

Driving violations; restricted license; penalties

1 Section 1. Enact §28-144

2 28-144. Driver license or permit; restrictions

3 UNLESS OTHERWISE PROVIDED FOR, A RESTRICTION ORDERED ON A PERSON'S DRIVER
4 LICENSE OR PERMIT TO DRIVE AS A RESULT OF CONVICTION FOR AN OFFENSE
5 LISTED IN THIS TITLE MAY INCLUDE DRIVING FOR ANY OF THE FOLLOWING
6 PURPOSES:

7 1. BETWEEN THE PERSON'S PLACE OF EMPLOYMENT AND RESIDENCE AND DURING
8 SPECIFIED PERIODS OF TIME WHILE AT EMPLOYMENT.

9 2. BETWEEN THE PERSON'S PLACE OF RESIDENCE, THE PERSON'S PLACE OF
10 EMPLOYMENT AND THE PERSON'S SECONDARY OR POSTSECONDARY SCHOOL ACCORDING
11 TO THE PERSON'S EMPLOYMENT OR EDUCATION SCHEDULE.

12 3. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF A HEALTH
13 CARE PROFESSIONAL AS DEFINED IN SECTION 32-3201.

14 4. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A SCREENING, EDUCATION
15 OR TREATMENT FACILITY FOR SCHEDULED APPOINTMENTS.

16 5. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND THE OFFICE OF THE PERSON'S
17 PROBATION OFFICER FOR SCHEDULED APPOINTMENTS.

18 6. BETWEEN THE PERSON'S PLACE OF RESIDENCE AND A CERTIFIED IGNITION
19 INTERLOCK DEVICE SERVICE FACILITY.

20 7. TRANSPORTING A DEPENDENT PERSON WHO IS LIVING WITH THE PERSON, BETWEEN
21 THE PERSON'S RESIDENCE AND THE DEPENDANT PERSON'S EMPLOYMENT, SECONDARY
22 OR POSTSECONDARY SCHOOL OR MEDICAL APPOINTMENT.

23 Section 2. Amend §28-662

24 28-662. Accidents involving damage to vehicle; failure to stop;
25 classification; driver license suspension; alcohol or other drug
26 screening

27 A. The driver of a vehicle involved in an accident resulting only in
28 damage to a vehicle that is driven or attended by a person shall:

29 1. Immediately stop the vehicle at the scene of the accident or as close
30 to the accident scene as possible but shall immediately return to the
31 accident scene.

32 2. Remain at the scene of the accident until the driver has fulfilled
33 the requirements of section 28-663.

34 3. Make the stop without obstructing traffic more than is necessary.

35 B. A person failing to stop or comply with this section is guilty of a
36 class 2 misdemeanor.

37 C. A court may order the department to suspend OR RESTRICT the license
38 or permit to drive and any nonresident operating privilege of a person
39 convicted under this section for one year. If reasonable suspicion exists

1 to believe that the person's use of intoxicating liquor, any drug listed
2 in section 13-3401, a vapor releasing substance containing a toxic
3 substance or any combination of liquor, drugs or vapor releasing
4 substances was a contributing factor to the accident, the department may
5 require the person to complete alcohol or other drug screening as a
6 condition of license reinstatement.

7 Section 3. Amend §28-693

8 **28-693. Reckless driving; classification; license; surrender**

9 A. A person who drives a vehicle in reckless disregard for the safety
10 of persons or property is guilty of reckless driving.

11 B. A person convicted of reckless driving is guilty of a class 2
12 misdemeanor.

13 C. In addition, the judge may require the surrender to a police officer
14 of any driver license of the convicted person, shall report the
15 conviction to the department and may order the driving privileges of the
16 person to be suspended **OR RESTRICTED** for a period of not more than ninety
17 days. On receipt of the abstract of conviction and order, the department
18 shall suspend **OR RESTRICT** the driving privilege of the person for the
19 period of time ordered by the judge.

20 D. If a person who is convicted of a violation of this section has been
21 previously convicted of a violation of this section, section 13-1102 or
22 section 13-1103, subsection A, paragraph 1, in the driving of a vehicle,
23 or section 28-708, 28-1381, 28-1382 or 28-1383 within a period of twenty-
24 four months:

25 1. The person is guilty of a class 1 misdemeanor.

26 2. The person is not eligible for probation, pardon, suspension of
27 sentence or release on any basis until the person has served not less
28 than twenty days in jail.

29 3. The judge may require the surrender to a police officer of any driver
30 license of the person and shall immediately forward the abstract of
31 conviction to the department.

32 4. On receipt of the abstract of conviction, the department shall revoke
33 the driving privilege of the person.

34 E. In applying the twenty-four month period provision of subsection D
35 of this section, the dates of the commission of the offense shall be the
36 determining factor, irrespective of the sequence in which the offenses
37 were committed. A second or subsequent violation for which a conviction
38 occurs as provided in this section does not include a conviction for an
39 offense arising out of the same series of acts.

1 F. On pronouncement of a jail sentence under this section, and after the
2 court receives confirmation that the person is employed or is a student,
3 the court may provide in the sentence that if the defendant is employed
4 or is a student the defendant can continue employment or schooling for
5 not more than twelve hours per day nor more than five days per week. The
6 defendant shall spend the remaining days or parts of days in jail until
7 the sentence is served and shall be allowed out of jail only long enough
8 to complete the defendant's actual hours of employment or schooling.

9 Section 4. Amend §28-695

10 28-695. Aggressive driving; violation; classification; definition

11 A. A person commits aggressive driving if both of the following occur:

12 1. During a course of conduct the person commits a violation of either
13 section 28-701, subsection A or section 28-701.02 and at least two of
14 the following violations:

15 (a) Failure to obey traffic control devices as provided in section 28-
16 644.

17 (b) Overtaking and passing another vehicle on the right by driving off
18 the pavement or main traveled portion of the roadway as provided in
19 section 28-724.

20 (c) Unsafe lane change as provided in section 28-729.

21 (d) Following a vehicle too closely as provided in section 28-730.

22 (e) Failure to yield the right-of-way as provided in article 9 of this
23 chapter.

24 2. The person's driving is an immediate hazard to another person or
25 vehicle.

26 B. A person convicted of aggressive driving is guilty of a class 1
27 misdemeanor.

28 C. In addition to any other penalty prescribed by law:

29 1. A person convicted of a violation of this section shall attend and
30 successfully complete approved traffic survival school educational
31 sessions that are designed to improve the safety and habits of drivers
32 and that are approved by the department.

33 2. The court shall forward the abstract of conviction to the department
34 and may order the department to suspend OR RESTRICT the person's driving
35 privilege for thirty days.

36 D. If a person who is convicted of a violation of this section has been
37 previously convicted of a violation of this section within a period of
38 twenty-four months:

39 1. The person is guilty of a class 1 misdemeanor.

1 2. In addition to any other penalty prescribed by law, the court shall
2 forward the abstract of conviction to the department. On receipt of the
3 abstract of conviction, the department shall revoke the driving privilege
4 of the person for one year.

5 E. The dates of the commission of the offense determine whether
6 subsection D of this section applies. A second or subsequent violation
7 for which a conviction occurs as provided in this section does not
8 include a conviction for an offense arising out of the same series of
9 acts.

10 F. For the purposes of this section "course of conduct" means a series
11 of acts committed during a single, continuous period of driving.

12 Section 5. Amend §28-708

13 28-708. Racing on highways; classification; exception; definitions

14 A. A person shall not drive a vehicle or participate in any manner in a
15 race, speed competition or contest, drag race or acceleration contest,
16 test of physical endurance or exhibition of speed or acceleration or for
17 the purpose of making a speed record on a street or highway.

18 B. A person who violates this section is guilty of a class 1 misdemeanor.
19 If a person is convicted of a second or subsequent violation of this
20 section within twenty-four months of a first conviction, the person is
21 guilty of a class 6 felony and is not eligible for probation, pardon,
22 suspension of sentence or release on any other basis until the person
23 has served not less than ten days in jail or prison.

24 C. A person who is convicted of a first violation of this section shall
25 pay a fine of not less than two hundred fifty dollars and may be ordered
26 by the court to perform community restitution.

27 D. A person who is convicted of a subsequent violation of this section
28 shall pay a fine of not less than five hundred dollars and may be ordered
29 by the court to perform community restitution.

30 E. On pronouncement of a jail sentence under this section and in cases
31 of extreme hardship, the court may provide in the sentence that if the
32 defendant is employed or attending school and can continue employment or
33 school the defendant may continue the employment or school for not more
34 than twelve hours per day nor more than five days per week, and the
35 defendant shall spend the remaining days or parts of days in jail until
36 the sentence is served. The court may allow the defendant to be out of
37 jail only long enough to complete the defendant's actual hours of
38 employment or school.

39 F. If a person is convicted of violating this section, the judge may
40 require the surrender to a police officer of any driver license of the

1 person and immediately forward the abstract of conviction to the
2 department. On a first conviction, the judge may order the **suspension**
3 **of DEPARTMENT TO SUSPEND OR RESTRICT** the driving privileges of the person
4 for a period of not more than ninety days. In the case of a first
5 conviction and on receipt of the abstract of conviction and order of the
6 court, the department shall suspend the driving privileges of the person
7 for the period of time ordered by the judge. In the case of a second or
8 subsequent conviction for an offense committed within a period of twenty-
9 four months and on receipt of the abstract of conviction, the department
10 shall revoke the driving privileges of the person.

11 G. The director may authorize in writing an organized and properly
12 controlled event to utilize a highway or part of a highway even though
13 it is prohibited by this section. The authorization shall specify the
14 time of the event, the highway or part of a highway to be utilized and
15 any special conditions the director may require for the particular event.

16 H. For the purposes of this section:

17 1. "Drag race" means either:

18 (a) The operation of two or more vehicles from a point side by side at
19 accelerating speeds in a competitive attempt to outdistance each other.

20 (b) The operation of one or more vehicles over a common selected course
21 and from the same point for the purpose of comparing the relative speeds
22 or power of acceleration of the vehicle or vehicles within a certain
23 distance or time limit.

24 2. "Racing" means the use of one or more vehicles in an attempt to
25 outgain or outdistance another vehicle or prevent another vehicle from
26 passing

27 Section 6. Amend §28-857

28 28-857. School bus signs; overtaking and passing school bus; violation;
29 driver license suspension; civil penalty

30 A. On meeting or overtaking from either direction a school bus that has stopped
31 on the highway, the driver of a vehicle on a highway shall:

32 1. Stop the vehicle before reaching the school bus, if the school bus is
33 displaying the signal as provided in subsection D of this section and if
34 alternately flashing lights are in use.

35 2. Not proceed until the school bus resumes motion or the signal and alternately
36 flashing lights are no longer displayed.

37 B. A school bus shall have on the front and rear of the school bus a plainly
38 visible sign containing the words "school bus" in letters not less than eight
39 inches in height.

1 C. A school bus operated on a highway shall cover or conceal all markings
2 indicating "school bus" unless the school bus is operated for the transportation
3 of children to or from any of the following:

- 4 1. School.
- 5 2. School sponsored academic activities.
- 6 3. School sponsored vocational and technical education.
- 7 4. School sponsored athletic trips.
- 8 5. School sponsored extracurricular activities.

9 D. A school bus shall have a signal with the word "stop" printed on both sides
10 in white letters not less than five inches high on a red background. The signal
11 shall be an eighteen inch reflectorized octagon. When transporting school
12 children to or from school or home, the operator of the school bus shall:

- 13 1. Manually operate the signal in a manner so that the signal is clearly visible
14 from both front and rear when extended from the left of the body of the school
15 bus.
- 16 2. Display the signal and alternately flashing lights if passengers are being
17 received or discharged while the school bus is stopped on the roadway or a
18 private road or driveway as defined in section 28-601.

19 E. The driver of a vehicle on a highway with separate roadways need not stop
20 on meeting or passing a school bus that is:

- 21 1. On a different roadway.
- 22 2. On a controlled access highway and the school bus is stopped in a loading
23 zone that is a part of or adjacent to the highway and where pedestrians are
24 not permitted to cross the roadway.

25 F. For the purposes of subsection E of this section, a lane or group of lanes
26 on either side of a two-way left turn lane is not considered a separate roadway.

27 G. A person who is responsible for a violation of subsection A of this section
28 is subject to a civil penalty as follows:

- 29 1. The court shall impose a minimum civil penalty of two hundred fifty dollars
30 for the first violation.
- 31 2. If a person violates this section a second time within a period of thirty-
32 six months, the court shall impose a minimum civil penalty of seven hundred
33 fifty dollars and shall direct the department to ~~suspend driver license~~
34 **RESTRICT THE DRIVING PRIVILEGES** of the person for not more than six months.
- 35 ~~3~~ 4. If a person violates this section three or more times within a
36 period of thirty-six months, the court shall impose a minimum civil
37 penalty of one thousand dollars and shall direct the department to
38 suspend the driver license of the person for at least six months but not
39 more than one year.

40 Section 7. Amend §28-1387

41 28-1387. Prior convictions; alcohol or other drug screening, education
42 and treatment; license suspension; supervised probation; civil
43 liability; procedures

1 A. The court shall allow the allegation of a prior conviction or any
2 other pending charge of a violation of section 28-1381, 28-1382 or 28-
3 1383 or an act in another jurisdiction that if committed in this state
4 would be a violation of section 28-1381, 28-1382 or 28-1383 filed twenty
5 or more days before the date the case is actually tried and may allow
6 the allegation of a prior conviction or any other pending charge of a
7 violation of section 28-1381, 28-1382 or 28-1383 or an act in another
8 jurisdiction that if committed in this state would be a violation of
9 section 28-1381, 28-1382 or 28-1383 filed at any time before the date
10 the case is actually tried if this state makes available to the defendant
11 when the allegation is filed a copy of any information obtained
12 concerning the prior conviction or other pending charge. Any conviction
13 may be used to enhance another conviction irrespective of the dates on
14 which the offenses occurred within the eighty-four month provision. For
15 the purposes of this article, an order of a juvenile court adjudicating
16 a person delinquent is equivalent to a conviction.

17 B. In addition to any other penalties prescribed by law, the judge shall
18 order a person who is convicted of a violation of section 28-1381, 28-
19 1382 or 28-1383 to complete alcohol or other drug screening that is
20 provided by a facility approved by the department of health services,
21 the United States department of veterans affairs or a probation
22 department. If a judge determines that the person requires further
23 alcohol or other drug education or treatment, the person may be required
24 pursuant to court order to obtain alcohol or other drug education or
25 treatment under the court's supervision from an approved facility. The
26 judge may review an education or treatment determination at the request
27 of the state, the defendant or the probation officer or on the judge's
28 initiative. The person shall pay the costs of the screening, education
29 or treatment unless, after considering the person's ability to pay all
30 or part of the costs, the court waives all or part of the costs. If a
31 person is referred to a screening, education or treatment facility, the
32 facility shall report to the court whether the person has successfully
33 completed the screening, education or treatment program. The court may
34 accept evidence of a person's completion of alcohol or other drug
35 screening pursuant to section 28-1445 as sufficient to meet the
36 requirements of this section or section 28-1381, 28-1382 or 28-1383 or
37 may order the person to complete additional alcohol or other drug
38 screening, education or treatment programs. If a person has previously
39 been ordered to complete an alcohol or other drug screening, education
40 or treatment program pursuant to this section, the judge shall order the
41 person to complete an alcohol or other drug screening, education or
42 treatment program unless the court determines that alternative sanctions
43 are more appropriate.

44 C. After a person who is sentenced pursuant to section 28-1381,
45 subsection I has served twenty-four consecutive hours in jail or after
46 a person who is sentenced pursuant to section 28-1381, subsection K or

1 section 28-1382, subsection D or E has served forty-eight consecutive
2 hours in jail and after the court receives confirmation that the person
3 is employed or is a student, the court shall provide in the sentence
4 that the defendant, if the defendant is employed or is a student and can
5 continue the defendant's employment or schooling, may continue the
6 employment or schooling for not more than twelve hours a day nor more
7 than six days a week, unless the court finds good cause to not allow the
8 release and places those findings on the record. The person shall spend
9 the remaining day, days or parts of days in jail until the sentence is
10 served and shall be allowed out of jail only long enough to complete the
11 actual hours of employment or schooling.

12 D. Unless the license of a person convicted under section 28-1381 or 28-
13 1382 has been or is suspended pursuant to section 28-1321 or 28-1385,
14 the department on receipt of the abstract of conviction of a violation
15 of section 28-1381 or 28-1382 shall suspend the license of the affected
16 person for not less than ninety consecutive days.

17 E. When the department receives notification that the person meets the
18 criteria provided in section 28-1385, subsection G, the department shall
19 suspend the driving privileges of the person for not less than thirty
20 consecutive days and shall restrict the driving privileges of the person
21 for not less than sixty consecutive additional days ~~to travel between~~
22 ~~any of the following:~~

23 ~~1. The person's place of employment and residence and during specified~~
24 ~~periods of time while at employment.~~

25 ~~2. The person's place of residence and the person's secondary or~~
26 ~~postsecondary school, according to the person's employment or~~
27 ~~educational schedule.~~

28 ~~3. The person's place of residence and a screening, education or~~
29 ~~treatment facility for scheduled appointments.~~

30 ~~4. The person's place of residence and the office of the person's~~
31 ~~probation officer for scheduled appointments.~~

32 F. If a person is placed on probation for violating section 28-1381 or
33 28-1382, the probation shall be supervised unless the court finds that
34 supervised probation is not necessary or the court does not have
35 supervisory probation services.

36 G. Any political subdivision processing or using the services of a person
37 ordered to perform community restitution pursuant to section 28-1381 or
38 28-1382 does not incur any civil liability to the person ordered to
39 perform community restitution as a result of these activities unless the
40 political subdivision or its agent or employee acts with gross
41 negligence.

42 ~~H. If a person fails to complete the community restitution ordered~~
43 ~~pursuant to section 28-1381, subsection K or section 28-1382, subsection~~
44 ~~E,~~ The court may order alternative sanctions **TO COMMUNITY RESTITUTION**
45 **ORDERED PURSUANT TO SECTION 28-1381, SUBSECTION K OR SECTION 1382,**

1 **SUBSECTION E** if the court determines that **EDUCATION OR TREATMENT OR OTHER**
2 alternative sanctions are more appropriate.

3 I. Except for another violation of this article, the state shall not
4 dismiss a charge of violating any provision of this article unless there
5 is an insufficient legal or factual basis to pursue that charge.

6 Section 8. Repeal §28-1389

7 Section 28-1389 is repealed

8 Section 9. Amend §28-2322

9 **28-2322. License plate requirement for nonresident's foreign vehicle**

10 A person shall not operate a foreign vehicle owned by a nonresident on
11 a highway and a nonresident owner shall not knowingly permit the
12 foreign vehicle to be operated on a highway unless there is displayed
13 on the vehicle the license plates assigned to the vehicle for the
14 current registration year by the state or country of which the owner
15 is a resident. **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A**
16 **CIVIL TRAFFIC VIOLATION.**

17 Section 10. Amend §28-1402

18 **28-1402. Issuance of special ignition interlock restricted driver**
19 **license; restrictions**

20 A. On application pursuant to section 28-1401, subsection A the
21 department may, and pursuant to section 28-1401, subsection C the
22 department shall, issue a ~~special ignition interlock restricted~~ driver
23 license that only allows a person whose class D or class G license has
24 been suspended pursuant to section 28-1385 or suspended or revoked for
25 a first refusal pursuant to section 28-1321, a second violation of
26 section 28-1381 or 28-1382 or a first violation of section 28-1383,
27 subsection A, paragraph 3 to operate a motor vehicle that is equipped
28 with a functioning certified ignition interlock device **UNDER THE**
29 **RESTRICTIONS SET FORTH IN SECTION 28-144. and only as follows:**

30 ~~1. Between the person's place of employment and residence during~~
31 ~~specified periods of time while at employment.~~

32 ~~2. Between the person's place of residence, the person's place of~~
33 ~~employment and the person's secondary or postsecondary school according~~
34 ~~to the person's employment or educational schedule.~~

35 ~~3. Between the person's place of residence and a screening, education~~
36 ~~or treatment facility for scheduled appointments.~~

37 ~~4. Between the person's place of residence and the office of the person's~~
38 ~~probation officer for scheduled appointments.~~

39 ~~5. Between the person's place of residence and the office of a physician~~
40 ~~or other health care professional.~~

1 ~~6. Between the person's place of residence and a certified ignition~~
2 ~~interlock device service facility.~~

3 B. The department may only issue a special ignition interlock restricted
4 driver license to an applicant who is otherwise qualified by law.

5 C. Except as provided in section 28-1463, if the department suspends,
6 revokes, cancels or otherwise rescinds a person's special ignition
7 interlock restricted license or privilege for any reason, the department
8 shall not issue a new license or reinstate the special ignition interlock
9 restricted driver license during the prescribed period of suspension or
10 revocation or while the person is otherwise ineligible to receive a
11 license.

12 Section 11. Amend §13-2328.

13 28-2328. Violation; classification

14 **UNLESS OTHERWISE PROVIDED FOR IN THIS ARTICLE**, A person who violates
15 this article is guilty of a class 2 misdemeanor.

16 Section 12. Amend §28-2532

17 28-2532. Registration; violation; civil penalties

18 A. Except as provided in subsection B of this section, a person who is
19 the resident or nonresident owner or operator of a motor vehicle, trailer
20 or semitrailer that is required by law to be registered in this state
21 and that is not registered or does not display license plates assigned
22 by the department for the current registration year and who operates or
23 knowingly permits the vehicle to be operated on a highway is subject to
24 a civil penalty of three hundred dollars notwithstanding section 28-
25 1598.

26 B. On proper presentation of evidence of current registration, a person
27 who is charged with a violation of subsection A of this section is
28 subject to a civil penalty of fifty dollars.

29 C. A court shall not dismiss an action brought under this section merely
30 because the defendant has obtained the appropriate license plates or
31 registration after violating this section. A court may ~~decide not to~~
32 ~~impose a~~ **WAIVE THE** civil penalty against a defendant for a violation of
33 this section if the defendant was an operator but was not the owner of
34 the motor vehicle, trailer or semitrailer.

35 Section 13. Amend §28-3308

36 28-3308. Mandatory suspension; failure to appear

37 On notification that a person failed to appear as directed for a
38 scheduled court appearance after service of ~~the~~ **A CRIMINAL** complaint
39 alleging a violation of a provision of this title, the department shall
40 suspend the person's driver license or nonresident operating privilege

1 until the person appears, the fine ~~or civil penalty~~ is paid or a bond
2 is forfeited.

3 Section 14. Amend §28-3473

4 28-3473. Driving violations on a suspended, canceled, revoked or refused
5 license; ~~classification; restricted privilege to drive; violation;~~
6 classification

7 A. ~~Except as otherwise provided in this subsection,~~ EXCEPT AS PROVIDED
8 IN SECTION 28-3473.01, A person ~~who drives~~ SHALL NOT DRIVE a motor
9 vehicle on a public highway when the person's privilege to drive a motor
10 vehicle is suspended, revoked, canceled or refused or when the person
11 is disqualified from driving ~~is guilty of a class 1 misdemeanor. If the~~
12 ~~suspension is pursuant to section 28-1601 and the person presents to the~~
13 ~~court evidence that the person's privilege to drive has been reinstated,~~
14 ~~the court may dismiss the charge of driving under a suspended driver~~
15 ~~license.~~

16 B. ~~Except for a suspension pursuant to section 28-1601 or 28-3308,~~ On
17 receipt of a record of the conviction of a person under this section,
18 the department shall notify a person who is eligible for a restricted
19 privilege to drive pursuant to this section that the person is eligible.
20 ~~The department shall issue a license that restricts the person's~~
21 ~~privilege to drive as follows:~~

22 ~~1. Between the person's place of employment and residence during~~
23 ~~specified periods of time while at employment.~~

24 ~~2. Between the person's place of residence, the person's place of~~
25 ~~employment and the person's secondary or postsecondary school according~~
26 ~~to the person's employment or educational schedule.~~

27 ~~3. Between the person's place of residence and a screening, education~~
28 ~~or treatment facility for scheduled appointments.~~

29 ~~4. Between the person's place of residence and the office of the person's~~
30 ~~probation officer for scheduled appointments.~~

31 ~~5. Between the person's place of residence and the office of a physician~~
32 ~~or other health care professional.~~

33 ~~6. Between the person's place of residence and a certified ignition~~
34 ~~interlock device service facility.~~

35 C. On application, the department shall issue a driver license that
36 restricts a person's privilege to drive pursuant to subsection B of this
37 section and that is valid for one year only if all of the following
38 apply:

39 1. The person has completed all requirements of the sentence imposed by
40 the court.

1 2. The person has satisfied all suspension periods imposed on the
2 person's driver license as a result of the conviction of or a finding
3 of responsibility for a violation of any provision of this title except
4 this section.

5 3. The person pays the applicable reinstatement fee prescribed by section
6 28-3002.

7 D. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF A
8 CLASS 1 MISDEMEANOR.

9 Section 15. Enact §28-3473.01

10 28-3473.01. Driving on a license suspended for failure to appear or pay
11 a civil traffic violation; restricted privilege to drive; civil penalty

12 A. A PERSON SHALL NOT DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY WHEN THE
13 PERSON'S PRIVILEGE TO DRIVE A MOTOR VEHICLE IS SUSPENDED PURSUANT TO
14 SECTION 28-1601 OR 28-3308.

15 B. ON RECEIPT OF A RECORD OF A FINDING OF RESPONSIBINLITY OF A PERSON
16 UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY A PERSON WHO IS ELIGIBLE
17 FOR A RESTRICTED PRIVILEGE TO DRIVE PURSUANT TO THIS SECTION THAT THE
18 PERSON IS ELIGIBLE.

19 C. ON APPLICATION, THE DEPARTMENT SHALL ISSUE A DRIVER LICENSE THAT
20 RESTRICTS A PERSON'S PRIVILEGE TO DRIVE PURSUANT TO SUBSECTION B OF THIS
21 SECTION UNTIL ALL OF THE FOLLOWING APPLY:

22 1. THE PERSON HAS COMPLETED ALL REQUIREMENTS OF THE SENTENCE IMPOSED BY
23 THE COURT.

24 2. THE PERSON HAS SATISFIED ALL SUSPENSION PERIODS IMPOSED ON THE
25 PERSON'S DRIVER LICENSE AS A RESULT OF THE CONVICTION OF OR A FINDING
26 OF RESPONSIBILITY FOR A VIOLATION OF ANY PROVISION OF THIS TITLE EXCEPT
27 THIS SECTION.

28 3. THE PERSON PAYS THE APPLICABLE REINSTATEMENT FEE PRESCRIBED BY SECTION
29 28-3002.

30 D. IF THE PERSON PRESENTS TO THE COURT EVIDENCE THAT THE PERSON'S
31 UNRESTRICTED PRIVILEGE TO DRIVE HAS BEEN REINSTATED, THE COURT MAY
32 DISMISS THE COMPLAINT CHARGING A VIOLATION OF THIS SECTION.

33 E. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS SUBJECT TO A
34 CIVIL PENALTY PURSUANT TO SECTION 28-1598.

35 Section 16. Amend §28-3480

36 28-3480. Operation in violation of restriction; classification

37 A. A person ~~who operates~~ SHALL NOT OPERATE a motor vehicle in violation
38 of a driver license restriction ~~is guilty of a class 2 misdemeanor.~~

1 B. A PERSON WHO VIOLATES THIS SECTION IF THE RESTRICTION IS DUE TO THE
2 REQUIRMENT TO WEAR CORRECTIVE LENSES WHILE OPERATING A MOTOR VEHICLE IS
3 SUBJECT TO A CIVIL SANCTION.

4 C. A PERSON WHO VIOALTES THIS SECTION IF THE RESTRICTION IS FOR ANY OTHER
5 REASON IS GUILTY OF A CLASS 2 MISDEMEANOR.

6 Section 17. Amend §28-3511

7 28-3511. Removal and immobilization or impoundment of vehicle; Arizona
8 crime information center database

9 A. A peace officer shall cause the removal and either immobilization or
10 impoundment of a vehicle if the peace officer determines that:

11 1. A person is driving the vehicle while any of the following applies:

12 (a) Except as otherwise provided in this paragraph, the person's driving
13 privilege is ~~suspended~~ or revoked for any reason. A peace officer shall
14 not cause the removal and either immobilization or impoundment of a
15 vehicle pursuant to this paragraph if the person's privilege to drive
16 is valid in this state.

17 (b) The person has not ever been issued a valid driver license or permit
18 by this state and the person does not produce evidence of ever having a
19 valid driver license or permit issued by another jurisdiction. This
20 paragraph does not apply to the operation of an implement of husbandry.

21 (c) The person is subject to an ignition interlock device requirement
22 pursuant to chapter 4 of this title and the person is operating a vehicle
23 without a functioning certified ignition interlock device. This
24 paragraph does not apply to the operation of a vehicle due to a
25 substantial emergency as defined in section 28-1464.

26 (d) In furtherance of the illegal presence of an alien in the United
27 States and in violation of a criminal offense, the person is transporting
28 or moving or attempting to transport or move an alien in this state in
29 a vehicle if the person knows or recklessly disregards the fact that the
30 alien has come to, has entered or remains in the United States in
31 violation of law.

32 (e) The person is concealing, harboring or shielding or attempting to
33 conceal, harbor or shield from detection an alien in this state in a
34 vehicle if the person knows or recklessly disregards the fact that the
35 alien has come to, entered or remains in the United States in violation
36 of law.

37 2. A vehicle is displayed for sale or for transfer of ownership with a
38 vehicle identification number that has been destroyed, removed, covered,
39 altered or defaced.

1 B. A peace officer shall cause the removal and impoundment of a vehicle
2 if the peace officer determines that a person is driving the vehicle and
3 if all of the following apply:

4 1. The person's driving privilege is canceled, ~~suspended~~ or revoked for
5 any reason or the person has not ever been issued a driver license or
6 permit by this state and the person does not produce evidence of ever
7 having a driver license or permit issued by another jurisdiction.

8 2. The person is not in compliance with the financial responsibility
9 requirements of chapter 9, article 4 of this title.

10 3. The person is driving a vehicle that is involved in an accident that
11 results in either property damage or injury to or death of another
12 person.

13 C. Except as provided in subsection D of this section, while a peace
14 officer has control of the vehicle the peace officer shall cause the
15 removal and either immobilization or impoundment of the vehicle if the
16 peace officer has probable cause to arrest the driver of the vehicle for
17 a violation of section 4-244, paragraph 34 or section 28-1382 or 28-
18 1383.

19 D. A peace officer shall not cause the removal and either the
20 immobilization or impoundment of a vehicle pursuant to subsection C of
21 this section if all of the following apply:

22 1. The peace officer determines that the vehicle is currently registered
23 and that the driver or the vehicle is in compliance with the financial
24 responsibility requirements of chapter 9, article 4 of this title.

25 2. The spouse of the driver is with the driver at the time of the arrest.

26 3. The peace officer has reasonable grounds to believe that the spouse
27 of the driver:

28 (a) Has a valid driver license.

29 (b) Is not impaired by intoxicating liquor, any drug, a vapor releasing
30 substance containing a toxic substance or any combination of liquor,
31 drugs or vapor releasing substances.

32 (c) Does not have any spirituous liquor in the spouse's body if the
33 spouse is under twenty-one years of age.

34 4. The spouse notifies the peace officer that the spouse will drive the
35 vehicle from the place of arrest to the driver's home or other place of
36 safety.

37 5. The spouse drives the vehicle as prescribed by paragraph 4 of this
38 subsection.

39 E. Except as otherwise provided in this article, a vehicle that is
40 removed and either immobilized or impounded pursuant to subsection A, B

1 or C of this section shall be immobilized or impounded for thirty days.
2 An insurance company does not have a duty to pay any benefits for charges
3 or fees for immobilization or impoundment.

4 F. The owner of a vehicle that is removed and either immobilized or
5 impounded pursuant to subsection A, B or C of this section, the spouse
6 of the owner and each person identified on the department's record with
7 an interest in the vehicle immediately before the immobilization or
8 impoundment shall be provided with an opportunity for an immobilization
9 or poststorage hearing pursuant to section 28-3514.

10 G. A law enforcement agency that employs the peace officer who removes
11 and either immobilizes or impounds a vehicle pursuant to this section
12 shall enter information about the removal and either immobilization or
13 impoundment of the vehicle in the Arizona crime information center
14 database within three business days after the removal and either
15 immobilization or impoundment.

16 Section 18. Amend §28-4135

17 28-4135. Motor vehicle financial responsibility requirement; civil
18 penalties; evidence at hearing

19 A. A motor vehicle that is operated on a highway in this state shall be
20 covered by one of the following:

- 21 1. A motor vehicle or automobile liability policy that provides limits
22 not less than those prescribed in section 28-4009.
- 23 2. An alternate method of coverage as provided in section 28-4076.
- 24 3. A certificate of self-insurance as prescribed in section 28-4007.
- 25 4. A policy that satisfies the financial responsibility requirements
26 prescribed in article 2 of this chapter.

27 B. A person operating a motor vehicle on a highway in this state shall
28 have evidence within the motor vehicle of current financial
29 responsibility applicable to the motor vehicle. The evidence may be
30 displayed on a wireless communication device that is in the motor
31 vehicle. If a person displays the evidence on a wireless communication
32 device pursuant to this subsection, the person is not consenting for law
33 enforcement to access other contents of the wireless communication
34 device.

35 C. Failure to produce evidence of financial responsibility on the request
36 of a law enforcement officer investigating a motor vehicle accident or
37 an alleged violation of a motor vehicle law of this state or a traffic
38 ordinance of a city or town is a civil traffic violation that is
39 punishable as prescribed in this section.

1 D. A citation issued for violating subsection B or C of this section
2 shall be dismissed if the person to whom the citation was issued produces
3 evidence to the appropriate court officer on or before the date and time
4 specified on the citation for court appearance and in a manner specified
5 by the court, including the certification of evidence by mail, of either
6 of the following:

7 1. The financial responsibility requirements prescribed in this section
8 were met for the motor vehicle at the date and time the citation was
9 issued.

10 2. A motor vehicle or automobile liability policy that meets the
11 financial responsibility requirements of this state and that insured the
12 person and the motor vehicle the person was operating at the time the
13 person received the citation regardless of whether or not the motor
14 vehicle was named in the policy.

15 E. Except as provided in section 28-4137, a person who violates this
16 section is subject to a civil penalty as follows:

17 1. The court shall impose a minimum civil penalty of five hundred dollars
18 for the first violation. On receipt of the abstract of the record of
19 judgment, the department shall ~~suspend the driver license~~ RESTRICT THE
20 DRIVING PRIVILEGES of the person ~~and the registration and license plates~~
21 ~~of the motor vehicle involved~~ for three months.

22 2. If a person violates this section a second time within a period of
23 thirty-six months, the court shall impose a minimum civil penalty of
24 seven hundred fifty dollars. On receipt of the abstract of the record
25 of judgment, the department shall suspend the driver license of the
26 person and the registration and license plates of the motor vehicle
27 involved for six months.

28 3. If a person violates this section three or more times within a period
29 of thirty-six months, the court shall impose a minimum civil penalty of
30 one thousand dollars. On receipt of the abstract of the record of
31 judgment, the department shall suspend the driver license of the person
32 and the registration and license plates of the motor vehicle involved
33 for one year. The department shall require on reinstatement of the driver
34 license, the registration and the license plates that the person file
35 with the department proof of financial responsibility in accordance with
36 article 3 of this chapter.

37 F. A court may require a person to produce an insurance identification
38 card as evidence in a hearing for a violation of this section.

39 Section 19. Delayed effective date

40 This act is effective from and after March 31, 2018.

9/28/16
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