

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

HB 2153

Introduced by
Representative Biggs

AN ACT

AMENDING SECTION 28-5745, ARIZONA REVISED STATUTES; REPEALING SECTION 32-2373, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 23, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 32-2373; RELATING TO THE DEPARTMENT OF TRANSPORTATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-5745, Arizona Revised Statutes, is amended to
3 read:
4 28-5745. License revocation; hearing
5 A. The director may revoke the license of a person who refuses or
6 neglects to comply with any provision of this article or any rule adopted
7 pursuant to this article.
8 B. Before revoking the license, the director shall send notice ~~by~~
9 ~~certified mail~~ to the licensee at the licensee's address of record ~~ordering~~
10 ~~the licensee to appear in the office of the director on a date at least ten~~
11 ~~days after mailing the notice and to show cause why the licensee's license~~
12 ~~should not be revoked.~~ WITHIN THIRTY DAYS AFTER RECEIPT OF THE NOTICE, THE
13 LICENSEE MAY PETITION THE DIRECTOR FOR A HEARING TO SHOW CAUSE WHY THE
14 LICENSEE'S LICENSE SHOULD NOT BE SUSPENDED OR REVOKED.
15 C. IF THE PERSON DOES NOT REQUEST A HEARING WITHIN THIRTY DAYS, THE
16 REVOCATION IS FINAL.
17 Sec. 2. Repeal
18 Section 32-2373, Arizona Revised Statutes, is repealed.
19 Sec. 3. Title 32, chapter 23, article 2, Arizona Revised Statutes, is
20 amended by adding a new section 32-2373, to read:
21 32-2373. Refusal to issue or renew license of school, agent or
22 instructor
23 A. AFTER A HEARING, THE DIRECTOR MAY REFUSE TO RENEW THE LICENSE FOR A
24 PROFESSIONAL DRIVER TRAINING SCHOOL OR AN AGENT OR INSTRUCTOR IF THE DIRECTOR
25 FINDS THAT THE LICENSEE HAS NOT COMPLIED WITH OR HAS KNOWINGLY VIOLATED THIS
26 CHAPTER OR ANY RULE ADOPTED BY THE DIRECTOR PURSUANT TO THIS CHAPTER.
27 B. THE DIRECTOR SHALL DENY AN APPLICATION FOR A PROFESSIONAL DRIVER
28 TRAINING SCHOOL, AGENT OR INSTRUCTOR LICENSE UNDER THIS ARTICLE AND, WITHIN
29 TWENTY DAYS AFTER THE DENIAL, SHALL ADVISE THE APPLICANT IN WRITING OF THE
30 DENIAL AND THE GROUNDS FOR THE DENIAL IF THE DIRECTOR DETERMINES FROM THE
31 INFORMATION REVEALED IN THE CRIMINAL HISTORY RECORDS CHECK PURSUANT TO
32 SECTION 41-1750 THAT ANY OF THE FOLLOWING APPLIES:
33 1. THE APPLICANT IS NOT ELIGIBLE FOR A LICENSE UNDER THIS ARTICLE.
34 2. THE APPLICATION IS NOT MADE IN GOOD FAITH.
35 3. THE APPLICATION CONTAINS A MATERIAL MISREPRESENTATION OR
36 MISSTATEMENT.
37 4. THE APPLICANT HAS NOT MET THE REQUIREMENTS OF LAW.
38 C. AN APPLICANT WHO IS AGGRIEVED BY THE DENIAL OF AN APPLICATION MAY
39 MAKE A WRITTEN REQUEST TO THE DEPARTMENT OF TRANSPORTATION FOR A HEARING ON
40 THE APPLICATION WITHIN THIRTY DAYS AFTER SERVICE OF THE NOTICE OF DENIAL. IF
41 THE APPLICANT DOES NOT REQUEST A HEARING WITHIN THIRTY DAYS, THE DENIAL IS
42 FINAL.

1 D. IF AN APPLICANT REQUESTS A HEARING, THE DIRECTOR SHALL GIVE WRITTEN
2 NOTICE TO THE APPLICANT TO APPEAR AT A HEARING TO SHOW CAUSE WHY THE DENIAL
3 OF THE APPLICANT'S APPLICATION SHOULD NOT BE UPHELD. AFTER CONSIDERATION OF
4 THE EVIDENCE PRESENTED AT THE HEARING, THE DIRECTOR SHALL SERVE NOTICE IN
5 WRITING TO THE APPLICANT OF THE DIRECTOR'S FINDINGS AND ORDER. A TIMELY
6 REQUEST FOR A HEARING STAYS THE DENIAL OF THE APPLICATION.
7 E. IF THE APPLICATION IS DENIED, THE APPLICANT MAY APPEAL THE DECISION
8 PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.