

REFERENCE TITLE: driver license suspensions; incarceration

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

SB 1445

Introduced by
Senator Waring

AN ACT

AMENDING SECTIONS 28-1559 AND 28-3319, ARIZONA REVISED STATUTES; RELATING TO
MOTOR VEHICLE DRIVERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1559, Arizona Revised Statutes, is amended to
3 read:

4 28-1559. Traffic case records; abstract of record; reports

5 A. Each magistrate, judge or hearing officer of a court shall:

6 1. Keep or cause to be kept a record of each traffic complaint or
7 other legal form of traffic charge deposited with or presented to the court
8 or its traffic violations bureau.

9 2. Keep a record of each official action by the court or its traffic
10 violations bureau in reference to each traffic complaint or other legal form
11 of traffic charge deposited with or presented to the court or its traffic
12 violations bureau, including but not limited to a record of:

13 (a) Each conviction, forfeiture of bail or deposit, judgment of
14 acquittal or civil adjudication.

15 (b) The amount of the civil penalty, fine or forfeiture resulting from
16 each traffic complaint deposited with or presented to the court or traffic
17 violations bureau.

18 B. Within ten days after the conviction, judgment or forfeiture of
19 bail or deposit of a person on a charge of violating chapter 3 or 4 of this
20 title or this chapter or any other law regulating the operation of vehicles
21 on highways, each magistrate of the court or clerk of the court of record in
22 which the conviction or judgment was had or bail or deposit was forfeited
23 shall prepare and immediately forward to the department an abstract of the
24 record of the court covering the case in which the person either:

25 1. Was convicted.

26 2. Was adjudicated to have committed a civil traffic violation.

27 3. Forfeited bail or deposit.

28 C. The person required to prepare the abstract shall certify that it
29 is true and correct.

30 D. A report is not required for a conviction or civil adjudication
31 involving the illegal parking or standing of a vehicle.

32 E. The abstract shall be made on a form furnished or in a manner
33 prescribed by the department and shall include:

34 1. The name and address of the party charged.

35 2. The number, if any, of the driver license of the party charged.

36 3. The registration number of the vehicle involved.

37 4. The nature of the offense or civil traffic violation.

38 5. The date of the hearing, the plea, the judgment or whether bail or
39 deposit was forfeited.

40 6. The amount of the fine, civil penalty or forfeiture.

41 7. THE LENGTH OF TIME OF ANY INCARCERATION ORDERED.

42 F. Each court of record shall also forward a like report to the
43 department on the conviction of a person of homicide or aggravated assault
44 resulting from the operation of a motor vehicle or any other felony in the
45 commission of which a motor vehicle was used. To facilitate the preparation

1 of the report, the sentencing minute entry that is issued by the court shall
2 indicate if the person was convicted of an offense that required the
3 mandatory revocation of a driver license pursuant to section 28-3304,
4 subsection A, paragraph 1, 3, 4, 5 or 6.

5 G. The department shall keep all abstracts received under this section
6 for inspection as required by law.

7 H. Each judge, referee, hearing officer, probation officer or other
8 person responsible for the disposition of cases involving traffic offenses or
9 civil violations committed by persons under eighteen years of age shall:

10 1. Keep a full record of each case in which the person is charged with
11 a violation of chapter 3 or 4 of this title or this chapter or any other law
12 regulating the operation of vehicles on highways.

13 2. Report the offense or civil violation to the department at its
14 office in Phoenix not more than thirty days after the date on which it was
15 committed, except that a report is not required for parking violations or if
16 it is found that the offense or civil violation was not committed.

17 I. The report required by subsection H of this section shall:

18 1. Be made on a form furnished or in a manner prescribed by the
19 department.

20 2. Contain:

21 (a) All necessary information as to the identity of the offender.

22 (b) The citing or arresting agency.

23 (c) The date and nature of the offense or civil violation.

24 (d) The date of the hearing, the plea, the judgment or whether bail or
25 deposit was forfeited.

26 (e) The amount of the fine, civil penalty or forfeiture.

27 J. Failure, refusal or neglect of a judicial officer to comply with
28 this section is misconduct in office and grounds for removal from office.

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

30 28-3319. Action after license suspension, revocation or denial
31 for driving under the influence or refusal of test;
32 ignition interlock device requirement; proof of
33 suspension while not incarcerated; definition

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

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

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

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

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

15 D. On receipt of a report of conviction from a court, the department
16 shall require any motor vehicle the convicted person operates to be equipped
17 with a functioning certified ignition interlock device and the convicted
18 person to meet the requirements prescribed in section 28-1461 for twelve
19 months if any of the following applies:

20 1. The department determines that within a period of eighty-four
21 months a person is convicted of a second or subsequent violation of section
22 28-1381 with a prior conviction of a violation of section 28-1381 or 28-1382
23 or an act in another jurisdiction that if committed in this state would be a
24 violation of section 28-1381 or 28-1382.

25 2. The person is sentenced pursuant to section 28-1381 or SECTION
26 28-1382, subsection D, except that if the person's alcohol concentration is
27 0.20 or more, the certified ignition interlock device is required for
28 eighteen months.

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

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

34 E. The requirement prescribed in subsection D of this section begins
35 on the date of reinstatement of the person's driving privilege following a
36 suspension or revocation or on the date of the department's receipt of the
37 report of conviction, whichever occurs later.

38 F. A person who is required to equip a motor vehicle with a certified
39 ignition interlock device pursuant to subsection D of this section shall
40 comply with chapter 4, article 5 of this title.

1 G. NOTWITHSTANDING ANY OTHER LAW, IF A PERSON IS SENTENCED TO A TERM
2 OF INCARCERATION FOR A MOVING TRAFFIC VIOLATION AND THAT PERSON'S DRIVER
3 LICENSE IS SUSPENDED AS A RESULT OF THE CONVICTION, THE PERIOD OF SUSPENSION
4 BEGINS AFTER COMPLETION OF THE TERM OF INCARCERATION AND THE DEPARTMENT SHALL
5 NOT REINSTATE THAT PERSON'S DRIVER LICENSE UNTIL THE PERSON PROVIDES PROOF
6 THAT THE PERSON HAS BEEN RELEASED FROM CONFINEMENT FOR AT LEAST THE
7 PRESCRIBED PERIOD OF SUSPENSION.

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