

REFERENCE TITLE: **underage drinking; driver license suspension**

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

HB 2178

Introduced by
Representatives Reagan, Barnes: DeSimone, Kavanagh, Miranda, Nelson

AN ACT

**AMENDING SECTIONS 28-3320 AND 28-3322, ARIZONA REVISED STATUTES; RELATING TO
DRIVER LICENSE REGULATION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3320, Arizona Revised Statutes, is amended to
3 read:

4 28-3320. Suspension of license for persons under eighteen years
5 of age; notice; definition

6 A. In addition to the grounds for mandatory suspension or revocation
7 provided for in chapters 3, 4 and 5 of this title, the department shall
8 immediately suspend the driver license or privilege to drive or refuse to
9 issue a driver license or privilege to drive of a person who commits an
10 offense while under eighteen years of age as follows:

11 1. For a period of two years on receiving the record of the person's
12 conviction for a violation of section 4-244, paragraph 33, section 28-1381 or
13 section 28-1382.

14 2. For a period of three years on receiving the record of the person's
15 conviction for a violation of section 28-1383.

16 3. Until the person's eighteenth birthday on receiving the record of
17 the person's conviction for a violation of section 13-1602, subsection A,
18 paragraph 1 or section 13-1604, subsection A involving the damage or
19 disfigurement of property by graffiti.

20 4. Until the person's eighteenth birthday on receiving the record of
21 the person's conviction of criminal damage pursuant to section 13-1602,
22 subsection A, paragraph 5 or a violation of a city or town ordinance that
23 prohibits the type of criminal action prescribed in section 13-1602,
24 subsection A, paragraph 5.

25 5. Until the person's eighteenth birthday on receiving the record of
26 the person's conviction for a violation of any statute or ordinance involving
27 the purchase or possession of materials used for graffiti.

28 6. Until the person's eighteenth birthday on receiving the record of
29 the person's conviction for a violation of any provision of title 13,
30 chapter 34.

31 7. Until the person's eighteenth birthday or for a period of two years
32 on receiving the record of the person's conviction for a second or subsequent
33 violation of section 4-244, paragraph 9, if ordered by the court.

34 8. Until the person's eighteenth birthday on receiving the record of
35 the person's conviction of theft of a motor vehicle pursuant to section
36 13-1802, unlawful use of means of transportation pursuant to section 13-1803
37 or theft of means of transportation pursuant to section 13-1814.

38 9. IF THE PERSON PREVIOUSLY HAS BEEN ISSUED A DRIVER LICENSE, FOR A
39 PERIOD OF NINETY DAYS ON RECEIVING THE RECORD OF THE PERSON'S CONVICTION FOR
40 A VIOLATION OF SECTION 4-244, PARAGRAPH 9.

41 10. IF THE PERSON PREVIOUSLY HAS NOT BEEN ISSUED A DRIVER LICENSE,
42 UNTIL THE PERSON'S SEVENTEENTH BIRTHDAY OR ONE HUNDRED EIGHTY DAYS, WHICHEVER
43 IS LONGER, ON RECEIVING THE RECORD OF THE PERSON'S CONVICTION FOR A VIOLATION
44 OF SECTION 4-244, PARAGRAPH 9.

1 B. If ordered by the court, the department shall restrict the person's
2 privilege to drive between the person's home, school and place of employment
3 during specified periods of time according to the person's school and
4 employment schedule.

5 C. If a person commits an offense prescribed in subsection A,
6 paragraph 1 of this section and the person's privilege to drive is restricted
7 as prescribed in subsection B of this section, the department shall issue a
8 special ignition interlock restricted driver license to the person pursuant
9 to section 28-1401.

10 D. For the purposes of this section, "conviction" means a final
11 conviction or judgment, including an order of the juvenile court finding that
12 a juvenile violated any provision of this title or committed a delinquent act
13 that if committed by an adult would constitute a criminal offense.

14 Sec. 2. Section 28-3322, Arizona Revised Statutes, is amended to read:
15 28-3322. Suspension of license for persons eighteen, nineteen
16 and twenty years of age; definition

17 A. In addition to the grounds for mandatory suspension or revocation
18 provided for in chapters 3, 4 and 5 of this title, the department shall
19 immediately suspend the driver license or privilege to drive or refuse to
20 issue a driver license or privilege to drive of a person who commits
21 ~~a violation of section 4-244, paragraph 33~~ AN OFFENSE while the person is
22 eighteen, nineteen or twenty years of age AS FOLLOWS:

23 1. FOR A PERIOD OF TWO YEARS on receipt of the record of the person's
24 conviction for a violation of section 4-244, paragraph 33 ~~for a period of two~~
25 ~~years.~~

26 2. IF THE PERSON PREVIOUSLY HAS BEEN ISSUED A DRIVER LICENSE, FOR A
27 PERIOD OF NINETY DAYS ON RECEIPT OF THE RECORD OF THE PERSON'S CONVICTION FOR
28 A VIOLATION OF SECTION 4-244, PARAGRAPH 9.

29 3. IF THE PERSON PREVIOUSLY HAS NOT BEEN ISSUED A DRIVER LICENSE, FOR
30 A PERIOD OF ONE HUNDRED EIGHTY DAYS ON RECEIPT OF THE RECORD OF THE PERSON'S
31 CONVICTION FOR A VIOLATION OF SECTION 4-244, PARAGRAPH 9.

32 B. If ordered by the court, the department shall restrict the person's
33 privilege to drive between the person's home, school and place of employment
34 during specified periods of time according to the person's school and
35 employment schedule.

36 C. If a PERSON COMMITS THE OFFENSE PRESCRIBED IN SUBSECTION A,
37 PARAGRAPH 1 OF THIS SECTION AND THE person's privilege to drive is restricted
38 as prescribed in subsection B of this section, the department shall issue a
39 special ignition interlock restricted driver license to the person pursuant
40 to section 28-1401.

41 D. For the purposes of this section, "conviction" means a final
42 conviction or judgment, including an order of the juvenile court finding that
43 a juvenile violated any provision of this title or committed a delinquent act
44 that if committed by an adult would constitute a criminal offense.