

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

HOUSE BILL 2475

AN ACT

AMENDING SECTIONS 28-3152 AND 28-3169, 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 28-3152, Arizona Revised Statutes, is amended to
3 read:

4 28-3152. Driver license; exemptions; limitation; authorized
5 presence

6 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C OF THIS
7 SECTION, the following persons are exempt from licensing under this chapter:

8 1. Active duty military personnel while operating a military vehicle
9 in the service of the armed forces of the United States.

10 2. A person while driving or operating a farm tractor or implement of
11 husbandry that is temporarily operated or moved on a highway.

12 3. A person who is a nonresident, who is at least sixteen years of age
13 and who has in the person's immediate possession a valid driver license
14 issued to the person in the person's home state ~~or country~~ while the person
15 is operating a motor vehicle requiring a class D license.

16 4. A person who is a nonresident, who is at least eighteen years of
17 age and who has in the person's immediate possession a valid commercial
18 driver license or classified license that is issued to the person in the
19 person's home state ~~or country~~ and that authorizes operation of a commercial
20 motor vehicle while the person is operating a motor vehicle requiring a class
21 A, B or C license in this state, except that the person must be licensed
22 under this chapter before accepting employment from a resident of this state
23 involving the operation of a motor vehicle requiring a class A, B or C
24 license.

25 5. A person who is a nonresident, who is at least eighteen years of
26 age and whose home state ~~or country~~ does not require the licensing of
27 operators while the person operates a motor vehicle requiring a class D
28 license for a period of not more than ninety days in a calendar year, if the
29 motor vehicle that the person is operating is duly registered in the home
30 state ~~or country~~ of the nonresident.

31 6. A person who has in the person's immediate possession a valid
32 driver license issued to the person by another state ~~or country~~ while the
33 person is operating a motor vehicle requiring a class D license, who is an
34 employee, agent or consultant of an organization that operates in this state
35 and at least one other state ~~or country~~, who is principally domiciled or
36 employed in another state ~~or country~~ and who is present in this state not
37 more than ninety consecutive days.

38 B. THE FOLLOWING PERSONS WHO ARE CITIZENS OR LEGAL RESIDENTS OF
39 ANOTHER COUNTRY ARE EXEMPT FROM LICENSING UNDER THIS CHAPTER:

40 1. A PERSON WHO IS AT LEAST SIXTEEN YEARS OF AGE AND WHO HAS IN THE
41 PERSON'S IMMEDIATE POSSESSION BOTH OF THE FOLLOWING:

42 (a) EVIDENCE THAT THE PERSON'S PRESENCE IN THE UNITED STATES IS
43 AUTHORIZED BY THE FEDERAL GOVERNMENT.

1 (b) A VALID DRIVER LICENSE ISSUED TO THE PERSON IN THE PERSON'S HOME
2 COUNTRY WHILE THE PERSON IS OPERATING A MOTOR VEHICLE REQUIRING A CLASS D
3 LICENSE.

4 2. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE AND WHO HAS IN THE
5 PERSON'S IMMEDIATE POSSESSION BOTH OF THE FOLLOWING:

6 (a) EVIDENCE THAT THE PERSON'S PRESENCE IN THE UNITED STATES IS
7 AUTHORIZED BY THE FEDERAL GOVERNMENT.

8 (b) A VALID COMMERCIAL DRIVER LICENSE OR CLASSIFIED LICENSE THAT IS
9 ISSUED TO THE PERSON IN THE PERSON'S HOME COUNTRY AND THAT AUTHORIZES
10 OPERATION OF A COMMERCIAL MOTOR VEHICLE WHILE THE PERSON IS OPERATING A MOTOR
11 VEHICLE REQUIRING A CLASS A, B OR C LICENSE IN THIS STATE, EXCEPT THAT THE
12 PERSON MUST BE LICENSED UNDER THIS CHAPTER BEFORE ACCEPTING EMPLOYMENT FROM A
13 RESIDENT OF THIS STATE INVOLVING THE OPERATION OF A MOTOR VEHICLE REQUIRING A
14 CLASS A, B OR C LICENSE.

15 3. A PERSON WHO IS A NONRESIDENT, WHO IS AT LEAST EIGHTEEN YEARS OF
16 AGE AND WHOSE HOME COUNTRY DOES NOT REQUIRE THE LICENSING OF OPERATORS WHILE
17 THE PERSON OPERATES A MOTOR VEHICLE REQUIRING A CLASS D LICENSE FOR A PERIOD
18 OF NOT MORE THAN NINETY DAYS IN A CALENDAR YEAR IF BOTH OF THE FOLLOWING
19 APPLY:

20 (a) THE PERSON HAS IN THE PERSON'S IMMEDIATE POSSESSION EVIDENCE THAT
21 THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL
22 GOVERNMENT.

23 (b) THE MOTOR VEHICLE THAT THE PERSON IS OPERATING IS DULY REGISTERED
24 IN THE HOME COUNTRY OF THE NONRESIDENT.

25 4. A PERSON WHO HAS IN THE PERSON'S IMMEDIATE POSSESSION EVIDENCE THAT
26 THE PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL
27 GOVERNMENT AND A VALID DRIVER LICENSE ISSUED TO THE PERSON BY ANOTHER COUNTRY
28 IF ALL OF THE FOLLOWING APPLY:

29 (a) THE PERSON IS OPERATING A MOTOR VEHICLE REQUIRING A CLASS D
30 LICENSE.

31 (b) THE PERSON IS AN EMPLOYEE, AGENT OR CONSULTANT OF AN ORGANIZATION
32 THAT OPERATES IN THIS STATE AND AT LEAST ONE OTHER STATE OR COUNTRY.

33 (c) THE PERSON IS PRINCIPALLY DOMICILED OR EMPLOYED IN ANOTHER STATE
34 OR COUNTRY AND IS PRESENT IN THIS STATE NOT MORE THAN NINETY CONSECUTIVE
35 DAYS.

36 ~~B-~~ C. A person who is a resident of a foreign country and who
37 operates a commercial vehicle in this state shall HAVE IN THE PERSON'S
38 IMMEDIATE POSSESSION EVIDENCE THAT THE PERSON'S PRESENCE IN THE UNITED STATES
39 IS AUTHORIZED BY THE FEDERAL GOVERNMENT AND SHALL obtain a commercial driver
40 license of the proper class that is issued by this state or another state, if
41 the foreign country does not grant reciprocal driver license privileges to
42 operators of commercial vehicles who are residents of this state.

43 D. A COURT SHALL DISMISS A CITATION FOR A VIOLATION OF SECTION 28-3151
44 IF THE PERSON WHO IS CITED IS EITHER:

1 1. EXEMPT PURSUANT TO SUBSECTION A OF THIS SECTION AND PRESENTS
2 EVIDENCE SATISFACTORY TO THE COURT THAT THE PERSON HAS A VALID DRIVER LICENSE
3 ISSUED BY ANOTHER STATE.

4 2. EXEMPT AS PROVIDED IN SUBSECTION B OF THIS SECTION AND PRESENTS
5 SATISFACTORY EVIDENCE TO THE COURT IN A MANNER PRESCRIBED BY THE COURT THAT
6 THE PERSON HAS A DRIVER LICENSE ISSUED BY ANOTHER COUNTRY AND THAT THE
7 PERSON'S PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL
8 GOVERNMENT.

9 E. A PERSON WHO IS A CITIZEN OR A LEGAL RESIDENT OF ANOTHER COUNTRY
10 AND WHO IS ISSUED A CITATION FOR A VIOLATION OF SECTION 28-3151 IS NOT
11 ELIGIBLE TO ATTEND DEFENSIVE DRIVING SCHOOL PURSUANT TO ARTICLE 7 OF THIS
12 CHAPTER UNLESS THE PERSON PRESENTS SATISFACTORY EVIDENCE TO THE COURT IN A
13 MANNER PRESCRIBED BY THE COURT THAT THE PERSON'S PRESENCE IN THE UNITED
14 STATES IS AUTHORIZED BY THE FEDERAL GOVERNMENT.

15 Sec. 2. Section 28-3169, Arizona Revised Statutes, is amended to read:
16 28-3169. Possession and display of driver license; defense

17 A. A licensee shall have a legible driver license in the licensee's
18 immediate possession at all times when operating a motor vehicle. On demand
19 of a justice of the peace, a police officer or a field deputy or inspector of
20 the department, a licensee shall display the license.

21 B. A person who is served a complaint for violating this section is
22 not responsible if the person produces in court or the office of the police
23 officer or field deputy or inspector of the department a legible driver
24 license or an authorized duplicate of the license issued to the person that
25 was valid at the time of the alleged violation of this section.

26 C. A PERSON WHO IS A CITIZEN OR A LEGAL RESIDENT OF ANOTHER COUNTRY
27 AND WHO IS SERVED A COMPLAINT FOR VIOLATING THIS SECTION IS NOT RESPONSIBLE
28 IF THE PERSON PRODUCES IN COURT OR THE OFFICE OF THE POLICE OFFICER OR FIELD
29 DEPUTY OR INSPECTOR OF THE DEPARTMENT SATISFACTORY EVIDENCE THAT THE PERSON'S
30 PRESENCE IN THE UNITED STATES IS AUTHORIZED BY THE FEDERAL GOVERNMENT AND
31 EITHER OF THE FOLLOWING:

32 1. A LEGIBLE DRIVER LICENSE OR AN AUTHORIZED DUPLICATE OF THE LICENSE
33 ISSUED TO THE PERSON THAT WAS VALID AT THE TIME OF THE ALLEGED VIOLATION OF
34 THIS SECTION.

35 2. SATISFACTORY EVIDENCE THAT THE PERSON IS EXEMPT FROM THE LICENSING
36 PROVISIONS OF THIS CHAPTER PURSUANT TO SECTION 28-3152, SUBSECTION B.