

REFERENCE TITLE: motor vehicle accidents; death; injury

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2092

Introduced by
Representatives Biggs: Anderson, Barto, Murphy, Senator Gorman

AN ACT

AMENDING SECTIONS 28-672, 28-675 AND 28-676, ARIZONA REVISED STATUTES;
RELATING TO MOTOR VEHICLE ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-672, Arizona Revised Statutes, is amended to
3 read:
4 28-672. Causing serious physical injury or death by a moving
5 violation; classification; penalties; definition
6 A. A person is guilty of causing serious physical injury or death by a
7 moving violation if the person violates any one of the following and the
8 violation results in an accident causing serious physical injury ~~as defined~~
9 ~~in section 13-105~~ or death to another person:
10 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
11 2. SECTION 28-729.
12 3. SECTION 28-771.
13 ~~2.~~ 4. Section 28-772.
14 ~~3.~~ 5. Section 28-792.
15 ~~4.~~ 6. Section 28-794.
16 ~~5.~~ 7. Section 28-797, subsection E or G.
17 ~~6.~~ 8. Section 28-855, subsection B.
18 ~~7.~~ 9. Section 28-857, subsection A.
19 B. A person who violates this section shall attend and successfully
20 complete traffic survival school training and educational sessions that are
21 designed to improve the safety and habits of drivers and that are approved by
22 the department. In addition, the court may order the person to perform
23 community restitution.
24 C. The court shall report a conviction for a violation of this section
25 to the department and may direct the department to suspend the person's
26 driving privilege for not more than ninety days if the violation results in
27 serious physical injury ~~as defined in section 13-105~~ and not more than one
28 hundred eighty days if the violation results in death.
29 D. IF WITHIN A PERIOD OF THIRTY-SIX MONTHS A PERSON IS CONVICTED OF A
30 SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION, THE COURT SHALL DIRECT THE
31 DEPARTMENT TO SUSPEND THE PERSON'S DRIVING PRIVILEGE FOR NINETY DAYS IF THE
32 VIOLATION RESULTS IN SERIOUS PHYSICAL INJURY AND ONE HUNDRED EIGHTY DAYS IF
33 THE VIOLATION RESULTS IN DEATH.
34 ~~D.~~ E. If a person's driving privilege is suspended pursuant to any
35 other statute because of an incident involving a violation of this section,
36 the suspension period prescribed in subsection C of this section shall run
37 concurrently with the other suspension period.
38 ~~E.~~ F. If a person fails to successfully complete traffic survival
39 school training and educational sessions or perform community restitution
40 pursuant to this section, the court shall notify the department and the
41 department shall promptly suspend the driver license or permit of the driver
42 or the privilege of a nonresident to drive a motor vehicle in this state
43 until the order is satisfied.

1 ~~F.~~ G. If the person who suffers serious physical injury as a result
2 of a violation of this section appears before the court in which the action
3 is pending at any time before trial and acknowledges receipt of satisfaction
4 for the injury, on payment of the costs incurred, the court shall order that
5 the prosecution be dismissed and the defendant be discharged. The reasons
6 for the order shall be set forth and entered of record, and the order shall
7 be a bar to another prosecution for the same offense.

8 ~~G.~~ H. Restitution awarded pursuant to section 13-603 as a result of a
9 violation of this section shall not exceed ten thousand dollars.

10 ~~H.~~ I. A person who violates this section is guilty of a class 3
11 misdemeanor, except that if the violation results in the death of another
12 person the maximum fine for the person shall be one thousand dollars.

13 J. FOR THE PURPOSES OF THIS SECTION, "SERIOUS PHYSICAL INJURY" HAS THE
14 SAME MEANING PRESCRIBED IN SECTION 13-105.

15 Sec. 2. Section 28-675, Arizona Revised Statutes, is amended to read:

16 28-675. Causing death by use of a vehicle; classification

17 A. A person is guilty of causing death by use of a vehicle if all of
18 the following apply:

19 1. The person is not allowed to operate a motor vehicle pursuant to
20 subsection B of this section.

21 2. While operating a motor vehicle, the person causes the death of
22 another person.

23 3. The person commits a violation of any of the following:

24 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

25 (b) SECTION 28-729.

26 (c) SECTION 28-771.

27 ~~(b)~~ (d) Section 28-772.

28 ~~(e)~~ (e) Section 28-792.

29 ~~(d)~~ (f) Section 28-794.

30 ~~(e)~~ (g) Section 28-797, subsection E or G.

31 ~~(f)~~ (h) Section 28-855, subsection B.

32 ~~(g)~~ (i) Section 28-857, subsection A.

33 B. For the purposes of this section, a person shall not operate a
34 motor vehicle if any of the following applies:

35 1. The person's driving privilege is revoked for any reason.

36 2. The person's driving privilege is suspended for any reason pursuant
37 to chapter 4, article 3 of this title.

38 3. The person's driving privilege is suspended pursuant to section
39 28-1321.

40 4. The person's driving privilege is suspended pursuant to the
41 department's action based on a previous conviction for a violation of section
42 28-3473.

43 5. The person's driving privilege is suspended pursuant to section
44 28-3306, subsection A, paragraph 3.

- 1 6. The person does one of the following to obtain a driver license:
2 (a) Knowingly uses a false or fictitious name.
3 (b) Knowingly makes a false statement.
4 (c) Knowingly conceals a material fact.
5 (d) Commits fraud.
6 (e) Violates section 28-3479.

7 7. THE PERSON DOES NOT HAVE A VALID DRIVER LICENSE AND A PROPER
8 ENDORSEMENT, IF REQUIRED, AS PRESCRIBED BY CHAPTER 8 OF THIS TITLE AND THE
9 PERSON IS NOT EXEMPT PURSUANT TO CHAPTER 8 OF THIS TITLE.

- 10 C. Causing death by use of a vehicle is a class 4 felony.
11 Sec. 3. Section 28-676, Arizona Revised Statutes, is amended to read:
12 28-676. Causing serious physical injury by use of a vehicle;
13 classification

14 A. A person is guilty of causing serious physical injury by use of a
15 vehicle if all of the following apply:

- 16 1. The person is not allowed to operate a motor vehicle pursuant to
17 subsection B of this section.
18 2. While operating a motor vehicle, the person causes serious physical
19 injury, as defined in section 13-105, to another person.
20 3. The person commits a violation of any of the following:
21 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).
22 (b) SECTION 28-729.
23 (c) SECTION 28-771.
24 ~~(b)~~ (d) Section 28-772.
25 ~~(e)~~ (e) Section 28-792.
26 ~~(d)~~ (f) Section 28-794.
27 ~~(e)~~ (g) Section 28-797, subsection E or G.
28 ~~(f)~~ (h) Section 28-855, subsection B.
29 ~~(g)~~ (i) Section 28-857, subsection A.

30 B. For the purposes of this section, a person shall not operate a
31 motor vehicle if any of the following applies:

- 32 1. The person's driving privilege is revoked for any reason.
33 2. The person's driving privilege is suspended for any reason pursuant
34 to chapter 4, article 3 of this title.
35 3. The person's driving privilege is suspended pursuant to section
36 28-1321.
37 4. The person's driving privilege is suspended pursuant to the
38 department's action based on a previous conviction for a violation of section
39 28-3473.
40 5. The person's driving privilege is suspended pursuant to section
41 28-3306, subsection A, paragraph 3.

- 1 6. The person does one of the following to obtain a driver license:
2 (a) Knowingly uses a false or fictitious name.
3 (b) Knowingly makes a false statement.
4 (c) Knowingly conceals a material fact.
5 (d) Commits fraud.
6 (e) Violates section 28-3479.
7 7. THE PERSON DOES NOT HAVE A VALID DRIVER LICENSE AND A PROPER
8 ENDORSEMENT, IF REQUIRED, AS PRESCRIBED BY CHAPTER 8 OF THIS TITLE AND THE
9 PERSON IS NOT EXEMPT PURSUANT TO CHAPTER 8 OF THIS TITLE.
10 C. Causing serious physical injury by use of a vehicle is a class 5
11 felony.