

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

HOUSE BILL 2153

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18 Section 32-2373, Arizona Revised Statutes, is repealed.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 HELD PURSUANT TO SUBSECTION D OF THIS SECTION, THE
24 DIRECTOR MAY REFUSE TO RENEW THE LICENSE FOR A PROFESSIONAL DRIVER TRAINING
25 SCHOOL OR AN AGENT OR INSTRUCTOR IF THE DIRECTOR FINDS THAT THE LICENSEE HAS
26 NOT COMPLIED WITH OR HAS KNOWINGLY VIOLATED THIS CHAPTER OR ANY RULE ADOPTED
27 BY THE DIRECTOR PURSUANT TO THIS CHAPTER.

28 B. THE DIRECTOR SHALL DENY AN APPLICATION FOR A PROFESSIONAL DRIVER
29 TRAINING SCHOOL, AGENT OR INSTRUCTOR LICENSE UNDER THIS ARTICLE AND, WITHIN
30 TWENTY DAYS AFTER THE DENIAL, SHALL ADVISE THE APPLICANT IN WRITING OF THE
31 DENIAL AND THE GROUNDS FOR THE DENIAL IF THE DIRECTOR DETERMINES FROM THE
32 INFORMATION REVEALED IN THE CRIMINAL HISTORY RECORDS CHECK PURSUANT TO
33 SECTION 41-1750 THAT ANY OF THE FOLLOWING APPLIES:

34 1. THE APPLICANT IS NOT ELIGIBLE FOR A LICENSE UNDER THIS ARTICLE.

35 2. THE APPLICATION IS NOT MADE IN GOOD FAITH.

36 3. THE APPLICATION CONTAINS A MATERIAL MISREPRESENTATION OR
37 MISSTATEMENT.

38 4. THE APPLICANT HAS NOT MET THE REQUIREMENTS OF LAW.

39 C. AN APPLICANT WHO IS AGGRIEVED BY THE REFUSAL OR DENIAL OF AN
40 APPLICATION FOR RENEWAL OF A LICENSE OR FOR A NEW LICENSE MAY MAKE A WRITTEN
41 REQUEST TO THE DEPARTMENT OF TRANSPORTATION FOR A HEARING ON THE APPLICATION
42 WITHIN THIRTY DAYS AFTER SERVICE OF THE NOTICE OF DENIAL OR REFUSAL TO RENEW.
43 IF THE APPLICANT DOES NOT REQUEST A HEARING WITHIN THIRTY DAYS, THE DENIAL OR
44 REFUSAL IS 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 OR REFUSAL OF THE APPLICANT'S APPLICATION SHOULD NOT BE UPHELD. AFTER
4 CONSIDERATION OF THE EVIDENCE PRESENTED AT THE HEARING, THE DIRECTOR SHALL
5 SERVE NOTICE IN WRITING TO THE APPLICANT OF THE DIRECTOR'S FINDINGS AND
6 ORDER. A TIMELY REQUEST FOR A HEARING STAYS THE DENIAL OR REFUSAL OF THE
7 APPLICATION.

8 E. IF THE APPLICATION IS DENIED OR REFUSED, THE APPLICANT MAY APPEAL
9 THE DECISION PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.