to
3 read:

4 28-1304. Driving under the influence abatement fund

5 A. The driving under the influence abatement fund is established
6 consisting of monies deposited pursuant to section 28-1382, subsection D,
7 paragraph 3 and subsection F, paragraph 3, ~~and~~ section 28-1383, subsection
8 ~~J-K~~, paragraph 2 **AND SECTION 28-1461**.

9 B. The oversight council on driving or operating under the influence
10 abatement established by section 28-1303 shall administer the fund.

11 C. Twenty-five per cent of the monies deposited in the fund shall be
12 used for grants for innovative programs pursuant to section 28-1303,
13 subsection H, paragraph 2 and seventy per cent of the monies deposited in the
14 fund shall be used for grants to political subdivisions and tribal
15 governments pursuant to section 28-1303, subsection H, paragraph 1.

16 D. Not more than five per cent of the monies deposited in the fund
17 shall be used for both of the following:

18 1. Administrative purposes of the oversight council on driving or
19 operating under the influence abatement.

20 2. Payment of the costs of notification prescribed by section 28-1467.

21 E. Monies in the fund are:

22 1. Continuously appropriated.

23 2. Exempt from the provisions of section 35-190 relating to lapsing of
24 appropriations.

25 F. On notice from the oversight council on driving or operating under
26 the influence abatement, the state treasurer shall invest and divest monies
27 in the fund as provided in section 35-313, and monies earned from investments
28 shall be credited to the fund.

29 Sec. 2. Section 28-1321, Arizona Revised Statutes, is amended to read:

30 28-1321. Implied consent; tests; refusal to submit to test;
31 order of suspension; hearing; review; temporary
32 permit; notification of suspension; special ignition
33 interlock restricted driver license

34 A. A person who operates a motor vehicle in this state gives consent,
35 subject to section 4-244, paragraph 33 or section 28-1381, 28-1382 or
36 28-1383, to a test or tests of the person's blood, breath, urine or other
37 bodily substance for the purpose of determining alcohol concentration or drug
38 content if the person is arrested for any offense arising out of acts alleged
39 to have been committed in violation of this chapter or section 4-244,
40 paragraph 33 while the person was driving or in actual physical control of a
41 motor vehicle while under the influence of intoxicating liquor or drugs. The
42 test or tests chosen by the law enforcement agency shall be administered at
43 the direction of a law enforcement officer having reasonable grounds to
44 believe that the person was driving or in actual physical control of a motor
45 vehicle in this state either:

1 1. While under the influence of intoxicating liquor or drugs.

2 2. If the person is under twenty-one years of age, with spirituous
3 liquor in the person's body.

4 B. After an arrest a violator shall be requested to submit to and
5 successfully complete any test or tests prescribed by subsection A of this
6 section, and if the violator refuses the violator shall be informed that the
7 violator's license or permit to drive will be suspended or denied for twelve
8 months, or for two years for a second or subsequent refusal within a period
9 of eighty-four months, unless the violator expressly agrees to submit to and
10 successfully completes the test or tests. A failure to expressly agree to
11 the test or successfully complete the test is deemed a refusal. The violator
12 shall also be informed that:

13 1. If the test results show a blood or breath alcohol concentration of
14 0.08 or more, or if the results show a blood or breath alcohol concentration
15 of 0.04 or more and the violator was driving or in actual physical control of
16 a commercial motor vehicle, the violator's license or permit to drive will be
17 suspended or denied for not less than ninety consecutive days.

18 2. THE VIOLATOR'S DRIVING PRIVILEGE, LICENSE, PERMIT, RIGHT TO APPLY
19 FOR A LICENSE OR PERMIT OR NONRESIDENT OPERATING PRIVILEGE MAY BE ISSUED OR
20 REINSTATED FOLLOWING THE PERIOD OF SUSPENSION ONLY IF THE VIOLATOR COMPLETES
21 AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM THAT IS
22 ORDERED BY THE DEPARTMENT AND THE VIOLATOR IS IN COMPLIANCE WITH ANY ORDER
23 ISSUED BY THE DEPARTMENT FOR THE INSTALLATION AND USE OF A CERTIFIED IGNITION
24 INTERLOCK DEVICE PURSUANT TO THIS CHAPTER.

25 C. A person who is dead, unconscious or otherwise in a condition
26 rendering the person incapable of refusal is deemed not to have withdrawn the
27 consent provided by subsection A of this section and the test or tests may be
28 administered, subject to section 4-244, paragraph 33 or section 28-1381,
29 28-1382 or 28-1383.

30 D. If a person under arrest refuses to submit to the test designated
31 by the law enforcement agency as provided in subsection A of this section:

32 1. The test shall not be given, except as provided in section 28-1388,
33 subsection E or pursuant to a search warrant.

34 2. The law enforcement officer directing the administration of the
35 test shall:

36 (a) File a certified report of the refusal with the department.

37 (b) On behalf of the department, serve an order of suspension on the
38 person that is effective fifteen days after the date the order is served.

39 (c) Require the immediate surrender of any license or permit to drive
40 that is issued by this state and that is in the possession or control of the
41 person.

42 (d) If the license or permit is not surrendered, state the reason why
43 it is not surrendered.

1 (e) If a valid license or permit is surrendered, issue a temporary
2 driving permit that is valid for fifteen days.

3 (f) Forward the certified report of refusal, a copy of the completed
4 notice of suspension, a copy of any completed temporary permit and any driver
5 license or permit taken into possession under this section to the department
6 within five days after the issuance of the notice of suspension.

7 E. The certified report is subject to the penalty for perjury as
8 prescribed by section 28-1561 and shall state all of the following:

9 1. The officer's reasonable grounds to believe that the arrested
10 person was driving or in actual physical control of a motor vehicle in this
11 state either:

12 (a) While under the influence of intoxicating liquor or drugs.

13 (b) If the person is under twenty-one years of age, with spirituous
14 liquor in the person's body.

15 2. The manner in which the person refused to submit to the test or
16 tests.

17 3. That the person was advised of the consequences of refusal.

18 F. On receipt of the certified report of refusal and a copy of the
19 order of suspension and on the effective date stated on the order, the
20 department shall enter the order of suspension on its records unless a
21 written request for a hearing as provided in this section has been filed by
22 the accused person. If the department receives only the certified report of
23 refusal, the department shall notify the person named in the report in
24 writing sent by mail that:

25 1. Fifteen days after the date of issuance of the notice the
26 department will suspend the person's license or permit, driving privilege or
27 nonresident driving privilege.

28 2. The department will provide an opportunity for a hearing if the
29 person requests a hearing in writing and the request is received by the
30 department within fifteen days after the notice is sent.

31 G. The order of suspension issued by a law enforcement officer or the
32 department under this section shall notify the person that:

33 1. The person may submit a written request for a hearing.

34 2. The request for a hearing must be received by the department within
35 fifteen days after the date of the notice or the order of suspension will
36 become final.

37 3. The affected person's license or permit to drive or right to apply
38 for a license or permit or any nonresident operating privilege will be
39 suspended for twelve months from that date or for two years from that date
40 for a second or subsequent refusal within a period of eighty-four months.

41 4. THE AFFECTED PERSON'S DRIVING PRIVILEGE, LICENSE, PERMIT, RIGHT TO
42 APPLY FOR A LICENSE OR PERMIT OR NONRESIDENT OPERATING PRIVILEGE WILL REMAIN
43 SUSPENDED OR DENIED UNLESS THE VIOLATOR COMPLETES AN ALCOHOL OR OTHER DRUG
44 SCREENING, EDUCATION OR TREATMENT PROGRAM THAT IS ORDERED BY THE DEPARTMENT
45 AND COMPLIES WITH ANY ORDER THAT IS ISSUED BY THE DEPARTMENT FOR THE

1 INSTALLATION AND USE OF A CERTIFIED IGNITION INTERLOCK DEVICE PURSUANT TO
2 THIS CHAPTER.

3 H. The order for suspension shall:

4 1. Be accompanied by printed forms that are ready to mail to the
5 department and that may be filled out and signed by the person to indicate
6 the person's desire for a hearing.

7 2. Advise the person that unless the person has surrendered any driver
8 license or permit issued by this state the person's hearing request will not
9 be accepted, except that the person may certify pursuant to section 28-3170
10 that the license or permit is lost or destroyed.

11 I. On the receipt of a request for a hearing, the department shall set
12 the hearing within thirty days in the county in which the person named in the
13 report resides unless the law enforcement agency filing the certified report
14 of refusal pursuant to subsection D of this section requests at the time of
15 its filing that the hearing be held in the county where the refusal occurred.

16 J. A timely request for a hearing stays the suspension until a hearing
17 is held, except that the department shall not return any surrendered license
18 or permit to the person but may issue temporary permits to drive that expire
19 no later than when the department has made its final decision. If the person
20 is a resident without a license or permit or has an expired license or
21 permit, the department may allow the person to apply for a RESTRICTED license
22 or permit. If the department determines the person is otherwise entitled to
23 the license or permit, the department shall issue and retain a RESTRICTED
24 license or permit subject to this section.

25 K. Hearings requested under this section shall be conducted in the
26 same manner and under the same conditions as provided in section 28-3306.
27 For the purposes of this section, the scope of the hearing shall include only
28 the issues of whether:

29 1. A law enforcement officer had reasonable grounds to believe that
30 the person was driving or was in actual physical control of a motor vehicle
31 in this state either:

32 (a) While under the influence of intoxicating liquor or drugs.

33 (b) If the person is under twenty-one years of age, with spirituous
34 liquor in the person's body.

35 2. The person was placed under arrest.

36 3. The person refused to submit to the test.

37 4. The person was informed of the consequences of refusal.

38 L. If the department determines at the hearing to suspend the affected
39 person's privilege to operate a motor vehicle, the suspension provided in
40 this section is effective fifteen days after giving written notice of the
41 suspension, except that the department may issue or extend a temporary
42 license that expires on the effective date of the suspension. If the person
43 is a resident without a license or permit or has an expired license or permit
44 to operate a motor vehicle in this state, the department shall deny to the
45 person the issuance of a license or permit for a period of twelve months

1 after the order of suspension becomes effective or for a period of two years
2 after the order of suspension becomes effective for a second or subsequent
3 refusal within a period of eighty-four months, AND MAY REINSTATE THE PERSON'S
4 DRIVING PRIVILEGE, LICENSE, PERMIT, RIGHT TO APPLY FOR A LICENSE OR PERMIT OR
5 NONRESIDENT OPERATING PRIVILEGE FOLLOWING THE PERIOD OF SUSPENSION ONLY IF
6 THE VIOLATOR COMPLETES AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
7 TREATMENT PROGRAM THAT IS ORDERED BY THE DEPARTMENT AND COMPLIES WITH ANY
8 ORDER THAT IS ISSUED BY THE DEPARTMENT FOR THE INSTALLATION AND USE OF A
9 CERTIFIED IGNITION INTERLOCK DEVICE PURSUANT TO THIS CHAPTER.

10 M. If the suspension order is sustained after the hearing, a motion
11 for rehearing is not required. Within thirty days after a suspension order
12 is sustained, the affected person may file a petition in the superior court
13 to review the final order of suspension or denial by the department in the
14 same manner provided in section 28-3317. The court shall hear the review of
15 the final order of suspension or denial on an expedited basis.

16 N. If the suspension or determination that there should be a denial of
17 issuance is not sustained, the ruling is not admissible in and has no effect
18 on any administrative, civil or criminal court proceeding.

19 O. If it has been determined under the procedures of this section that
20 a nonresident's privilege to operate a motor vehicle in this state has been
21 suspended, the department shall give information EITHER in writing OR BY
22 ELECTRONIC MEANS of the action taken to the motor vehicle administrator of
23 the state of the person's residence and of any state in which the person has
24 a license.

25 P. After completing not less than ninety consecutive days of the
26 period of suspension required by this section AND ANY ALCOHOL OR OTHER DRUG
27 SCREENING, EDUCATION OR TREATMENT PROGRAM THAT IS ORDERED BY THE DEPARTMENT
28 PURSUANT TO THIS CHAPTER, a person whose driving privilege is suspended
29 pursuant to this section may apply to the department for a special ignition
30 interlock restricted driver license pursuant to section 28-1401. Unless the
31 certified ignition interlock period is extended by the department pursuant to
32 section ~~28-1402~~ 28-1461, a person who is issued a special ignition interlock
33 restricted driver license as provided in this subsection shall maintain a
34 functioning certified ignition interlock device in compliance with this
35 chapter during the remaining period of the suspension prescribed by this
36 section. This subsection does not apply to a person whose driving privilege
37 is suspended for a second or subsequent refusal within a period of
38 eighty-four months or a person who within a period of eighty-four months has
39 been convicted of a second or subsequent violation of article 3 of this
40 chapter or section 4-244, paragraph 33 or an act in another jurisdiction that
41 if committed in this state would be a violation of article 3 of this chapter
42 or section 4-244, paragraph 33.

1 Sec. 3. Section 28-1381, Arizona Revised Statutes, is amended to read:
2 28-1381. Driving or actual physical control while under the
3 influence; trial by jury; presumptions; admissible
4 evidence; sentencing; classification

5 A. It is unlawful for a person to drive or be in actual physical
6 control of a vehicle in this state under any of the following circumstances:
7 1. While under the influence of intoxicating liquor, any drug, a vapor
8 releasing substance containing a toxic substance or any combination of
9 liquor, drugs or vapor releasing substances if the person is impaired to the
10 slightest degree.

11 2. If the person has an alcohol concentration of 0.08 or more within
12 two hours of driving or being in actual physical control of the vehicle and
13 the alcohol concentration results from alcohol consumed either before or
14 while driving or being in actual physical control of the vehicle.

15 3. While there is any drug defined in section 13-3401 or its
16 metabolite in the person's body.

17 4. If the vehicle is a commercial motor vehicle that requires a person
18 to obtain a commercial driver license as defined in section 28-3001 and the
19 person has an alcohol concentration of 0.04 or more.

20 B. It is not a defense to a charge of a violation of subsection A,
21 paragraph 1 of this section that the person is or has been entitled to use
22 the drug under the laws of this state.

23 C. A person who is convicted of a violation of this section is guilty
24 of a class 1 misdemeanor.

25 D. A person using a drug prescribed by a medical practitioner licensed
26 pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of violating
27 subsection A, paragraph 3 of this section.

28 E. In any prosecution for a violation of this section, the state shall
29 allege, for the purpose of classification and sentencing pursuant to this
30 section, all prior convictions of violating this section, section 28-1382 or
31 section 28-1383 occurring within the past ~~thirty-six~~ EIGHTY-FOUR months,
32 unless there is an insufficient legal or factual basis to do so.

33 F. At the arraignment, the court shall:

34 1. Inform the defendant that the defendant may request a trial by jury
35 and that the request, if made, shall be granted.

36 2. DETERMINE WHETHER THE PERSON'S RELEASE CONDITIONS SHOULD REQUIRE NO
37 ALCOHOL CONSUMPTION.

38 3. DETERMINE WHETHER THE PERSON'S RELEASE CONDITIONS SHOULD INCLUDE
39 CONTINUOUS ALCOHOL MONITORING OR A MINIMUM OF TWICE DAILY ALCOHOL TESTING.

40 G. In a trial, action or proceeding for a violation of this section or
41 section 28-1383 other than a trial, action or proceeding involving driving or
42 being in actual physical control of a commercial vehicle, the defendant's
43 alcohol concentration within two hours of the time of driving or being in
44 actual physical control as shown by analysis of the defendant's blood, breath
45 or other bodily substance gives rise to the following presumptions:

1 1. If there was at that time 0.05 or less alcohol concentration in the
2 defendant's blood, breath or other bodily substance, it may be presumed that
3 the defendant was not under the influence of intoxicating liquor.

4 2. If there was at that time in excess of 0.05 but less than 0.08
5 alcohol concentration in the defendant's blood, breath or other bodily
6 substance, that fact shall not give rise to a presumption that the defendant
7 was or was not under the influence of intoxicating liquor, but that fact may
8 be considered with other competent evidence in determining the guilt or
9 innocence of the defendant.

10 3. If there was at that time 0.08 or more alcohol concentration in the
11 defendant's blood, breath or other bodily substance, it may be presumed that
12 the defendant was under the influence of intoxicating liquor.

13 H. Subsection G of this section does not limit the introduction of any
14 other competent evidence bearing on the question of whether or not the
15 defendant was under the influence of intoxicating liquor.

16 I. A person who is convicted of a violation of this section:

17 1. Shall be sentenced to serve not less than ten consecutive days in
18 jail and is not eligible for probation or suspension of execution of sentence
19 unless the entire sentence is served.

20 2. Shall pay a fine of not less than two hundred fifty dollars.

21 3. May be ordered by a court to perform community restitution.

22 4. Shall pay an additional assessment of five hundred dollars to be
23 deposited by the state treasurer in the prison construction and operations
24 fund established by section 41-1651. This assessment is not subject to any
25 surcharge. If the conviction occurred in the superior court or a justice
26 court, the court shall transmit the assessed monies to the county treasurer.
27 If the conviction occurred in a municipal court, the court shall transmit the
28 assessed monies to the city treasurer. The city or county treasurer shall
29 transmit the monies received to the state treasurer.

30 5. Shall pay an additional assessment of five hundred dollars to be
31 deposited by the state treasurer in the state general fund. This assessment
32 is not subject to any surcharge. If the conviction occurred in the superior
33 court or a justice court, the court shall transmit the assessed monies to the
34 county treasurer. If the conviction occurred in a municipal court, the court
35 shall transmit the assessed monies to the city treasurer. The city or county
36 treasurer shall transmit the monies received to the state treasurer.

37 6. Shall be required by the department, on report of the conviction,
38 to equip any motor vehicle the person operates with a certified ignition
39 interlock device pursuant to section 28-3319. In addition, the court may
40 order the person to equip any motor vehicle the person operates with a
41 certified ignition interlock device for more than twelve months beginning on
42 the date of reinstatement of the person's driving privilege following a
43 suspension or revocation or on the date of the department's receipt of the
44 report of conviction, whichever occurs later. The person who operates a

1 motor vehicle with a certified ignition interlock device under this paragraph
2 shall comply with article 5 of this chapter.

3 J. Notwithstanding subsection I, paragraph 1 of this section, at the
4 time of sentencing the judge may suspend all but twenty-four consecutive
5 hours of the sentence if the person completes a court OR DEPARTMENT ordered
6 alcohol or other drug screening, education or treatment program AND, IF
7 ORDERED BY THE COURT, THE PERSON DOES NOT CONSUME ALCOHOL AS DEMONSTRATED
8 THROUGH CONTINUOUS ALCOHOL MONITORING OR TWICE DAILY ALCOHOL TESTING. If the
9 person fails to complete the court OR DEPARTMENT ordered alcohol or other
10 drug screening, education or treatment program OR VIOLATES THE COURT ORDER TO
11 NOT CONSUME ALCOHOL and has not been placed on probation, the court shall
12 issue an order to show cause to the defendant as to why the remaining jail
13 sentence should not be served.

14 K. If within a period of eighty-four months a person is convicted of a
15 second violation of this section or is convicted of a violation of this
16 section and has previously been convicted of a violation of section 28-1382
17 or 28-1383 or an act in another jurisdiction that if committed in this state
18 would be a violation of this section or section 28-1382 or 28-1383, the
19 person:

20 1. Shall be sentenced to serve not less than ninety days in jail,
21 thirty days of which shall be served consecutively, and is not eligible for
22 probation or suspension of execution of sentence unless the entire sentence
23 has been served.

24 2. Shall pay a fine of not less than five hundred dollars.

25 3. Shall be ordered by a court to perform at least thirty hours of
26 community restitution.

27 4. Shall have the person's driving privilege revoked for one year.
28 The court shall report the conviction to the department. On receipt of the
29 report, the department shall revoke the person's driving privilege and shall
30 require the person to equip any motor vehicle the person operates with a
31 certified ignition interlock device pursuant to section 28-3319. In
32 addition, the court may order the person to equip any motor vehicle the
33 person operates with a certified ignition interlock device for more than
34 twelve months beginning on the date of reinstatement of the person's driving
35 privilege following a suspension or revocation or on the date of the
36 department's receipt of the report of conviction, whichever occurs later.
37 The person who operates a motor vehicle with a certified ignition interlock
38 device under this paragraph shall comply with article 5 of this chapter.

39 5. Shall pay an additional assessment of one thousand two hundred
40 fifty dollars to be deposited by the state treasurer in the prison
41 construction and operations fund established by section 41-1651. This
42 assessment is not subject to any surcharge. If the conviction occurred in
43 the superior court or a justice court, the court shall transmit the assessed
44 monies to the county treasurer. If the conviction occurred in a municipal
45 court, the court shall transmit the assessed monies to the city treasurer.

1 The city or county treasurer shall transmit the monies received to the state
2 treasurer.

3 6. Shall pay an additional assessment of one thousand two hundred
4 fifty dollars to be deposited by the state treasurer in the state general
5 fund. This assessment is not subject to any surcharge. If the conviction
6 occurred in the superior court or a justice court, the court shall transmit
7 the assessed monies to the county treasurer. If the conviction occurred in a
8 municipal court, the court shall transmit the assessed monies to the city
9 treasurer. The city or county treasurer shall transmit the monies received
10 to the state treasurer.

11 L. Notwithstanding subsection K, paragraph 1 of this section, at the
12 time of sentencing, the judge may suspend all but thirty days of the sentence
13 if the person completes a court OR DEPARTMENT ordered alcohol or other drug
14 screening, education or treatment program AND, IF ORDERED BY THE COURT, THE
15 PERSON DOES NOT CONSUME ALCOHOL AS DEMONSTRATED THROUGH CONTINUOUS ALCOHOL
16 MONITORING OR TWICE DAILY ALCOHOL TESTING. If the person fails to complete
17 the court OR DEPARTMENT ordered alcohol or other drug screening, education or
18 treatment program OR VIOLATES THE COURT ORDER TO NOT CONSUME ALCOHOL and has
19 not been placed on probation, the court shall issue an order to show cause as
20 to why the remaining jail sentence should not be served.

21 M. In applying the eighty-four month provision of subsection K of this
22 section, the dates of the commission of the offense shall be the determining
23 factor, irrespective of the sequence in which the offenses were committed.

24 N. A second violation for which a conviction occurs as provided in
25 this section shall not include a conviction for an offense arising out of the
26 same series of acts.

27 Sec. 4. Section 28-1382, Arizona Revised Statutes, as amended by Laws
28 2007, chapter 219, section 2, is amended to read:

29 28-1382. Driving or actual physical control while under the
30 extreme influence of intoxicating liquor; trial by
31 jury; sentencing; classification

32 A. It is unlawful for a person to drive or be in actual physical
33 control of a vehicle in this state if the person has an alcohol concentration
34 ~~of 0.15 or more~~ AS FOLLOWS within two hours of driving or being in actual
35 physical control of the vehicle and the alcohol concentration results from
36 alcohol consumed either before or while driving or being in actual physical
37 control of the vehicle:

- 38 1. 0.15 OR MORE BUT LESS THAN 0.20.
- 39 2. 0.20 OR MORE.

40 B. A person who is convicted of a violation of this section is guilty
41 of driving or being in actual physical control of a vehicle while under the
42 extreme influence of intoxicating liquor.

- 1 C. At the arraignment, the court shall:
- 2 1. Inform the defendant that the defendant may request a trial by jury
- 3 and that the request, if made, shall be granted.
- 4 2. DETERMINE WHETHER THE PERSON'S RELEASE CONDITIONS SHOULD REQUIRE NO
- 5 ALCOHOL CONSUMPTION.
- 6 3. DETERMINE WHETHER THE PERSON'S RELEASE CONDITIONS SHOULD INCLUDE
- 7 CONTINUOUS ALCOHOL MONITORING OR A MINIMUM OF TWICE DAILY ALCOHOL TESTING.
- 8 D. A person who is convicted of a violation of this section:
- 9 1. ~~Except as otherwise provided in this paragraph,~~ Shall be sentenced
- 10 to serve not less than thirty consecutive days in jail and is not eligible
- 11 for probation or suspension of execution of sentence unless the entire
- 12 sentence is served IF THE PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION A,
- 13 PARAGRAPH 1 OF THIS SECTION. A person who ~~has an alcohol concentration of~~
- 14 ~~0.20 or more~~ IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS
- 15 SECTION shall be sentenced to serve not less than forty-five consecutive days
- 16 in jail and is not eligible for probation or suspension of execution of
- 17 sentence unless the entire sentence is served.
- 18 2. Shall pay a fine of not less than two hundred fifty dollars, except
- 19 that a person who ~~has an alcohol concentration of 0.20 or more~~ IS CONVICTED
- 20 OF A VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS SECTION shall pay a fine
- 21 of not less than five hundred dollars. The fine prescribed in this paragraph
- 22 and any assessments, restitution and incarceration costs shall be paid before
- 23 the assessment prescribed in paragraph 3 of this subsection.
- 24 3. Shall pay an additional assessment of two hundred fifty dollars. If
- 25 the conviction occurred in the superior court or a justice court, the court
- 26 shall transmit the monies received pursuant to this paragraph to the county
- 27 treasurer. If the conviction occurred in a municipal court, the court shall
- 28 transmit the monies received pursuant to this paragraph to the city
- 29 treasurer. The city or county treasurer shall transmit the monies received
- 30 to the state treasurer. The state treasurer shall deposit the monies
- 31 received in the driving under the influence abatement fund established by
- 32 section 28-1304.
- 33 4. May be ordered by a court to perform community restitution.
- 34 5. Shall be required by the department, on receipt of the report of
- 35 conviction, to equip any motor vehicle the person operates with a certified
- 36 ignition interlock device pursuant to section 28-3319. In addition, the
- 37 court may order the person to equip any motor vehicle the person operates
- 38 with a certified ignition interlock device for more than twelve months
- 39 beginning on the date of reinstatement of the person's driving privilege
- 40 following a suspension or revocation or on the date of the department's
- 41 receipt of the report of conviction, whichever occurs later. The person who
- 42 operates a motor vehicle with a certified ignition interlock device under
- 43 this paragraph shall comply with article 5 of this chapter.

1 6. Shall pay an additional assessment of one thousand dollars to be
 2 deposited by the state treasurer in the prison construction and operations
 3 fund established by section 41-1651. This assessment is not subject to any
 4 surcharge. If the conviction occurred in the superior court or a justice
 5 court, the court shall transmit the assessed monies to the county treasurer.
 6 If the conviction occurred in a municipal court, the court shall transmit the
 7 assessed monies to the city treasurer. The city or county treasurer shall
 8 transmit the monies received to the state treasurer.

9 7. Shall pay an additional assessment of one thousand dollars to be
 10 deposited by the state treasurer in the state general fund. This assessment
 11 is not subject to any surcharge. If the conviction occurred in the superior
 12 court or a justice court, the court shall transmit the assessed monies to the
 13 county treasurer. If the conviction occurred in a municipal court, the court
 14 shall transmit the assessed monies to the city treasurer. The city or county
 15 treasurer shall transmit the monies received to the state treasurer.

16 E. Notwithstanding subsection D, paragraph 1 of this section, at the
 17 time of sentencing if the person ~~has an alcohol concentration of less than~~
 18 ~~0.20~~ IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 1 OF THIS
 19 SECTION, the judge may suspend all but ten days of the sentence if the person
 20 completes a court OR DEPARTMENT ordered alcohol or other drug screening,
 21 education or treatment program AND, IF ORDERED BY THE COURT, THE PERSON DOES
 22 NOT CONSUME ALCOHOL AS DEMONSTRATED THROUGH CONTINUOUS ALCOHOL MONITORING OR
 23 TWICE DAILY ALCOHOL TESTING. If the person fails to complete the court OR
 24 DEPARTMENT ordered alcohol or other drug screening, education or treatment
 25 program OR VIOLATES THE COURT ORDER TO NOT CONSUME ALCOHOL and has not been
 26 placed on probation, the court shall issue an order to show cause to the
 27 defendant as to why the remaining jail sentence should not be served.

28 F. If within a period of eighty-four months a person is convicted of a
 29 second violation of this section or is convicted of a violation of this
 30 section and has previously been convicted of a violation of section 28-1381
 31 or 28-1383 or an act in another jurisdiction that if committed in this state
 32 would be a violation of this section or section 28-1381 or 28-1383, the
 33 person:

34 1. ~~Except as otherwise provided in this paragraph,~~ Shall be sentenced
 35 to serve not less than one hundred twenty days in jail, sixty days of which
 36 shall be served consecutively, and is not eligible for probation or
 37 suspension of execution of sentence unless the entire sentence has been
 38 served IF THE PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 1
 39 OF THIS SECTION. A person who ~~has an alcohol concentration of 0.20 or more~~
 40 IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS SECTION
 41 shall be sentenced to serve not less than one hundred eighty days in jail,
 42 ninety of which shall be served consecutively, and is not eligible for
 43 probation or suspension of execution of sentence unless the entire sentence
 44 has been served.

1 2. Shall pay a fine of not less than five hundred dollars, except that
2 a person who ~~has an alcohol concentration of 0.20 or more~~ IS CONVICTED OF A
3 VIOLATION OF SUBSECTION A, PARAGRAPH 2 OF THIS SECTION shall pay a fine of
4 not less than one thousand dollars. The fine prescribed in this paragraph
5 and any assessments, restitution and incarceration costs shall be paid before
6 the assessment prescribed in paragraph 3 of this subsection.

7 3. Shall pay an additional assessment of two hundred fifty
8 dollars. If the conviction occurred in the superior court or a justice
9 court, the court shall transmit the monies received pursuant to this
10 paragraph to the county treasurer. If the conviction occurred in a municipal
11 court, the court shall transmit the monies received pursuant to this
12 paragraph to the city treasurer. The city or county treasurer shall transmit
13 the monies received to the state treasurer. The state treasurer shall
14 deposit the monies received in the driving under the influence abatement fund
15 established by section 28-1304.

16 4. Shall be ordered by a court to perform at least thirty hours of
17 community restitution.

18 5. Shall have the person's driving privilege revoked for at least one
19 year. The court shall report the conviction to the department. On receipt
20 of the report, the department shall revoke the person's driving privilege and
21 shall require the person to equip any motor vehicle the person operates with
22 a certified ignition interlock device pursuant to section 28-3319. In
23 addition, the court may order the person to equip any motor vehicle the
24 person operates with a certified ignition interlock device for more than
25 twelve months beginning on the date of reinstatement of the person's driving
26 privilege following a suspension or revocation or on the date of the
27 department's receipt of the report of conviction, whichever is later. The
28 person who operates a motor vehicle with a certified ignition interlock
29 device under this paragraph shall comply with article 5 of this chapter.

30 6. Shall pay an additional assessment of one thousand two hundred
31 fifty dollars to be deposited by the state treasurer in the prison
32 construction and operations fund established by section 41-1651. This
33 assessment is not subject to any surcharge. If the conviction occurred in
34 the superior court or a justice court, the court shall transmit the assessed
35 monies to the county treasurer. If the conviction occurred in a municipal
36 court, the court shall transmit the assessed monies to the city treasurer.
37 The city or county treasurer shall transmit the monies received to the state
38 treasurer.

39 7. Shall pay an additional assessment of one thousand two hundred
40 fifty dollars to be deposited by the state treasurer in the state general
41 fund. This assessment is not subject to any surcharge. If the conviction
42 occurred in the superior court or a justice court, the court shall transmit
43 the assessed monies to the county treasurer. If the conviction occurred in a
44 municipal court, the court shall transmit the assessed monies to the city

1 treasurer. The city or county treasurer shall transmit the monies received
2 to the state treasurer.

3 G. Notwithstanding subsection F, paragraph 1 of this section, at the
4 time of sentencing, if the person ~~has an alcohol concentration of less than~~
5 ~~0.20~~ IS CONVICTED OF A VIOLATION OF SUBSECTION A, PARAGRAPH 1 OF THIS
6 SECTION, the judge may suspend all but sixty days of the sentence if the
7 person completes a court OR DEPARTMENT ordered alcohol or other drug
8 screening, education or treatment program AND, IF ORDERED BY THE COURT, THE
9 PERSON DOES NOT CONSUME ALCOHOL AS DEMONSTRATED THROUGH CONTINUOUS ALCOHOL
10 MONITORING OR TWICE DAILY ALCOHOL TESTING. If the person fails to complete
11 the court OR DEPARTMENT ordered alcohol or other drug screening, education or
12 treatment program OR VIOLATES THE COURT ORDER TO NOT CONSUME ALCOHOL and has
13 not been placed on probation, the court shall issue an order to show cause as
14 to why the remaining jail sentence should not be served.

15 H. In applying the eighty-four month provision of subsection F of this
16 section, the dates of the commission of the offense shall be the determining
17 factor, irrespective of the sequence in which the offenses were committed.

18 I. A second violation for which a conviction occurs as provided in
19 this section shall not include a conviction for an offense arising out of the
20 same series of acts.

21 J. A person who is convicted of a violation of this section is guilty
22 of a class 1 misdemeanor.

23 Sec. 5. Repeal

24 Section 28-1382, Arizona Revised Statutes, as amended by Laws 2007,
25 chapter 195, section 3, is repealed.

26 Sec. 6. Section 28-1383, Arizona Revised Statutes, is amended to read:

27 28-1383. Aggravated driving or actual physical control while
28 under the influence; violation; classification;
29 definition

30 A. A person is guilty of aggravated driving or actual physical control
31 while under the influence of intoxicating liquor or drugs if the person does
32 any of the following:

33 1. Commits a violation of section 28-1381, section 28-1382 or this
34 section while the person's driver license or privilege to drive is suspended,
35 canceled, revoked or refused or while a restriction is placed on the person's
36 driver license or privilege to drive as a result of violating section 28-1381
37 or 28-1382 or under section 28-1385.

38 2. Within a period of eighty-four months commits a third or subsequent
39 violation of section 28-1381, section 28-1382 or this section or is convicted
40 of a violation of section 28-1381, section 28-1382 or this section and has
41 previously been convicted of any combination of convictions of section
42 28-1381, section 28-1382 or this section or acts in another jurisdiction that
43 if committed in this state would be a violation of section 28-1381, section
44 28-1382 or this section.

1 3. While a person under fifteen years of age is in the vehicle,
2 commits a violation of either:

3 (a) Section 28-1381.

4 (b) Section 28-1382.

5 4. While the person is ordered by the court or required pursuant to
6 section 28-3319 by the department to equip any motor vehicle the person
7 operates with a certified ignition interlock device, does either of the
8 following:

9 (a) While under arrest refuses to submit to any test chosen by a law
10 enforcement officer pursuant to section 28-1321, subsection A.

11 (b) Commits a violation of section 28-1381, section 28-1382 or this
12 section.

13 B. The dates of the commission of the offenses are the determining
14 factor in applying the eighty-four month provision provided in subsection A,
15 paragraph 2 of this section regardless of the sequence in which the offenses
16 were committed. For the purposes of this section, a third or subsequent
17 violation for which a conviction occurs does not include a conviction for an
18 offense arising out of the same series of acts. The time that a probationer
19 is found to be on absconder status or the time that a person is incarcerated
20 in any state, federal, county or city jail or correctional facility is
21 excluded when determining the eighty-four month period provided in subsection
22 A, paragraph 2 and subsection ~~E~~ F of this section.

23 C. The notice to a person of the suspension, cancellation, revocation
24 or refusal of a driver license or privilege to drive is effective as provided
25 in section 28-3318 or pursuant to the laws of the state issuing the license.

26 D. AT THE INITIAL APPEARANCE, THE COURT SHALL DETERMINE:

27 1. WHETHER THE PERSON'S RELEASE CONDITIONS SHOULD INCLUDE NO ALCOHOL
28 CONSUMPTION.

29 2. WHETHER THE PERSON'S RELEASE CONDITIONS SHOULD INCLUDE CONTINUOUS
30 ALCOHOL MONITORING OR A MINIMUM OF TWICE DAILY ALCOHOL TESTING.

31 ~~D~~ E. A person is not eligible for probation, pardon, commutation or
32 suspension of sentence or release on any other basis until the person has
33 served not less than four months in prison if the person is convicted under
34 either of the following:

35 1. Subsection A, paragraph 1 of this section.

36 2. Subsection A, paragraph 2 of this section and within an eighty-four
37 month period has been convicted of two prior violations of section 28-1381,
38 section 28-1382 or this section, or any combination of those sections, or
39 acts in another jurisdiction that if committed in this state would be a
40 violation of section 28-1381, section 28-1382 or this section.

41 ~~E~~ F. A person who is convicted under subsection A, paragraph 2 of
42 this section and who within an eighty-four month period has been convicted of
43 three or more prior violations of section 28-1381, section 28-1382 or this
44 section, or any combination of those sections, or acts in another
45 jurisdiction that if committed in this state would be a violation of section

1 28-1381, section 28-1382 or this section is not eligible for probation,
2 pardon, commutation or suspension of sentence or release on any other basis
3 until the person has served not less than eight months in prison.

4 ~~F.~~ G. A person who is convicted under subsection A, paragraph 3,
5 subdivision (a) of this section shall serve at least the minimum term of
6 incarceration required pursuant to section 28-1381.

7 ~~G.~~ H. A person who is convicted under subsection A, paragraph 3,
8 subdivision (b) of this section shall serve at least the minimum term of
9 incarceration required pursuant to section 28-1382.

10 ~~H.~~ I. IN ADDITION TO ANY ALCOHOL OR OTHER DRUG SCREENING, EDUCATION
11 OR TREATMENT PROGRAM ORDERED BY THE DEPARTMENT PURSUANT TO SECTION 28-1385, a
12 person who is convicted of a violation of this section shall attend and
13 complete alcohol or other drug screening, education or treatment from an
14 approved facility AS ORDERED BY THE COURT. If the person fails to comply
15 with this subsection and is placed on probation, in addition to the
16 provisions of section 13-901 the court may order that the person be
17 incarcerated as a term of probation as follows:

18 1. For a person sentenced pursuant to subsection ~~D.~~ E of this section,
19 for an individual period of not more than four months and a total period of
20 not more than one year.

21 2. For a person sentenced pursuant to subsection ~~E.~~ F of this section,
22 for an individual period of not more than eight months and a total period of
23 not more than two years.

24 ~~I.~~ J. The time that a person spends in custody pursuant to subsection
25 ~~H.~~ I of this section shall not be counted towards the sentence imposed if the
26 person's probation is revoked and the person is sentenced to prison after
27 revocation of probation.

28 ~~J.~~ K. On a conviction for a violation of this section, the court:

29 1. Shall report the conviction to the department. On receipt of the
30 report, the department shall revoke the driving privilege of the person. The
31 department shall not issue the person a new driver license within three years
32 of the date of the conviction and, for a conviction of a violation of
33 subsection A, paragraph 1, 2 or 4 or paragraph 3, subdivision (b) of this
34 section, shall require the person to equip any motor vehicle the person
35 operates with a certified ignition interlock device pursuant to section
36 28-3319. In addition, the court may order the person to equip any motor
37 vehicle the person operates with a certified ignition interlock device for
38 more than twelve months beginning on the date of reinstatement of the
39 person's driving privilege following a suspension or revocation or on the
40 date of the department's receipt of the report of conviction, whichever
41 occurs later. The person who operates a motor vehicle with a certified
42 ignition interlock device under this paragraph shall comply with article 5 of
43 this chapter.

1 2. In addition to any other penalty prescribed by law, shall order the
2 person to pay an additional assessment of two hundred fifty dollars. If the
3 conviction occurred in the superior court or a justice court, the court shall
4 transmit the monies received pursuant to this paragraph to the county
5 treasurer. If the conviction occurred in a municipal court, the court shall
6 transmit the monies received pursuant to this paragraph to the city
7 treasurer. The city or county treasurer shall transmit the monies received
8 to the state treasurer. The state treasurer shall deposit the monies
9 received in the driving under the influence abatement fund established by
10 section 28-1304. Any fine imposed for a violation of this section and any
11 assessments, restitution and incarceration costs shall be paid before the
12 assessment prescribed in this paragraph.

13 3. Shall order the person to pay a fine of not less than seven hundred
14 fifty dollars.

15 4. In addition to any other penalty prescribed by law, shall order the
16 person to pay an additional assessment of one thousand five hundred dollars
17 to be deposited by the state treasurer in the prison construction and
18 operations fund established by section 41-1651. This assessment is not
19 subject to any surcharge. If the conviction occurred in the superior court
20 or a justice court, the court shall transmit the assessed monies to the
21 county treasurer. If the conviction occurred in a municipal court, the court
22 shall transmit the assessed monies to the city treasurer. The city or county
23 treasurer shall transmit the monies received to the state treasurer.

24 5. In addition to any other penalty prescribed by law, shall order the
25 person to pay an additional assessment of one thousand five hundred dollars
26 to be deposited by the state treasurer in the state general fund. This
27 assessment is not subject to any surcharge. If the conviction occurred in
28 the superior court or a justice court, the court shall transmit the assessed
29 monies to the county treasurer. If the conviction occurred in a municipal
30 court, the court shall transmit the assessed monies to the city treasurer.
31 The city or county treasurer shall transmit the monies received to the state
32 treasurer.

33 ~~K~~ L. After completing the period of suspension required by section
34 28-1385, a person whose driving privilege is revoked for a violation of
35 subsection A, paragraph 3 of this section may apply to the department for a
36 special ignition interlock restricted driver license pursuant to section
37 28-1401.

38 ~~L~~ M. Aggravated driving or actual physical control while under the
39 influence of intoxicating liquor or drugs committed under:

40 1. Subsection A, paragraph 1 or 2 or paragraph 4, subdivision (b) of
41 this section is a class 4 felony.

42 2. Subsection A, paragraph 3 or paragraph 4, subdivision (a) of this
43 section is a class 6 felony.

1 ~~M.~~ N. For the purposes of this section, "suspension, cancellation,
2 revocation or refusal" means any suspension, cancellation, revocation or
3 refusal.

4 Sec. 7. Section 28-1385, Arizona Revised Statutes, is amended to read:
5 28-1385. Administrative license suspension for driving under
6 the influence; report; hearing; summary review;
7 ignition interlock device requirement

8 A. A law enforcement officer shall forward to the department a
9 certified report as prescribed in subsection B of this section, subject to
10 the penalty for perjury prescribed by section 28-1561, if both of the
11 following occur:

12 1. The officer arrests a person for a violation of section 4-244,
13 paragraph 33, section 28-1381, section 28-1382 or section 28-1383.

14 2. The person submits to a blood or breath alcohol test permitted by
15 section 28-1321, the results of which indicate ~~either~~ ANY OF THE FOLLOWING:

16 (a) 0.08 or more BUT LESS THAN 0.15 alcohol concentration in the
17 person's blood or breath.

18 (b) 0.15 OR MORE ALCOHOL CONCENTRATION IN THE PERSON'S BLOOD OR
19 BREATH.

20 ~~(b)~~ (c) 0.04 or more alcohol concentration in the person's blood or
21 breath if the person was driving or in actual physical control of a
22 commercial motor vehicle.

23 B. The officer shall make the certified report required by subsection
24 A of this section on forms supplied or approved by the department. The
25 report shall state information that is relevant to the enforcement action,
26 including:

27 1. Information that adequately identifies the arrested person.

28 2. A statement of the officer's grounds for belief that the person was
29 driving or in actual physical control of a motor vehicle in violation of
30 section 4-244, paragraph 33, section 28-1381, ~~or~~ section 28-1382 OR SECTION
31 28-1383.

32 3. A statement that the person was arrested for a violation of section
33 4-244, paragraph 33, section 28-1381, section 28-1382 or section 28-1383.

34 4. A report of the results of the chemical test that was administered.

35 C. The officer shall also serve an order of suspension on the person
36 on behalf of the department. The order of suspension:

37 1. Is effective fifteen days after the date it is served.

38 2. Shall require the immediate surrender of any license or permit to
39 drive that is issued by this state and that is in the possession or control
40 of the person.

41 3. Shall contain information concerning the right to a summary review
42 and hearing, including information concerning the hearing as required by
43 section 28-1321, subsections G and H.

1 4. Shall be accompanied by printed forms ready to mail to the
2 department that the person may fill out and sign to indicate the person's
3 desire for a hearing.

4 5. Shall be entered on the department's records on receipt of the
5 report by the officer and a copy of the order of suspension.

6 D. If the license or permit is not surrendered pursuant to subsection
7 C of this section, the officer shall state the reason for the nonsurrender.
8 If a valid license or permit is surrendered, the officer shall issue a
9 temporary driving permit that is valid for fifteen days. The officer shall
10 forward a copy of the completed order of suspension, a copy of any completed
11 temporary permit and any driver license or permit taken into possession under
12 this section to the department within five days after the issuance of the
13 order of suspension along with the report.

14 E. The department shall suspend the affected person's license or
15 permit to drive or right to apply for a license or permit or any nonresident
16 operating privilege for not less than ninety consecutive days from that date.
17 THE DEPARTMENT MAY REINSTATE THE PERSON'S DRIVING PRIVILEGE, LICENSE, PERMIT,
18 RIGHT TO APPLY FOR A LICENSE OR PERMIT OR NONRESIDENT OPERATING PRIVILEGE
19 FOLLOWING THE PERIOD OF SUSPENSION ONLY IF THE VIOLATOR COMPLETES AN ALCOHOL
20 OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM THAT IS ORDERED BY
21 THE DEPARTMENT AND COMPLIES WITH ANY ORDER THAT IS ISSUED BY THE DEPARTMENT
22 FOR THE INSTALLATION AND USE OF A CERTIFIED IGNITION INTERLOCK DEVICE
23 PURSUANT TO THIS CHAPTER.

24 F. Notwithstanding subsections A through E of this section, the
25 department shall suspend the driving privileges of the person described in
26 subsection A of this section for not less than thirty consecutive days and
27 shall restrict the driving privileges of the person for not less than sixty
28 consecutive additional days to travel between the person's place of
29 employment and residence and during specified periods of time while at
30 employment, to travel between the person's place of residence and the
31 person's secondary or postsecondary school, according to the person's
32 employment or educational schedule, to travel between the person's place of
33 residence and the office of the person's probation officer for scheduled
34 appointments or to travel between the person's place of residence and a
35 screening, education or treatment facility for scheduled appointments if the
36 person:

37 1. Did not cause serious physical injury as defined in section 13-105
38 to another person during the course of conduct out of which the current
39 action arose.

40 2. Has not been convicted of a violation of section 4-244, PARAGRAPH
41 33, SECTION 28-1381, SECTION 28-1382 or SECTION 28-1383 within eighty-four
42 months of the date of commission of the acts out of which the current action
43 arose. The dates of commission of the acts are the determining factor in
44 applying the eighty-four month provision.

1 3. Has not had the person's privilege to drive suspended pursuant to
2 this section or section 28-1321 within eighty-four months of the date of
3 commission of the acts out of which the current action arose.

4 4. PROVIDES SATISFACTORY EVIDENCE TO THE DEPARTMENT OF THE PERSON'S
5 COMPLETION OR PARTICIPATION IN AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION
6 OR TREATMENT PROGRAM THAT IS ORDERED BY THE DEPARTMENT. IF THE PERSON DOES
7 NOT COMPLETE AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT
8 PROGRAM OR IS NOT SATISFACTORILY PARTICIPATING IN A PROGRAM APPROVED BY THE
9 DEPARTMENT, THE DEPARTMENT MAY EITHER IMPOSE A NINETY DAY SUSPENSION PURSUANT
10 TO THIS SECTION OR ALLOW THE PERSON TO SUBMIT AN AFFIDAVIT AT THE TIME OF THE
11 HEARING THAT THE PERSON WILL PROVIDE SATISFACTORY EVIDENCE TO THE DEPARTMENT
12 THAT THE PERSON EITHER HAS COMPLETED OR IS PARTICIPATING IN AN ALCOHOL OR
13 OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM BEFORE THE SIXTY DAY
14 RESTRICTED LICENSE PERIOD BEGINS.

15 G. If the department receives only the report of the results of the
16 blood or breath alcohol test and the results indicate 0.08 or more alcohol
17 concentration in the person's blood or breath, or show a blood or breath
18 alcohol concentration of 0.04 or more and the person was driving or in actual
19 physical control of a commercial motor vehicle, the department shall notify
20 the person named in the report in writing sent by mail that fifteen days
21 after the date of issuance of the notice the department will suspend the
22 person's license or permit, driving privilege or nonresident driving
23 privilege. The notice shall also state that the department will provide an
24 opportunity for a hearing and administrative review if the person requests a
25 hearing or review in writing and the request is received by the department
26 within fifteen days after the notice is sent.

27 H. A timely request for a hearing stays the suspension until a hearing
28 is held, except that the department shall not return any surrendered license
29 or permit to the person but may issue temporary permits to drive that expire
30 no later than when the department has made its final decision. If the person
31 is a resident without a license or permit or has an expired license or
32 permit, the department may allow the person to apply for a RESTRICTED license
33 or permit. If the department determines the person is otherwise entitled to
34 the RESTRICTED license or permit, the department shall issue, but retain, the
35 license or permit, subject to this section. All hearings requested under
36 this section shall be conducted in the same manner and under the same
37 conditions as provided in section 28-3306.

38 I. For the purposes of this section, the scope of the hearing shall
39 include only the following issues:

40 1. Whether the officer had reasonable grounds to believe the person
41 was driving or was in actual physical control of a motor vehicle while under
42 the influence of intoxicating liquor.

43 2. Whether the person was placed under arrest for a violation of
44 section 4-244, paragraph 33, section 28-1381, section 28-1382 or section
45 28-1383.

1 3. Whether a test was taken, the results of which indicated the
2 alcohol concentration in the person's blood or breath at the time the test
3 was administered of ~~either~~ ANY OF THE FOLLOWING:

4 (a) 0.08 or more BUT LESS THAN 0.15.

5 (b) 0.15 OR MORE.

6 ~~(b)~~ (c) 0.04 or more if the person was driving or in actual physical
7 control of a commercial motor vehicle.

8 4. Whether the testing method used was valid and reliable.

9 5. Whether the test results were accurately evaluated.

10 6. WHETHER THE DEPARTMENT HAS A DEPARTMENT RECORD INDICATING THAT
11 WITHIN A PERIOD OF EIGHTY-FOUR MONTHS THE PERSON HAS PREVIOUSLY BEEN
12 CONVICTED OF A VIOLATION OF SECTION 4-244, PARAGRAPH 33, SECTION 28-1381,
13 SECTION 28-1382 OR SECTION 28-1383 OR AN ACT IN ANOTHER JURISDICTION THAT IF
14 COMMITTED IN THIS STATE WOULD BE A VIOLATION OF SECTION 4-244, PARAGRAPH 33,
15 SECTION 28-1381, SECTION 28-1382 OR SECTION 28-1383.

16 J. The results of the blood or breath alcohol test shall be admitted
17 on establishing the requirements in section 28-1323 or 28-1326.

18 K. If the department determines at the hearing to suspend the affected
19 person's privilege to operate a motor vehicle, the suspension provided in
20 this section is effective fifteen days after giving written notice of the
21 suspension, except that the department may issue or extend a temporary
22 license that expires on the effective date of the suspension. If the person
23 is a resident without a license or permit or has an expired license or permit
24 to operate a motor vehicle in this state, the department shall deny the
25 issuance of a license or permit to the person for not less than ninety
26 consecutive days. THE DEPARTMENT MAY REINSTATE THE PERSON'S DRIVING
27 PRIVILEGE, LICENSE, PERMIT, RIGHT TO APPLY FOR A LICENSE OR PERMIT OR
28 NONRESIDENT OPERATING PRIVILEGE FOLLOWING THE PERIOD OF SUSPENSION ONLY IF
29 THE VIOLATOR COMPLETES AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
30 TREATMENT PROGRAM THAT IS ORDERED BY THE DEPARTMENT AND COMPLIES WITH ANY
31 ORDER THAT IS ISSUED BY THE DEPARTMENT FOR THE INSTALLATION AND USE OF A
32 CERTIFIED IGNITION INTERLOCK DEVICE PURSUANT TO THIS CHAPTER.

33 L. IN ADDITION TO ANY OTHER ACTIONS TAKEN BY THE DEPARTMENT, IF THE
34 RESULTS OF THE BLOOD OR BREATH ALCOHOL TEST INDICATE AN ALCOHOL CONCENTRATION
35 OF 0.15 OR MORE OR IF THE DEPARTMENT HAS A DEPARTMENT RECORD INDICATING THAT
36 WITHIN A PERIOD OF EIGHTY-FOUR MONTHS THE PERSON HAS PREVIOUSLY BEEN
37 CONVICTED OF A VIOLATION OF SECTION 4-244, PARAGRAPH 33, SECTION 28-1381,
38 SECTION 28-1382 OR SECTION 28-1383 OR AN ACT IN ANOTHER JURISDICTION THAT IF
39 COMMITTED IN THIS STATE WOULD BE A VIOLATION OF SECTION 4-244, PARAGRAPH 33,
40 SECTION 28-1381, SECTION 28-1382 OR SECTION 28-1383, THE DEPARTMENT SHALL
41 REQUIRE ANY MOTOR VEHICLE THE PERSON OPERATES TO BE EQUIPPED WITH A
42 FUNCTIONING CERTIFIED IGNITION INTERLOCK DEVICE PURSUANT TO SECTION 28-3319
43 AS A CONDITION OF REINSTATEMENT OF THE PERSON'S DRIVING PRIVILEGE. IF THE
44 DEPARTMENT HAS A RECORD OF A PRIOR CONVICTION AS PRESCRIBED IN THIS
45 SUBSECTION AND THE PERSON REQUESTS A HEARING, THE DEPARTMENT SHALL SEND BY

1 FIRST CLASS MAIL A COPY OF THE DEPARTMENT RECORD OF CONVICTION TO THE PERSON
2 AT LEAST TWENTY DAYS BEFORE THE DATE OF THE HEARING.

3 ~~M.~~ M. A person may apply for a summary review of an order issued
4 pursuant to this section instead of a hearing at any time before the
5 effective date of the order. The person shall submit the application in
6 writing to any department driver license examining office together with any
7 written explanation as to why the department should not suspend the driving
8 privilege. The agent of the department receiving the notice shall issue to
9 the person an additional driving permit that expires twenty days from the
10 date the request is received. The department shall review all reports
11 submitted by the officer and any written explanation submitted by the person
12 and shall determine if the order of suspension should be sustained or
13 cancelled. The department shall not hold a hearing, and the review is not
14 subject to title 41, chapter 6. The department shall notify the person of
15 its decision before the temporary driving permit expires.

16 ~~M.~~ N. If the suspension or determination that there should be a
17 denial of issuance is not sustained after a hearing or review, the ruling is
18 not admissible in and does not have any effect on any civil or criminal court
19 proceeding.

20 ~~N.~~ O. If it has been determined under the procedures of this section
21 that a nonresident's privilege to operate a motor vehicle in this state has
22 been suspended, the department shall give information EITHER in writing OR BY
23 ELECTRONIC MEANS of the action taken to the motor vehicle administrator of
24 the state of the person's residence and of any state in which the person has
25 a license.

26 Sec. 8. Section 28-1387, Arizona Revised Statutes, is amended to read:

27 28-1387. Prior convictions; alcohol or other drug screening.
28 education and treatment; license suspension;
29 supervised probation; civil liability; procedures

30 A. The court shall allow the allegation of a prior conviction or any
31 other pending charge of a violation of section 28-1381, 28-1382 or 28-1383 or
32 an act in another jurisdiction that if committed in this state would be a
33 violation of section 28-1381, 28-1382 or 28-1383 filed twenty or more days
34 before the date the case is actually tried and may allow the allegation of a
35 prior conviction or any other pending charge of a violation of section
36 28-1381, 28-1382 or 28-1383 or an act in another jurisdiction that if
37 committed in this state would be a violation of section 28-1381, 28-1382 or
38 28-1383 filed at any time before the date the case is actually tried if this
39 state makes available to the defendant when the allegation is filed a copy of
40 any information obtained concerning the prior conviction or other pending
41 charge. Any conviction may be used to enhance another conviction
42 irrespective of the dates on which the offenses occurred within the
43 eighty-four month provision. For the purposes of this article, an order of a
44 juvenile court adjudicating a person delinquent is equivalent to a
45 conviction.

1 B. In addition to any other penalties prescribed by law, the judge
2 shall order a person who is convicted of a violation of section 28-1381, ~~or~~
3 28-1382 OR 28-1383 to complete alcohol or other drug screening that is
4 provided by a facility approved by the department of health services or a
5 probation department. If a judge determines that the person requires further
6 alcohol or other drug education or treatment, the person may be required
7 pursuant to court order to obtain alcohol or other drug education or
8 treatment under the court's supervision from an approved facility. The judge
9 may review an education or treatment determination at the request of the
10 state, the defendant or the probation officer or on the judge's initiative.
11 The person shall pay the costs of the screening, education or treatment
12 unless, after considering the person's ability to pay all or part of the
13 costs, the court waives all or part of the costs. If a person is referred to
14 a screening, education or treatment facility, the facility shall report to
15 the court whether the person has successfully completed the screening,
16 education or treatment program. THE COURT MAY ACCEPT EVIDENCE OF A PERSON'S
17 COMPLETION OF AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT
18 PROGRAM ORDERED BY THE DEPARTMENT PURSUANT TO SECTION 28-1445 AS SUFFICIENT
19 TO MEET THE REQUIREMENTS OF THIS SECTION OR SECTION 28-1381, 28-1382 OR
20 28-1383 OR MAY ORDER THE PERSON TO COMPLETE ADDITIONAL ALCOHOL OR OTHER DRUG
21 SCREENING, EDUCATION OR TREATMENT PROGRAMS. IF A PERSON HAS PREVIOUSLY BEEN
22 ORDERED TO COMPLETE AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
23 TREATMENT PROGRAM PURSUANT TO THIS SECTION, THE JUDGE SHALL ORDER THE PERSON
24 TO COMPLETE AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT
25 PROGRAM UNLESS THE COURT DETERMINES THAT ALTERNATIVE SANCTIONS ARE MORE
26 APPROPRIATE.

27 C. After a person who is sentenced pursuant to section 28-1381,
28 subsection I has served twenty-four consecutive hours in jail or after a
29 person who is sentenced pursuant to section 28-1381, subsection K or section
30 28-1382, subsection D or F has served forty-eight consecutive hours in jail
31 and after the court receives confirmation that the person is employed or is a
32 student, the court may provide in the sentence that the defendant, if the
33 defendant is employed or is a student and can continue the defendant's
34 employment or schooling, may continue the employment or schooling for not
35 more than twelve hours a day nor more than five days a week. The person
36 shall spend the remaining day, days or parts of days in jail until the
37 sentence is served and shall be allowed out of jail only long enough to
38 complete the actual hours of employment or schooling.

39 D. Unless the license of a person convicted under section 28-1381 or
40 28-1382 has been or is suspended pursuant to section 28-1321 or 28-1385, the
41 department on receipt of the abstract of conviction of a violation of section
42 28-1381 or 28-1382 shall suspend the license of the affected person for not
43 less than ninety consecutive days.

44 E. When the department receives notification that the person meets the
45 criteria provided in section 28-1385, subsection F, the department shall

1 suspend the driving privileges of the person for not less than thirty
2 consecutive days and shall restrict the driving privileges of the person for
3 not less than sixty consecutive additional days to travel between any of the
4 following:

5 1. The person's place of employment and residence and during specified
6 periods of time while at employment.

7 2. The person's place of residence and the person's secondary or
8 postsecondary school, according to the person's employment or educational
9 schedule.

10 3. The person's place of residence and a screening, education or
11 treatment facility for scheduled appointments.

12 4. The person's place of residence and the office of the person's
13 probation officer for scheduled appointments.

14 F. If a person is placed on probation for violating section 28-1381 or
15 28-1382, the probation shall be supervised unless the court finds that
16 supervised probation is not necessary or the court does not have supervisory
17 probation services.

18 G. Any political subdivision processing or using the services of a
19 person ordered to perform community restitution pursuant to section 28-1381
20 or 28-1382 does not incur any civil liability to the person ordered to
21 perform community restitution as a result of these activities unless the
22 political subdivision or its agent or employee acts with gross negligence.

23 H. Except for another violation of this article, the state shall not
24 dismiss a charge of violating any provision of this article unless there is
25 an insufficient legal or factual basis to pursue that charge.

26 Sec. 9. Section 28-1401, Arizona Revised Statutes, is amended to read:
27 28-1401. Special ignition interlock restricted driver licenses:
28 application fee

29 A. A person whose class D or class G license has been suspended or
30 revoked for a first offense of section 28-1321 or section 28-1383, subsection
31 A, paragraph 3, ~~may~~ apply to the department for a special ignition interlock
32 restricted driver license that allows a person to operate a motor vehicle
33 during the period of suspension or revocation subject to the restrictions
34 prescribed in section 28-1402 and the certified ignition interlock device
35 requirements prescribed in article 5 of this chapter if the person's
36 privilege to operate a motor vehicle has been suspended or revoked due to an
37 alcohol related offense pursuant to either of the following:

38 1. Section 28-1321, if the person meets the criteria of section
39 28-1321, subsection P.

40 2. Section 28-1383, if the person meets the criteria of section
41 28-1383, subsection ~~K~~ L and the person presents evidence that is
42 satisfactory to the director that shows that the person has completed
43 screening and treatment.

1 B. An applicant for a special ignition interlock restricted driver
2 license shall pay an application fee in an amount to be determined by the
3 director.

4 C. The department shall issue a special ignition interlock restricted
5 driver license during the period of a court ordered restriction pursuant to
6 sections 28-3320 and 28-3322 subject to the restrictions prescribed in
7 section 28-1402 and the certified ignition interlock requirements prescribed
8 in article 5 of this chapter.

9 D. If the department issues a special ignition interlock restricted
10 driver license, the department shall not delete a suspension or revocation
11 from its records.

12 E. The granting of a special ignition interlock restricted driver
13 license does not reduce or eliminate the required use of an ignition
14 interlock device pursuant to section 28-3319.

15 Sec. 10. Section 28-1402, Arizona Revised Statutes, is amended to
16 read:

17 28-1402. Issuance of special ignition interlock restricted
18 driver license; restrictions; extension

19 A. On application pursuant to section 28-1401, subsection A the
20 department may, and pursuant to section 28-1401, subsection C the department
21 shall, issue a special ignition interlock restricted driver license that only
22 allows a person whose class D or class G license has been suspended or
23 revoked for a first offense of section 28-1321 or section 28-1383, subsection
24 A, paragraph 3 to operate a motor vehicle that is equipped with a functioning
25 certified ignition interlock device and only as follows:

26 1. Between the person's place of employment and residence during
27 specified periods of time while at employment.

28 2. Between the person's place of residence, the person's place of
29 employment and the person's secondary or postsecondary school according to
30 the person's employment or educational schedule.

31 3. Between the person's place of residence and a screening, education
32 or treatment facility for scheduled appointments.

33 4. Between the person's place of residence and the office of the
34 person's probation officer for scheduled appointments.

35 5. Between the person's place of residence and the office of a
36 physician or other health care professional.

37 6. Between the person's place of residence and a certified ignition
38 interlock device service facility.

39 B. The department may only issue a special ignition interlock
40 restricted driver license to an applicant who is otherwise qualified by law.

41 ~~C. For as long as the person maintains a functioning certified~~
42 ~~ignition interlock device in the vehicle pursuant to this chapter, each time~~
43 ~~an installer obtains information recorded by a certified ignition interlock~~
44 ~~device the installer shall electronically provide in a form prescribed by the~~
45 ~~department the following information:~~

1 1. Whether the person was issued a special ignition interlock
2 restricted driver license.

3 2. Whether the person tampered with the certified ignition interlock
4 device.

5 3. Whether the person attempted to operate the vehicle with an alcohol
6 concentration exceeding the presumptive limit as prescribed in section
7 28-1381, subsection G, paragraph 3, three or more times during the period of
8 license restriction or limitation. ~~or~~

9 4. If the person is under twenty-one years of age, whether the person
10 attempted to operate the vehicle with any spirituous liquor in the person's
11 body ~~three or more times~~ during the period of license restriction or
12 limitation.

13 ~~4.~~ 5. Whether the person submitted proof of compliance or inspection
14 as prescribed in section 28-1461.

15 Sec. 12. Title 28, chapter 4, article 4, Arizona Revised Statutes, is
16 amended by adding section 28-1445, to read:

17 28-1445. Alcohol or other drug screening, education and
18 treatment; license suspension; ignition interlock
19 device; procedures

20 A. THE DEPARTMENT OF TRANSPORTATION SHALL ORDER A PERSON WHOSE DRIVING
21 PRIVILEGE, LICENSE, PERMIT, RIGHT TO APPLY FOR A LICENSE OR PERMIT OR
22 NONRESIDENT OPERATING PRIVILEGE IS SUSPENDED PURSUANT TO SECTION 28-1385 TO
23 COMPLETE AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM
24 PURSUANT TO THIS CHAPTER. THE ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
25 TREATMENT PROGRAM SHALL BE A PROGRAM THAT IS PROVIDED BY A FACILITY APPROVED
26 BY THE DEPARTMENT OF HEALTH SERVICES.

27 B. IF THE DEPARTMENT RECEIVES A REPORT FROM THE COURT THAT A PERSON
28 WAS CONVICTED OF A VIOLATION OF SECTION 28-1381, 28-1382 OR 28-1383 BEFORE
29 THE DEPARTMENT HOLDS A HEARING PURSUANT TO SECTION 28-1385, THE DEPARTMENT
30 MAY ACCEPT EVIDENCE SATISFACTORY TO THE DEPARTMENT AND IN A MANNER PRESCRIBED
31 BY THE DEPARTMENT, AFTER CONSULTING WITH THE ADMINISTRATIVE OFFICE OF THE
32 COURTS, OF COMPLETION OF AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
33 TREATMENT PROGRAM ORDERED BY THE COURT PURSUANT TO SECTION 28-1381, 28-1382,
34 28-1383 OR 28-1387 AS SUFFICIENT TO MEET THE ALCOHOL OR OTHER DRUG SCREENING,
35 EDUCATION OR TREATMENT PROGRAM REQUIREMENTS OF SECTION 28-1385 AND THIS
36 SECTION OR THE DEPARTMENT MAY ORDER THE PERSON TO COMPLETE ADDITIONAL ALCOHOL
37 OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAMS.

38 C. A PERSON WHO IS ORDERED TO COMPLETE AN ALCOHOL OR OTHER DRUG
39 SCREENING, EDUCATION OR TREATMENT PROGRAM SHALL REPORT TO THE DEPARTMENT, IN
40 A MANNER PRESCRIBED BY THE DEPARTMENT, WHETHER THE PERSON IS ACTIVELY
41 PARTICIPATING IN OR HAS SUCCESSFULLY COMPLETED THE PROGRAM.

42 D. A PERSON WHO IS ORDERED TO COMPLETE AN ALCOHOL OR OTHER DRUG
43 SCREENING, EDUCATION OR TREATMENT PROGRAM IS RESPONSIBLE FOR PAYING THE COSTS
44 OF THE PROGRAM.

1 E. THE DEPARTMENT SHALL ISSUE A DRIVER LICENSE OR PERMIT OR REINSTATE
2 A PERSON'S DRIVING PRIVILEGE ONLY IF THE PERSON PROVIDES SATISFACTORY
3 EVIDENCE TO THE DEPARTMENT THAT THE PERSON HAS COMPLETED OR IS ACTIVELY
4 PARTICIPATING IN AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT
5 PROGRAM.

6 F. A PERSON WHO PROVIDES AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION
7 OR TREATMENT PROGRAM SHALL ELECTRONICALLY REPORT THE FOLLOWING TO THE
8 DEPARTMENT IN A FORM PRESCRIBED BY THE DEPARTMENT:

9 1. THE COMPLETION OR PARTICIPATION OF A PERSON ORDERED BY THE
10 DEPARTMENT TO ATTEND A PROGRAM PURSUANT TO THIS SECTION.

11 2. THE FAILURE OF A PERSON TO ATTEND OR COMPLETE A PROGRAM AS ORDERED
12 BY THE DEPARTMENT PURSUANT TO THIS SECTION.

13 3. THE UNSATISFACTORY PARTICIPATION OF A PERSON ATTENDING A PROGRAM AS
14 ORDERED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

15 G. IF THE DEPARTMENT REINSTATES A PERSON'S DRIVING PRIVILEGE FOLLOWING
16 A SUSPENSION IMPOSED PURSUANT TO SECTION 28-1385 BUT HAS REASONABLE GROUNDS
17 TO BELIEVE THAT THE PERSON IS NOT COMPLYING WITH THE DEPARTMENT'S ORDER TO
18 COMPLETE OR PARTICIPATE IN AN ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR
19 TREATMENT PROGRAM, OR HAS NOT INSTALLED AN IGNITION INTERLOCK DEVICE AS
20 ORDERED BY THE DEPARTMENT PURSUANT TO SECTION 28-1385, THE DEPARTMENT SHALL
21 SUSPEND THE PERSON'S DRIVING PRIVILEGE UNTIL THE PERSON COMPLIES WITH THE
22 DEPARTMENT'S ORDER OR UNTIL THE DEPARTMENT RECEIVES A REPORT FROM THE COURT
23 THAT THE COURT HAS ENTERED A FINDING FOR THE CHARGE THAT GAVE RISE TO THE
24 DEPARTMENT'S ACTION PURSUANT TO SECTION 28-1385.

25 H. IF A PERSON'S DRIVING PRIVILEGE IS LIMITED PURSUANT TO SECTION
26 28-1381, 28-1382, 28-1383 OR 28-3319 OR RESTRICTED PURSUANT TO SECTION
27 28-1402 AND THE PERSON IS REQUIRED TO EQUIP ANY MOTOR VEHICLE THE PERSON
28 OPERATES WITH A CERTIFIED IGNITION INTERLOCK DEVICE AT THE TIME THE HEARING
29 IS HELD PURSUANT TO SECTION 28-1385 AND THE DEPARTMENT DETERMINES AT THE
30 HEARING TO SUSPEND THE AFFECTED PERSON'S PRIVILEGE TO OPERATE A MOTOR
31 VEHICLE, THE DEPARTMENT MAY DO EITHER OF THE FOLLOWING:

32 1. ACCEPT THE EXISTING IGNITION INTERLOCK DEVICE ORDER REQUIRED OF THE
33 PERSON AS SUFFICIENT IF THE PERSON IS IN COMPLIANCE WITH THE IGNITION
34 INTERLOCK DEVICE ORDER AT THE TIME THE HEARING IS HELD.

35 2. REQUIRE THAT THE PERSON MAINTAIN A CERTIFIED IGNITION INTERLOCK
36 DEVICE ON ANY VEHICLE THE PERSON OPERATES FOR AN ADDITIONAL PERIOD OF UP TO
37 TWELVE MONTHS.

38 Sec. 13. Section 28-1461, Arizona Revised Statutes, is amended to
39 read:

40 28-1461. Use of certified ignition interlock devices; reporting

41 A. If a person's driving privilege is limited pursuant to section
42 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to
43 section 28-1402:

44 1. The person shall:

1 (a) Pay the costs for installation and maintenance of the certified
2 ignition interlock device.

3 (b) Provide proof to the department of installation of a functioning
4 certified ignition interlock device in each motor vehicle operated by the
5 person.

6 (c) Provide proof of compliance to the department at least once every
7 ninety days during the period the person is ordered to use an ignition
8 interlock device.

9 (d) Provide proof of inspection of the certified ignition interlock
10 device for accurate operation and the results of the inspection to the
11 department at least once every ninety days during the period the person is
12 ordered to use an ignition interlock device.

13 (e) BE ORDERED BY THE DEPARTMENT TO PAY A PENALTY ASSESSMENT OF TEN
14 DOLLARS TO THE DEPARTMENT. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO
15 SECTIONS 35-146 AND 35-147, THE PENALTY ASSESSMENTS IN THE DRIVING UNDER THE
16 INFLUENCE ABATEMENT FUND ESTABLISHED BY SECTION 28-1304.

17 2. The department shall not reinstate the person's driving privilege
18 or issue a special ignition interlock restricted driver license until the
19 person has installed a functioning certified ignition interlock device in
20 each motor vehicle operated by the person and has provided proof of
21 installation to the department.

22 B. WHILE A PERSON MAINTAINS A FUNCTIONING CERTIFIED IGNITION INTERLOCK
23 DEVICE IN A VEHICLE PURSUANT TO THIS CHAPTER, EACH TIME AN INSTALLER OBTAINS
24 INFORMATION RECORDED BY A CERTIFIED IGNITION INTERLOCK DEVICE THE INSTALLER
25 SHALL ELECTRONICALLY PROVIDE IN A FORM PRESCRIBED BY THE DEPARTMENT THE
26 FOLLOWING INFORMATION:

27 1. ANY TAMPERING OR CIRCUMVENTION.

28 2. ANY FAILURE TO PROVIDE PROOF OF COMPLIANCE OR INSPECTION OF THE
29 CERTIFIED IGNITION INTERLOCK DEVICE AS PRESCRIBED IN THIS SECTION.

30 3. ANY ATTEMPT TO OPERATE THE VEHICLE WITH AN ALCOHOL CONCENTRATION
31 EXCEEDING THE PRESUMPTIVE LIMIT AS PRESCRIBED IN SECTION 28-1381,
32 SUBSECTION G, PARAGRAPH 3 OR, IF THE PERSON IS UNDER TWENTY-ONE YEARS OF AGE,
33 ANY ATTEMPT TO OPERATE THE VEHICLE WITH ANY SPIRITUOUS LIQUOR IN THE PERSON'S
34 BODY.

35 C. THE DEPARTMENT SHALL EXTEND AN IGNITION INTERLOCK RESTRICTED OR
36 LIMITED DRIVER LICENSE AND THE CERTIFIED IGNITION INTERLOCK DEVICE PERIOD IF
37 THE DEPARTMENT HAS REASONABLE GROUNDS TO BELIEVE THAT ANY OF THE FOLLOWING
38 APPLIES:

39 1. THE PERSON TAMPERED WITH OR CIRCUMVENTED THE CERTIFIED IGNITION
40 INTERLOCK DEVICE.

41 2. THE PERSON ATTEMPTED TO OPERATE THE VEHICLE WITH AN ALCOHOL
42 CONCENTRATION EXCEEDING THE PRESUMPTIVE LIMIT AS PRESCRIBED IN SECTION
43 28-1381, SUBSECTION G, PARAGRAPH 3 THREE OR MORE TIMES DURING THE PERIOD OF
44 LICENSE RESTRICTION OR LIMITATION.

1 3. IF THE PERSON IS UNDER TWENTY-ONE YEARS OF AGE, THE PERSON
2 ATTEMPTED TO OPERATE THE VEHICLE WITH ANY SPIRITUOUS LIQUOR IN THE PERSON'S
3 BODY DURING THE PERIOD OF LICENSE RESTRICTION OR LIMITATION.

4 4. THE PERSON FAILED TO PROVIDE PROOF OF COMPLIANCE OR INSPECTION AS
5 PRESCRIBED IN THIS SECTION.

6 D. IF THE SPECIAL IGNITION INTERLOCK RESTRICTED LICENSE IS EXTENDED
7 PURSUANT TO SUBSECTION C OF THIS SECTION, THE LIMITATIONS PRESCRIBED IN
8 SECTIONS 28-1381, 28-1382, 28-1383 AND 28-3319 DO NOT BEGIN UNTIL THE
9 RESTRICTIVE PERIOD OF THE LICENSE ENDS.

10 E. THE DEPARTMENT OF TRANSPORTATION SHALL MAKE THE INFORMATION THE
11 DEPARTMENT RECEIVES FROM THE INSTALLER PURSUANT TO SUBSECTION B OF THIS
12 SECTION AVAILABLE ELECTRONICALLY OR IN A FORM PRESCRIBED BY THE DIRECTOR TO:

13 1. THE PERSON WHO IS SUBJECT TO THE IGNITION INTERLOCK ORDER IF THE
14 PERSON PROVIDES THE DEPARTMENT WITH AN E-MAIL ADDRESS.

15 2. THE DEPARTMENT OF HEALTH SERVICES AUTHORIZED PROVIDER.

16 3. THE PROBATION DEPARTMENT THAT IS PROVIDING ALCOHOL OR OTHER DRUG
17 SCREENING, EDUCATION OR TREATMENT TO THE PERSON.

18 4. THE PHYSICIAN, PSYCHOLOGIST OR CERTIFIED SUBSTANCE ABUSE COUNSELOR
19 WHO IS EVALUATING THE PERSON'S ABILITY TO SAFELY OPERATE A MOTOR VEHICLE
20 FOLLOWING A REVOCATION OF THE PERSON'S DRIVING PRIVILEGE AS PRESCRIBED IN
21 SECTION 28-3315, SUBSECTION D.

22 ~~B-~~ F. The department shall make a notation on the driving record of a
23 person whose driving privilege is limited pursuant to section 28-1381,
24 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to section
25 28-1402 that states that the person shall not operate a motor vehicle unless
26 it is equipped with a certified ignition interlock device.

27 G. PROOF OF COMPLIANCE DOES NOT INCLUDE A SKIPPED OR MISSED RANDOM
28 SAMPLE IF THE MOTOR VEHICLE'S IGNITION IS OFF AT THE TIME OF THE SKIPPED OR
29 MISSED SAMPLE.

30 Sec. 14. Section 28-1463, Arizona Revised Statutes, is amended to
31 read:

32 28-1463. Proof of compliance; suspension; hearings

33 A. If a person whose driving privilege is limited pursuant to section
34 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to
35 section 28-1402 does not submit proof of compliance to the department as
36 prescribed in section 28-1461, the department shall suspend the person's
37 driving privilege until proof of compliance is submitted to the department.
38 Unless a different time period is specified, the department shall require use
39 of the certified ignition interlock device for one year from the date the
40 person submits proof of compliance as prescribed in section 28-1461. If a
41 person does not request a hearing pursuant to subsection B of this section,
42 the department shall immediately suspend the person's driver license.

43 B. A person whose driver license is suspended pursuant to this section
44 may submit a written request for a hearing. The written request must be
45 received by the department within fifteen days after the date of the order of

1 suspension. On receipt of a request for a hearing, a hearing shall be held
2 within thirty days.

3 C. A timely request for a hearing stays the suspension until a hearing
4 is held, except that the department shall not return any surrendered driver
5 license or permit to the person but may issue temporary permits to drive that
6 expire no later than when the department has made its final decision.

7 D. Hearings requested pursuant to this section shall be conducted in
8 the same manner and under the same conditions as provided in section 28-3306.
9 For the purposes of this section, the scope of the hearing shall include only
10 the following issues:

11 1. Whether the person was ordered or required to equip a motor vehicle
12 with an ignition interlock device pursuant to article 3 or 3.1 of this
13 chapter or section 28-3319.

14 2. Whether the person submitted proof of compliance or inspection
15 pursuant to section 28-1461.

16 Sec. 15. Section 28-1464, Arizona Revised Statutes, is amended to
17 read:

18 28-1464. Ignition interlock devices; violations;
19 classification; definition

20 A. A person whose driving privilege is limited pursuant to section
21 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to
22 section 28-1402 and who is required to operate a motor vehicle owned by the
23 person's employer in the course and scope of the person's employment may
24 operate that motor vehicle without the installation of a certified ignition
25 interlock device if the person notifies the person's employer that the
26 person, in conjunction with the person's sentence or if the person has been
27 issued a special ignition interlock restricted driver license pursuant to
28 section 28-1402, has specific requirements in order to operate a motor
29 vehicle and the nature of the requirements and the person has proof of the
30 employer's notification in the person's possession while operating the
31 employer's motor vehicle for normal business. For the purposes of this
32 subsection, a motor vehicle that is partly or entirely owned or controlled by
33 the person whose driving privilege is limited pursuant to section 28-1381,
34 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to section
35 28-1402 is not a motor vehicle that is owned by an employer.

36 B. Except in cases of a substantial emergency, a person shall not
37 knowingly rent, lease or lend a motor vehicle to a person whose driving
38 privilege is limited pursuant to section 28-1381, 28-1382, 28-1383, 28-1385
39 or 28-3319 or restricted pursuant to section 28-1402 unless the motor vehicle
40 is equipped with a functioning certified ignition interlock device.

41 C. A person whose driving privilege is limited pursuant to section
42 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to
43 section 28-1402 and who rents, leases or borrows a motor vehicle from another
44 person shall notify the person who rents, leases or lends the motor vehicle

1 to the person that the person has specific requirements for the operation of
2 the motor vehicle and the nature of the requirements.

3 D. During any period when a person whose driving privilege is limited
4 pursuant to section 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or
5 restricted pursuant to section 28-1402 is required to operate only a motor
6 vehicle that is equipped with a certified ignition interlock device, the
7 person shall not request or permit any other person to breathe into the
8 ignition interlock device or start a motor vehicle equipped with an ignition
9 interlock device for the purpose of providing the person with an operable
10 motor vehicle.

11 E. A person shall not breathe into an ignition interlock device or
12 start a motor vehicle equipped with an ignition interlock device for the
13 purpose of providing an operable motor vehicle to a person whose driving
14 privilege is limited pursuant to section 28-1381, 28-1382, 28-1383, 28-1385
15 or 28-3319 or restricted pursuant to section 28-1402.

16 F. A person whose driving privilege is limited pursuant to section
17 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or restricted pursuant to
18 section 28-1402 shall not tamper with or circumvent the operation of an
19 ignition interlock device.

20 G. A person who is not a manufacturer's authorized installer or an
21 agent of a manufacturer's authorized installer and who is not a person whose
22 driving privilege is limited pursuant to section 28-1381, 28-1382, 28-1383,
23 28-1385 or 28-3319 or restricted pursuant to section 28-1402 shall not tamper
24 with or circumvent the operation of an ignition interlock device.

25 H. Except as provided in subsection A of this section or in cases of
26 substantial emergency, a person whose driving privilege is limited pursuant
27 to section 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or restricted
28 pursuant to section 28-1402 shall not operate a motor vehicle without a
29 functioning certified ignition interlock device during the applicable time
30 period.

31 I. If the ignition interlock device is removed from a vehicle by an
32 installer, the installer shall electronically notify the department in a form
33 prescribed by the department that the ignition interlock device has been
34 removed from the vehicle.

35 J. If the person does not provide evidence to the department within
36 seventy-two hours that the person has installed a functioning certified
37 ignition interlock device in each vehicle operated by the person and has
38 provided proof of installation to the department, the department shall
39 suspend the special ignition interlock restricted driver license or privilege
40 as prescribed in section 28-1463.

41 K. A person who violates this section is guilty of a class 1
42 misdemeanor. Additionally, if a person is convicted of violating subsection
43 A, C, D, F or H of this section, the department shall extend the duration of
44 the certified ignition interlock device requirement for not more than one
45 year.

1 L. For the purposes of this section, "substantial emergency" means
2 that a person other than the person whose driving privilege is limited
3 pursuant to section 28-1381, 28-1382, 28-1383, 28-1385 or 28-3319 or
4 restricted pursuant to section 28-1402 is not reasonably available to drive
5 in response to an emergency.

6 Sec. 16. Section 28-3315, Arizona Revised Statutes, is amended to
7 read:

8 28-3315. Period of suspension, revocation or disqualification;
9 unlicensed drivers

10 A. The department shall not suspend, revoke or disqualify a driver
11 license or privilege to drive a motor vehicle on the public highways for more
12 than one year from the date of a conviction or judgment, if any, against a
13 person for which this chapter makes revocation, suspension or
14 disqualification mandatory or from the date the notice is sent pursuant to
15 section 28-3318 if no conviction was involved, except as permitted under
16 subsection E of this section and sections 28-1383, 28-3312, 28-3319, 28-3320
17 and 28-3473.

18 B. A person whose license or privilege to drive a motor vehicle on the
19 public highways has been revoked may apply for a new license as provided by
20 law after the cause of the revocation is removed or after expiration of the
21 revocation period prescribed by law. After the department investigates an
22 applicant's driving record in this state or another state by examining
23 department records or other sufficient evidence to determine that all
24 withdrawal actions are complete, that the applicant has not committed any
25 traffic violations within twelve months preceding application and that all
26 other statutory requirements are satisfied, the department may issue a new
27 license.

28 C. The department shall not accept an application for reinstatement of
29 a driver license until after the twelve month period prescribed in subsection
30 B of this section has elapsed.

31 D. If the revocation is related to alcohol or other drugs, the person
32 shall provide the department with a current evaluation from a physician
33 licensed pursuant to title 32, chapter 13, 17 or 29, a psychologist licensed
34 pursuant to title 32, chapter 19.1 or a substance abuse counselor as defined
35 in section 28-3005 indicating that, in the opinion of the physician,
36 psychologist or counselor, the condition does not affect or impair the
37 person's ability to safely operate a motor vehicle. For the purposes of
38 reinstating a license or driving privilege pursuant to this article, the
39 department may rely on the opinion of a physician licensed pursuant to title
40 32, chapter 13, 17 or 29, a psychologist licensed pursuant to title 32,
41 chapter 19.1 or a substance abuse counselor as defined in section 28-3005.

1 E. Notwithstanding subsections A and B of this section:

2 1. A person whose license or privilege to drive is revoked pursuant to
3 section 28-1383, subsection ~~J~~ K or section 28-3304, subsection A, paragraph
4 1 or 12 is not entitled to have the person's license or privilege renewed or
5 restored for three years.

6 2. A person whose license or privilege to drive is revoked pursuant to
7 section 13-1209 is not entitled to have the person's license or privilege
8 renewed or restored for the period of time ordered by the court.

9 3. A person whose license, permit or privilege to drive is revoked
10 pursuant to section 28-661, subsection E is not entitled to have the person's
11 license, permit or privilege renewed or restored for five years.

12 4. A person whose license, permit or privilege to drive is revoked
13 pursuant to section 28-661, subsection F is not entitled to have the person's
14 license, permit or privilege renewed or restored for three years.

15 F. Except as provided in section 28-3473, if an unlicensed driver
16 commits an offense for which a driver license could be suspended, revoked or
17 disqualified, the department shall not accept the unlicensed driver's
18 application for a driver license for a period equal to the period of time
19 that applies to a driver with a license. If the offense is one for which a
20 driver license could be revoked, the department shall not accept the
21 unlicensed driver's application for a driver license unless it investigates
22 the character, habits and driving ability of the person and is satisfied that
23 it is safe to grant the privilege of driving a motor vehicle on the public
24 highways.

25 G. The expiration of a person's license during the period of time it
26 is under suspension, revocation or disqualification does not invalidate or
27 terminate the suspension, revocation or disqualification.

28 H. A person whose license or privilege to drive a motor vehicle on the
29 public highways has been suspended pursuant to section 28-3306, subsection A,
30 paragraph 5 or section 28-3314 may apply for a new license as provided by law
31 after the cause for suspension is removed or after expiration of the
32 suspension period prescribed by law if both of the following conditions are
33 met:

34 1. The department is satisfied, after reviewing the medical condition
35 and driving ability of the person, that it is safe to grant the person the
36 privilege of driving a motor vehicle on the public highways.

37 2. If the person has a medical condition related to alcohol or other
38 drugs, the person provides the department with a current evaluation form from
39 a physician licensed pursuant to title 32, chapter 13, 17 or 29, a
40 psychologist licensed pursuant to title 32, chapter 19.1 or a substance abuse
41 counselor as defined in section 28-3005 indicating that, in the opinion of
42 the physician, psychologist or counselor, the condition does not affect or
43 impair the person's ability to operate a motor vehicle in a safe manner.

1 Sec. 17. Section 28-3319, Arizona Revised Statutes, is amended to
2 read:

3 28-3319. Action after license suspension, revocation or denial
4 for driving under the influence or refusal of test;
5 ignition interlock device requirement; definition

6 A. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383,
7 28-1385, 28-3320 or 28-3322, the license of a driver or the driving privilege
8 of a nonresident is suspended or revoked, the department shall not terminate
9 the suspension or revocation or issue a special ignition interlock restricted
10 driver license, if applicable, pursuant to chapter 4, article 3.1 of this
11 title until the person provides proof of financial responsibility pursuant to
12 chapter 9, article 3 of this title.

13 B. If, pursuant to section 28-1321, 28-1381, 28-1382, 28-1383,
14 28-1385, 28-3320 or 28-3322, an unlicensed resident is denied a license or
15 permit to operate a motor vehicle, the department shall not issue a license
16 or permit until the person provides proof of financial responsibility
17 pursuant to chapter 9, article 3 of this title.

18 C. If a person whose license or driving privilege is suspended or
19 revoked pursuant to section 28-1321, 28-1381, 28-1382, ~~or~~ 28-1383 **OR 28-1385**
20 is ordered, pursuant to section 28-1381, 28-1382, ~~or~~ 28-1383 **OR 28-1385**, to
21 attend alcohol or other drug screening, education or treatment, the
22 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. **PURSUANT TO SECTION 28-1385, THE DEPARTMENT SHALL REQUIRE ANY MOTOR**
34 **VEHICLE THE PERSON OPERATES TO BE EQUIPPED WITH A FUNCTIONING CERTIFIED**
35 **IGNITION INTERLOCK DEVICE AND THE PERSON TO MEET THE REQUIREMENTS PRESCRIBED**
36 **IN SECTION 28-1461 AS FOLLOWS:**

37 1. **FOR TWELVE MONTHS IF THE PERSON'S ALCOHOL CONCENTRATION IS:**

38 (a) **0.08 OR MORE AND THE DEPARTMENT DETERMINES THAT WITHIN A PERIOD OF**
39 **EIGHTY-FOUR MONTHS THE PERSON HAS A PRIOR CONVICTION OF A VIOLATION OF**
40 **SECTION 28-1381, 28-1382 OR 28-1383 OR AN ACT IN ANOTHER JURISDICTION THAT IF**
41 **COMMITTED IN THIS STATE WOULD BE A VIOLATION OF SECTION 28-1381, 28-1382 OR**
42 **28-1383.**

43 (b) **0.15 OR MORE BUT LESS THAN 0.20.**

44 2. **FOR EIGHTEEN MONTHS IF THE PERSON'S ALCOHOL CONCENTRATION IS 0.20**
45 **OR MORE.**

1 3. FOR TWENTY-FOUR MONTHS IF THE PERSON'S ALCOHOL CONCENTRATION IS
2 0.20 OR MORE AND THE DEPARTMENT DETERMINES THAT WITHIN A PERIOD OF
3 EIGHTY-FOUR MONTHS THE PERSON HAS A PRIOR CONVICTION OF A VIOLATION OF
4 SECTION 28-1381, 28-1382 OR 28-1383 OR AN ACT IN ANOTHER JURISDICTION THAT IF
5 COMMITTED IN THIS STATE WOULD BE A VIOLATION OF SECTION 28-1381, 28-1382 OR
6 28-1383.

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

12 1. FOR TWELVE MONTHS IF:

13 (a) THE PERSON IS CONVICTED OF A VIOLATION OF SECTION 28-1381 OR
14 SECTION 28-1382, SUBSECTION A, PARAGRAPH 1.

15 (b) The department determines that within a period of eighty-four
16 months ~~a-~~ THE person is convicted of a second or subsequent violation of
17 section 28-1381 OR SECTION 28-1382, SUBSECTION A, PARAGRAPH 1 with a prior
18 conviction of a violation of section 28-1381, ~~or~~ 28-1382 OR 28-1383 or an act
19 in another jurisdiction that if committed in this state would be a violation
20 of section 28-1381, ~~or~~ 28-1382 OR 28-1383.

21 ~~2. The person is sentenced pursuant to section 28-1381 or 28-1382,~~
22 ~~subsection D, except that if the person's alcohol concentration is 0.20 or~~
23 ~~more, the certified ignition interlock device is required for eighteen~~
24 ~~months.~~

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

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

30 2. FOR EIGHTEEN MONTHS IF THE PERSON IS CONVICTED OF A VIOLATION OF
31 SECTION 28-1382, SUBSECTION A, PARAGRAPH 2.

32 3. FOR TWENTY-FOUR MONTHS IF:

33 (a) THE PERSON IS CONVICTED OF A VIOLATION OF SECTION 28-1382,
34 SUBSECTION A, PARAGRAPH 2 AND THE DEPARTMENT DETERMINES THAT WITHIN A PERIOD
35 OF EIGHTY-FOUR MONTHS THE PERSON HAS A PRIOR CONVICTION OF A VIOLATION OF
36 SECTION 28-1381, 28-1382 OR 28-1383 OR AN ACT IN ANOTHER JURISDICTION THAT IF
37 COMMITTED IN THIS STATE WOULD BE A VIOLATION OF SECTION 28-1381, 28-1382 OR
38 28-1383.

39 (b) THE PERSON IS CONVICTED OF A VIOLATION OF SECTION 28-1383.

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

1 ~~F.~~ G. A person who is required to equip a motor vehicle with a
2 certified ignition interlock device pursuant to ~~subsection D of~~ this section
3 shall comply with chapter 4, article 5 of this title.
4 H. THE TIME REQUIREMENTS PRESCRIBED IN SUBSECTIONS D AND E OF THIS
5 SECTION SHALL BE CALCULATED IN THE FOLLOWING MANNER:
6 1. IF THE REQUIREMENTS ARE ORDERED ON DIFFERENT DATES FOR THE SAME
7 VIOLATION, THE DEPARTMENT SHALL REDUCE THE AMOUNT OF TIME FOR THE SUBSEQUENT
8 REQUIREMENT BY THE AMOUNT OF TIME THE PERSON HAS MAINTAINED A CERTIFIED
9 IGNITION INTERLOCK DEVICE IN COMPLIANCE WITH CHAPTER 4, ARTICLE 5 OF THIS
10 TITLE.
11 2. IF THE REQUIREMENTS ARE ORDERED ON DIFFERENT DATES AND FOR A
12 DIFFERENT VIOLATION THAT DID NOT ARISE FROM THE SAME SERIES OF ACTS, THE
13 DEPARTMENT SHALL REQUIRE THE PERSON TO MAINTAIN A CERTIFIED IGNITION
14 INTERLOCK DEVICE ON ANY VEHICLE THE PERSON OPERATES FOR AN ADDITIONAL PERIOD
15 OF TIME.
16 ~~G.~~ I. For the purposes of this section, "certified ignition interlock
17 device" has the same meaning prescribed in section 28-1301.