

REFERENCE TITLE: sex offenders; driver licenses

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

HB 2259

Introduced by
Representatives Groe: Adams, Clark, Nelson, Pearce, Stump

AN ACT

AMENDING SECTIONS 28-3303 AND 28-3306, ARIZONA REVISED STATUTES; RELATING TO
DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-3303, Arizona Revised Statutes, is amended to
3 read:

4 28-3303. Suspension or revocation of driver license or
5 privilege for actions outside of state

6 A. Except as provided in subsection B of this section, the department
7 may suspend or revoke the license or driving privilege of a resident of this
8 state or the privilege of a nonresident to drive a motor vehicle in this
9 state or may require the person to successfully complete approved traffic
10 survival school training and educational sessions as prescribed in section
11 28-3306 on receipt of notice of a conviction of the person of an offense in
12 another jurisdiction that would be grounds for the suspension or revocation
13 of the person's driver license if the offense had been committed in this
14 state. Section 28-3306, subsections ~~G~~ D through ~~G~~ H apply if a person's
15 license or driving privilege is suspended or revoked or if a person is
16 required to successfully complete approved driver training and educational
17 sessions as provided by this subsection.

18 B. The department shall revoke the license or driving privilege of a
19 resident of this state or the privilege of a nonresident to drive a motor
20 vehicle in this state after receiving notice of a conviction of the person in
21 another jurisdiction and after determining that the conviction was for an
22 offense that if committed in this state would be grounds for revocation
23 pursuant to section 28-3304 or chapter 3, 4 or 5 of this title.

24 C. The department may suspend or revoke the driver license of a
25 resident of this state who fails to comply with the terms of a traffic
26 citation that is lawfully issued in a jurisdiction outside this state
27 pursuant to the nonresident violator compact adopted by chapter 6, article 4
28 of this title.

29 D. Notwithstanding chapter 6, articles 3 and 4 of this title and in
30 lieu of suspension of a driver license or driving privileges, the department
31 may issue a temporary driver license that is valid for a period of not more
32 than one hundred eighty days.

33 Sec. 2. Section 28-3306, Arizona Revised Statutes, is amended to read:

34 28-3306. Discretionary license suspension or revocation;
35 traffic survival school; hearing

36 A. The department may suspend or revoke the license of a driver or
37 require a licensee to attend and successfully complete approved traffic
38 survival school training and educational sessions designed to improve the
39 safety and habits of drivers on a showing by department records or other
40 sufficient evidence that the licensee:

41 1. Has committed an offense for which mandatory revocation of the
42 license is required on conviction.

43 2. Has been involved as a driver in an accident resulting in the death
44 or personal injury of another or serious property damage.

1 3. Has been convicted of or adjudged to have violated traffic
2 regulations governing the movement of vehicles with such a frequency that it
3 indicates a disrespect for traffic laws and a disregard for the safety of
4 other persons on the highways.

5 4. Has been convicted of reckless driving as provided in section
6 28-693 or is a habitually reckless or negligent driver of a motor vehicle.

7 5. Is medically, psychologically or physically incapable of operating
8 a motor vehicle and, based on law enforcement, medical or other department
9 information, the continued operation of a motor vehicle by the licensee would
10 endanger the public health, safety and welfare.

11 6. Has committed or permitted an act involving an unlawful or
12 fraudulent use of the license.

13 7. Has committed an offense in another jurisdiction that if committed
14 in this state is grounds for suspension or revocation.

15 8. Has been convicted of a violation of section 28-1381 or 28-1382.

16 9. Has been convicted of a violation of section 28-1464.

17 B. On receipt of satisfactory evidence of a violation of a driver
18 license restriction, the department may suspend or revoke the driver license.

19 C. IF A PERSON HAS BEEN CONVICTED OF A CRIME THAT REQUIRES THE PERSON
20 TO REGISTER AS A SEX OFFENDER PURSUANT TO SECTION 13-3821, THE DEPARTMENT MAY
21 SUSPEND OR REVOKE THE PERSON'S DRIVER LICENSE. THE DRIVER LICENSE SHALL
22 REMAIN SUSPENDED OR REVOKED UNTIL ALL OF THE FOLLOWING OCCUR:

23 1. THE PERSON REGISTERS AS A SEX OFFENDER PURSUANT TO SECTION 13-3821.

24 2. PROOF OF THE REGISTRATION IS PROVIDED TO THE DEPARTMENT.

25 3. THE PERSON PROVIDES PROOF OF THE PERSON'S CURRENT ADDRESS TO THE
26 DEPARTMENT.

27 ~~D.~~ D. On suspending or revoking the license of a person or requiring
28 a licensee to attend and successfully complete approved traffic survival
29 school training and educational sessions designed to improve the safety and
30 habits of drivers pursuant to this section, the department shall notify the
31 licensee in writing immediately.

32 ~~E.~~ E. On the person's request, the department shall provide an
33 opportunity for a hearing on the action taken pursuant to this section as
34 early as practicable but not later than thirty days after receipt of the
35 request. The department shall hold the hearing in the county where the
36 licensee resides unless the law enforcement agency issuing the citation or
37 affidavit that authorizes the suspension or revocation requests at the time
38 of issuance that the hearing be held in the county where the violation
39 allegedly occurred.

40 ~~F.~~ F. If a hearing is held, the department or its duly authorized
41 agent may administer oaths, may issue subpoenas for the attendance of
42 witnesses and the production of relevant books and papers and may require a
43 reexamination of the licensee.

44 ~~G.~~ G. At the hearing, the department shall either rescind its order
45 of suspension or its order requiring the licensee to attend and successfully

1 complete approved traffic survival school training and educational sessions
2 or, if good cause exists, the department may uphold or extend the order,
3 revoke the license or make any order that is within its discretionary power
4 under this section and that is in the interest of public safety.

5 ~~G.~~ H. If a licensee receives notice requiring the licensee to attend
6 and successfully complete approved traffic survival school training and
7 educational sessions and the department receives information of noncompliance
8 with this order, the department may amend the order to suspend or revoke the
9 license.

10 ~~H.~~ I. A person whose driver license is suspended or revoked as
11 provided in subsection A, paragraph 5 of this section may submit a written
12 request to the department for an administrative hearing. The person shall
13 submit the request for a hearing within fifteen days after the department
14 provides the person with notice of suspension or revocation. On receipt of a
15 proper request for a hearing, the department shall provide the person with an
16 opportunity for a hearing in the county where the person resides within
17 thirty days after the department receives the request. The request for a
18 hearing does not stay a summary suspension issued by the department.