



**Administrative Office of the Courts - Fairer Justice Initiative  
Bill Summary**

**Section 1**

1. Enacts new section specifying that a restriction ordered on a person's driver license or permit to drive as a result of conviction for an offense listed in Title 28 may include driving for the following purposes:
  - i. Between a person's residence and place of employment during specified times.
  - ii. Between a person's residence and a secondary or postsecondary school.
  - iii. Between a person's residence and the office of a health care professional.
  - iv. Between a person's residence and a screening, education or treatment facility for scheduled appointments.
  - v. Between a person's residence and the person's probation officer for scheduled appointments.
  - vi. Between a person's residence and a certified ignition interlock device service facility.
  - vii. Transporting a dependent person who is living with the person between the person's residence and the dependent person's employment, secondary, or postsecondary school or medical appointment.

**Section 2**

1. Clarifies that a court may order the department of transportation to restrict or suspend the license or permit to drive and any nonresident operating privilege for up to one year of a person convicted of failing to stop and report accidents involving damage to a vehicle.

**Section 3**

1. Clarifies that a court may order the department of transportation to restrict or suspend the driving privileges of a person convicted of reckless driving for up to ninety days.

**Section 4**

1. Clarifies that a court may order the department of transportation to restrict or suspend the driving privileges of a person convicted of aggressive driving for up to thirty days.

**Section 5**

1. Clarifies that a court may order the department of transportation to restrict or suspend the driving privileges of a person convicted of racing on highways for up to ninety days.

**Section 6**

1. Requires the court to order the department of transportation to restrict the driving privileges for up to six months of a person convicted of a second violation within 36 months of illegally overtaking a school bus.

**Section 7**

1. Strikes language in 28-1387 stipulating traveling conditions for those who meet the criteria in 28-1385.
2. Stipulates that when the department receives notification that the person meets the criteria in 28-1385, subsection G, the department shall suspend the driving privileges of the person for not less than thirty consecutive days and shall restrict the driving privileges of the person for not less than sixty consecutive additional days.

3. Stipulates the court may order alternative sanctions to community restitution ordered pursuant to 28-1381 subsection K or section 28-1382, subsection E if the court determines that education or treatment or other alternative sanctions are more appropriate.

#### **Section 8**

1. Repeals 28-1389 (Prevents courts from waiving a fine or assessment imposed pursuant to Article 3 (driving under the influence) of Chapter 4 (driving under the influence))

#### **Section 9**

1. Clarifies that a person who operates a foreign vehicle owned by a nonresident on a highway or a nonresident owner who knowingly permits the foreign vehicle to be operated on a highway without the display on the vehicle the license plates assigned to the vehicle for the current registration year by the state or country of which the owner is resident is guilty of a civil traffic violation. (currently class 2 misdemeanor)

#### **Section 10**

1. Clarifies that the department may, and pursuant to section 28-1401, subsection C, the department shall, issue a driver license that only allows a person whose class D or class G license has been suspended pursuant to section 28-1385 or suspended or revoked for a first refusal pursuant to section 28-1321, a second violation of section 28-1381 or 28-1382 or a first violation of section 28-1383, subsection A, paragraph 3 to operate a motor vehicle that is equipped with a functioning certified ignition interlock device under the restrictions set forth in the 28-144 (stipulated in section 1 of bill).

#### **Section 11**

1. Clarifies that a person who violates who violates Article 10 (Nonresident Responsibility) of Chapter 6 (Agreements and Compacts) of Title 28 is guilty of a class 2 misdemeanor unless otherwise provided in the article.

#### **Section 12**

1. Clarifies that the court may waive the civil penalty against a defendant for violation of the requirement to register their vehicle and display license plates assigned by the department for the current registration year.

#### **Section 13**

1. Strikes the requirement that the department suspend a person's driver license or nonresident operating privilege for not paying a civil penalty associated with the offense.

#### **Section 14**

1. Clarifies that except as provided in section 28-3473.01 (new section of statute added in bill), a person shall not drive a motor vehicle on a public highway when the person's privilege to drive a motor vehicle is suspended, revoked, canceled or refused or when the person is disqualified from driving.
2. Stipulates that a person who drives while the person's privilege to drive a motor vehicle is suspended, revoked, cancelled or refused, or when the person is disqualified from driving is guilty of a class 1 misdemeanor.

#### **Section 15**

1. Stipulates that a person shall not drive a motor vehicle when the person's privilege to drive a motor vehicle is suspended pursuant to 28-1601 or 28-3308.
2. Requires the department of transportation to notify a person who is eligible for a restricted privilege to drive.
3. Requires the department to issue on application a driver license that restricts a person's privilege to drive until all of the following apply:

- a. The person has completed all requirements of the sentence imposed by the court.
  - b. The person has satisfied all suspension periods imposed on the person's license as a result of the conviction of or a finding of responsibility for a violation of any provision of this title except this section.
  - c. The person pays the applicable reinstatement fee.
4. Allows the court to dismiss the complaint charging a violation of this section.
  5. Provides that a person who drives when the person's privilege to drive a motor vehicle when the person's privilege is suspended is subject to a civil penalty.

**Section 16**

1. Stipulates that a person shall not operate a motor vehicle in violation of a driver license restriction.
2. Provides that a person who violates this section if the restriction is due to the requirement to wear corrective lenses while operating a motor vehicle is subject to a civil sanction.
3. Stipulates that a person is guilty of a class 2 misdemeanor if they operate a motor vehicle in violation of a driver license restriction.

**Section 17**

1. Requires a peace officer to cause the removal and either immobilization or impoundment of a vehicle if the peace officer determines that the person's driving privilege is revoked for any reason.
2. Requires a peace officer to cause the removal and impoundment of a vehicle if the peace officer determines that a person is driving the vehicle and the person's driving privilege has been cancelled or revoked for any reason or the person has not ever been issued a driver license or permit by this state and person does not produce evidence of ever having a driver license or permit in another jurisdiction.

**Section 18**

1. Requires the department to restrict the driving privileges of a person for three months if they fail to have evidence within the motor vehicle of current financial responsibility applicable to the motor vehicle in addition to the civil penalty imposed by the court.

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  
4 DRIVER LICENSE OR PERMIT TO DRIVE AS A RESULT OF CONVICTION FOR AN  
5 OFFENSE LISTED IN THIS TITLE MAY INCLUDE DRIVING FOR ANY OF THE  
6 FOLLOWING 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  
11 ACCORDING 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  
17 PERSON'S 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,  
21 BETWEEN THE PERSON'S RESIDENCE AND THE DEPENDANT PERSON'S EMPLOYMENT,  
22 SECONDARY 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  
30 close to the accident scene as possible but shall immediately return  
31 to the 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

1 exists to believe that the person's use of intoxicating liquor, any  
2 drug listed in section 13-3401, a vapor releasing substance containing  
3 a toxic substance or any combination of liquor, drugs or vapor  
4 releasing substances was a contributing factor to the accident, the  
5 department may require the person to complete alcohol or other drug  
6 screening as a 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  
14 officer of any driver license of the convicted person, shall report  
15 the conviction to the department and may order the driving privileges  
16 of the person to be suspended OR RESTRICTED for a period of not more  
17 than ninety days. On receipt of the abstract of conviction and order,  
18 the department shall suspend OR RESTRICT the driving privilege of the  
19 person for the period of time ordered by the judge.

20 D. If a person who is convicted of a violation of this section has  
21 been previously convicted of a violation of this section, section 13-  
22 1102 or section 13-1103, subsection A, paragraph 1, in the driving of  
23 a vehicle, or section 28-708, 28-1381, 28-1382 or 28-1383 within a  
24 period of twenty-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  
30 driver license of the person and shall immediately forward the  
31 abstract of conviction to the department.

32 4. On receipt of the abstract of conviction, the department shall  
33 revoke 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  
36 the determining factor, irrespective of the sequence in which the  
37 offenses were committed. A second or subsequent violation for which a  
38 conviction occurs as provided in this section does not include a  
39 conviction for an offense arising out of the same series of acts.

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

10 Section 4. Amend §28-695

11 28-695. Aggressive driving; violation; classification; definition

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

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

16 (a) Failure to obey traffic control devices as provided in section 28-  
17 644.

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

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

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

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

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

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

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

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

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

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

40 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  
3 the abstract of conviction, the department shall revoke the driving  
4 privilege 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  
15 a race, speed competition or contest, drag race or acceleration  
16 contest, test of physical endurance or exhibition of speed or  
17 acceleration or for the purpose of making a speed record on a street  
18 or highway.

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

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

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

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

1 F. If a person is convicted of violating this section, the judge may  
2 require the surrender to a police officer of any driver license of the  
3 person and immediately forward the abstract of conviction to the  
4 department. On a first conviction, the judge may order the **suspension**  
5 **of DEPARTMENT TO SUSPEND OR RESTRICT** the driving privileges of the  
6 person for a period of not more than ninety days. In the case of a  
7 first conviction and on receipt of the abstract of conviction and  
8 order of the court, the department shall suspend the driving  
9 privileges of the person for the period of time ordered by the judge.  
10 In the case of a second or subsequent conviction for an offense  
11 committed within a period of twenty-four months and on receipt of the  
12 abstract of conviction, the department shall revoke the driving  
13 privileges of the person.

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

20 H. For the purposes of this section:

21 1. "Drag race" means either:

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

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

29 2. "Racing" means the use of one or more vehicles in an attempt to  
30 outgain or outdistance another vehicle or prevent another vehicle from  
31 passing

32 Section 6. Amend §28-857

33 **28-857. School bus signs; overtaking and passing school bus;**  
34 **violation; driver license suspension; civil penalty**

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

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

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

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

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

9 1. School.

10 2. School sponsored academic activities.

11 3. School sponsored vocational and technical education.

12 4. School sponsored athletic trips.

13 5. School sponsored extracurricular activities.

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

19 1. Manually operate the signal in a manner so that the signal is clearly  
20 visible from both front and rear when extended from the left of the body of  
21 the school bus.

22 2. Display the signal and alternately flashing lights if passengers are being  
23 received or discharged while the school bus is stopped on the roadway or a  
24 private road or driveway as defined in section 28-601.

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

27 1. On a different roadway.

28 2. On a controlled access highway and the school bus is stopped in a loading  
29 zone that is a part of or adjacent to the highway and where pedestrians are  
30 not permitted to cross the roadway.

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

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

36 1. The court shall impose a minimum civil penalty of two hundred fifty  
37 dollars for the first violation.

38 2. If a person violates this section a second time within a period of thirty-  
39 six months, the court shall impose a minimum civil penalty of seven hundred  
40 fifty dollars and shall direct the department to ~~suspend driver license~~  
41 **RESTRICT THE DRIVING PRIVILEGES** of the person for not more than six  
42 months.

1 3 4. If a person violates this section three or more times within a  
2 period of thirty-six months, the court shall impose a minimum civil  
3 penalty of one thousand dollars and shall direct the department to  
4 suspend the driver license of the person for at least six months but  
5 not more than one year.

6 Section 7. Amend §28-1387

7 28-1387. Prior convictions; alcohol or other drug screening, education  
8 and treatment; license suspension; supervised probation; civil  
9 liability; procedures

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

27 B. In addition to any other penalties prescribed by law, the judge  
28 shall order a person who is convicted of a violation of section 28-  
29 1381, 28-1382 or 28-1383 to complete alcohol or other drug screening  
30 that is provided by a facility approved by the department of health  
31 services, the United States department of veterans affairs or a  
32 probation department. If a judge determines that the person requires  
33 further alcohol or other drug education or treatment, the person may  
34 be required pursuant to court order to obtain alcohol or other drug  
35 education or treatment under the court's supervision from an approved  
36 facility. The judge may review an education or treatment determination  
37 at the request of the state, the defendant or the probation officer or  
38 on the judge's initiative. The person shall pay the costs of the  
39 screening, education or treatment unless, after considering the  
40 person's ability to pay all or part of the costs, the court waives all  
41 or part of the costs. If a person is referred to a screening,  
42 education or treatment facility, the facility shall report to the  
43 court whether the person has successfully completed the screening,  
44 education or treatment program. The court may accept evidence of a  
45 person's completion of alcohol or other drug screening pursuant to

1 section 28-1445 as sufficient to meet the requirements of this section  
2 or section 28-1381, 28-1382 or 28-1383 or may order the person to  
3 complete additional alcohol or other drug screening, education or  
4 treatment programs. If a person has previously been ordered to  
5 complete an alcohol or other drug screening, education or treatment  
6 program pursuant to this section, the judge shall order the person to  
7 complete an alcohol or other drug screening, education or treatment  
8 program unless the court determines that alternative sanctions are  
9 more appropriate.

10 C. After a person who is sentenced pursuant to section 28-1381,  
11 subsection I has served twenty-four consecutive hours in jail or after  
12 a person who is sentenced pursuant to section 28-1381, subsection K or  
13 section 28-1382, subsection D or E has served forty-eight consecutive  
14 hours in jail and after the court receives confirmation that the  
15 person is employed or is a student, the court shall provide in the  
16 sentence that the defendant, if the defendant is employed or is a  
17 student and can continue the defendant's employment or schooling, may  
18 continue the employment or schooling for not more than twelve hours a  
19 day nor more than six days a week, unless the court finds good cause  
20 to not allow the release and places those findings on the record. The  
21 person shall spend the remaining day, days or parts of days in jail  
22 until the sentence is served and shall be allowed out of jail only  
23 long enough to complete the actual hours of employment or schooling.

24 D. Unless the license of a person convicted under section 28-1381 or  
25 28-1382 has been or is suspended pursuant to section 28-1321 or 28-  
26 1385, the department on receipt of the abstract of conviction of a  
27 violation of section 28-1381 or 28-1382 shall suspend the license of  
28 the affected person for not less than ninety consecutive days.

29 E. When the department receives notification that the person meets the  
30 criteria provided in section 28-1385, subsection G, the department  
31 shall suspend the driving privileges of the person for not less than  
32 thirty consecutive days and shall restrict the driving privileges of  
33 the person for not less than sixty consecutive additional days ~~to~~  
34 ~~travel between any of the following:~~

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

37 ~~2. The person's place of residence and the person's secondary or~~  
38 ~~postsecondary school, according to the person's employment or~~  
39 ~~educational schedule.~~

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

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

44 F. If a person is placed on probation for violating section 28-1381 or  
45 28-1382, the probation shall be supervised unless the court finds that

1 supervised probation is not necessary or the court does not have  
2 supervisory probation services.

3 G. Any political subdivision processing or using the services of a  
4 person ordered to perform community restitution pursuant to section  
5 28-1381 or 28-1382 does not incur any civil liability to the person  
6 ordered to perform community restitution as a result of these  
7 activities unless the political subdivision or its agent or employee  
8 acts with gross negligence.

9 ~~H. If a person fails to complete the community restitution ordered~~  
10 ~~pursuant to section 28-1381, subsection K or section 28-1382,~~  
11 ~~subsection E,~~ The court may order alternative sanctions TO COMMUNITY  
12 RESTITUTION ORDERED PURSUANT TO SECTION 28-1381, SUBSECTION K OR  
13 SECTION 1382, SUBSECTION E if the court determines that EDUCATION OR  
14 TREATMENT OR OTHER alternative sanctions are more appropriate.

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

18 Section 8. Repeal §28-1389

19 Section 28-1389 is repealed

20 Section 9. Amend §28-2322

21 28-2322. License plate requirement for nonresident's foreign vehicle

22 A person shall not operate a foreign vehicle owned by a nonresident on  
23 a highway and a nonresident owner shall not knowingly permit the  
24 foreign vehicle to be operated on a highway unless there is displayed  
25 on the vehicle the license plates assigned to the vehicle for the  
26 current registration year by the state or country of which the owner  
27 is a resident. A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A  
28 CIVIL TRAFFIC VIOLATION.

29 Section 10. Amend §28-1402

30 28-1402. Issuance of special ignition interlock restricted driver  
31 license; restrictions

32 A. On application pursuant to section 28-1401, subsection A the  
33 department may, and pursuant to section 28-1401, subsection C the  
34 department shall, issue a ~~special ignition interlock restricted~~ driver  
35 license that only allows a person whose class D or class G license has  
36 been suspended pursuant to section 28-1385 or suspended or revoked for  
37 a first refusal pursuant to section 28-1321, a second violation of  
38 section 28-1381 or 28-1382 or a first violation of section 28-1383,  
39 subsection A, paragraph 3 to operate a motor vehicle that is equipped  
40 with a functioning certified ignition interlock device UNDER THE  
41 RESTRICTIONS SET FORTH IN SECTION 28-144. ~~and only as follows:~~

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

3 ~~2. Between the person's place of residence, the person's place of~~  
4 ~~employment and the person's secondary or postsecondary school~~  
5 ~~according to the person's employment or educational schedule.~~

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

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

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

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

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

17 C. Except as provided in section 28-1463, if the department suspends,  
18 revokes, cancels or otherwise rescinds a person's special ignition  
19 interlock restricted license or privilege for any reason, the  
20 department shall not issue a new license or reinstate the special  
21 ignition interlock restricted driver license during the prescribed  
22 period of suspension or revocation or while the person is otherwise  
23 ineligible to receive a license.

24 Section 11. Amend §13-2328.

25 28-2328. Violation; classification

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

28 Section 12. Amend §28-2532

29 28-2532. Registration; violation; civil penalties

30 A. Except as provided in subsection B of this section, a person who is  
31 the resident or nonresident owner or operator of a motor vehicle,  
32 trailer or semitrailer that is required by law to be registered in  
33 this state and that is not registered or does not display license  
34 plates assigned by the department for the current registration year  
35 and who operates or knowingly permits the vehicle to be operated on a  
36 highway is subject to a civil penalty of three hundred dollars  
37 notwithstanding section 28-1598.

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

1 C. A court shall not dismiss an action brought under this section  
2 merely because the defendant has obtained the appropriate license  
3 plates or registration after violating this section. A court may  
4 ~~decide not to impose a~~ WAIVE THE civil penalty against a defendant for  
5 a violation of this section if the defendant was an operator but was  
6 not the owner of the motor vehicle, trailer or semitrailer.

7 Section 13. Amend §28-3308

8 28-3308. Mandatory suspension; failure to appear

9 On notification that a person failed to appear as directed for a  
10 scheduled court appearance after service of ~~the~~ A CRIMINAL complaint  
11 alleging a violation of a provision of this title, the department  
12 shall suspend the person's driver license or nonresident operating  
13 privilege until the person appears, the fine ~~or civil penalty~~ is paid  
14 or a bond is forfeited.

15 Section 14. Amend §28-3473

16 28-3473. Driving violations on a suspended, canceled, revoked or  
17 refused license; classification; restricted privilege to drive;  
18 violation; classification

19 A. ~~Except as otherwise provided in this subsection,~~ EXCEPT AS PROVIDED  
20 IN SECTION 28-3473.01, A person ~~who drives~~ SHALL NOT DRIVE a motor  
21 vehicle on a public highway when the person's privilege to drive a  
22 motor vehicle is suspended, revoked, canceled or refused or when the  
23 person is disqualified from driving ~~is guilty of a class 1~~  
24 ~~misdemeanor. If the suspension is pursuant to section 28-1601 and the~~  
25 ~~person presents to the court evidence that the person's privilege to~~  
26 ~~drive has been reinstated, the court may dismiss the charge of driving~~  
27 ~~under a suspended driver license.~~

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

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

36 ~~2. Between the person's place of residence, the person's place of~~  
37 ~~employment and the person's secondary or postsecondary school~~  
38 ~~according to the person's employment or educational schedule.~~

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

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

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

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

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

11 1. The person has completed all requirements of the sentence imposed  
12 by the court.

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

17 3. The person pays the applicable reinstatement fee prescribed by  
18 section 28-3002.

19 **D. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF A**  
20 **CLASS 1 MISDEMEANOR.**

21 Section 15. Enact §28-3473.01

22 28-3473.01. **Driving on a license suspended for failure to appear or**  
23 **pay a civil traffic violation; restricted privilege to drive; civil**  
24 **penalty**

25 **A. A PERSON SHALL NOT DRIVE A MOTOR VEHICLE ON A PUBLIC HIGHWAY WHEN**  
26 **THE PERSON'S PRIVILEGE TO DRIVE A MOTOR VEHICLE IS SUSPENDED PURSUANT**  
27 **TO SECTION 28-1601 OR 28-3308.**

28 **B. ON RECEIPT OF A RECORD OF A FINDING OF RESPONSIBILITY OF A PERSON**  
29 **UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY A PERSON WHO IS**  
30 **ELIGIBLE FOR A RESTRICTED PRIVILEGE TO DRIVE PURSUANT TO THIS SECTION**  
31 **THAT THE PERSON IS ELIGIBLE.**

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

35 **1. THE PERSON HAS COMPLETED ALL REQUIREMENTS OF THE SENTENCE IMPOSED**  
36 **BY THE COURT.**

37 **2. THE PERSON HAS SATISFIED ALL SUSPENSION PERIODS IMPOSED ON THE**  
38 **PERSON'S DRIVER LICENSE AS A RESULT OF THE CONVICTION OF OR A FINDING**  
39 **OF RESPONSIBILITY FOR A VIOLATION OF ANY PROVISION OF THIS TITLE**  
40 **EXCEPT THIS SECTION.**

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

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

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

8 Section 16. Amend §28-3480

9 28-3480. Operation in violation of restriction; classification

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

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

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

18 Section 17. Amend §28-3511

19 28-3511. Removal and immobilization or impoundment of vehicle; Arizona  
20 crime information center database

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

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

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

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

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

39 (d) In furtherance of the illegal presence of an alien in the United  
40 States and in violation of a criminal offense, the person is

1 transporting or moving or attempting to transport or move an alien in  
2 this state in a vehicle if the person knows or recklessly disregards  
3 the fact that the alien has come to, has entered or remains in the  
4 United States in violation of law.

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

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

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

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

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

22 3. The person is driving a vehicle that is involved in an accident  
23 that results in either property damage or injury to or death of  
24 another person.

25 C. Except as provided in subsection D of this section, while a peace  
26 officer has control of the vehicle the peace officer shall cause the  
27 removal and either immobilization or impoundment of the vehicle if the  
28 peace officer has probable cause to arrest the driver of the vehicle  
29 for a violation of section 4-244, paragraph 34 or section 28-1382 or  
30 28-1383.

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

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

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

1 3. The peace officer has reasonable grounds to believe that the spouse  
2 of the driver:  
3 (a) Has a valid driver license.  
4 (b) Is not impaired by intoxicating liquor, any drug, a vapor  
5 releasing substance containing a toxic substance or any combination of  
6 liquor, drugs or vapor releasing substances.  
7 (c) Does not have any spirituous liquor in the spouse's body if the  
8 spouse is under twenty-one years of age.  
9 4. The spouse notifies the peace officer that the spouse will drive  
10 the vehicle from the place of arrest to the driver's home or other  
11 place of safety.  
12 5. The spouse drives the vehicle as prescribed by paragraph 4 of this  
13 subsection.  
14 E. Except as otherwise provided in this article, a vehicle that is  
15 removed and either immobilized or impounded pursuant to subsection A,  
16 B or C of this section shall be immobilized or impounded for thirty  
17 days. An insurance company does not have a duty to pay any benefits  
18 for charges or fees for immobilization or impoundment.  
19 F. The owner of a vehicle that is removed and either immobilized or  
20 impounded pursuant to subsection A, B or C of this section, the spouse  
21 of the owner and each person identified on the department's record  
22 with an interest in the vehicle immediately before the immobilization  
23 or impoundment shall be provided with an opportunity for an  
24 immobilization or poststorage hearing pursuant to section 28-3514.  
25 G. A law enforcement agency that employs the peace officer who removes  
26 and either immobilizes or impounds a vehicle pursuant to this section  
27 shall enter information about the removal and either immobilization or  
28 impoundment of the vehicle in the Arizona crime information center  
29 database within three business days after the removal and either  
30 immobilization or impoundment.  
31 Section 18. Amend §28-4135  
32 28-4135. Motor vehicle financial responsibility requirement; civil  
33 penalties; evidence at hearing  
34 A. A motor vehicle that is operated on a highway in this state shall  
35 be covered by one of the following:  
36 1. A motor vehicle or automobile liability policy that provides limits  
37 not less than those prescribed in section 28-4009.  
38 2. An alternate method of coverage as provided in section 28-4076.  
39 3. A certificate of self-insurance as prescribed in section 28-4007.

1 4. A policy that satisfies the financial responsibility requirements  
2 prescribed in article 2 of this chapter.

3 B. A person operating a motor vehicle on a highway in this state shall  
4 have evidence within the motor vehicle of current financial  
5 responsibility applicable to the motor vehicle. The evidence may be  
6 displayed on a wireless communication device that is in the motor  
7 vehicle. If a person displays the evidence on a wireless communication  
8 device pursuant to this subsection, the person is not consenting for  
9 law enforcement to access other contents of the wireless communication  
10 device.

11 C. Failure to produce evidence of financial responsibility on the  
12 request of a law enforcement officer investigating a motor vehicle  
13 accident or an alleged violation of a motor vehicle law of this state  
14 or a traffic ordinance of a city or town is a civil traffic violation  
15 that is punishable as prescribed in this section.

16 D. A citation issued for violating subsection B or C of this section  
17 shall be dismissed if the person to whom the citation was issued  
18 produces evidence to the appropriate court officer on or before the  
19 date and time specified on the citation for court appearance and in a  
20 manner specified by the court, including the certification of evidence  
21 by mail, of either of the following:

22 1. The financial responsibility requirements prescribed in this  
23 section were met for the motor vehicle at the date and time the  
24 citation was issued.

25 2. A motor vehicle or automobile liability policy that meets the  
26 financial responsibility requirements of this state and that insured  
27 the person and the motor vehicle the person was operating at the time  
28 the person received the citation regardless of whether or not the  
29 motor vehicle was named in the policy.

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

32 1. The court shall impose a minimum civil penalty of five hundred  
33 dollars for the first violation. On receipt of the abstract of the  
34 record of judgment, the department shall ~~suspend the driver license~~  
35 **RESTRICT THE DRIVING PRIVILEGES** of the person ~~and the registration and~~  
36 ~~license plates of the motor vehicle involved~~ for three months.

37 2. If a person violates this section a second time within a period of  
38 thirty-six months, the court shall impose a minimum civil penalty of  
39 seven hundred fifty dollars. On receipt of the abstract of the record  
40 of judgment, the department shall suspend the driver license of the

1 person and the registration and license plates of the motor vehicle  
2 involved for six months.  
3 3. If a person violates this section three or more times within a  
4 period of thirty-six months, the court shall impose a minimum civil  
5 penalty of one thousand dollars. On receipt of the abstract of the  
6 record of judgment, the department shall suspend the driver license of  
7 the person and the registration and license plates of the motor  
8 vehicle involved for one year. The department shall require on  
9 reinstatement of the driver license, the registration and the license  
10 plates that the person file with the department proof of financial  
11 responsibility in accordance with article 3 of this chapter.  
12 F. A court may require a person to produce an insurance identification  
13 card as evidence in a hearing for a violation of this section.  
14 Section 19. Delayed effective date  
15 This act is effective from and after March 31, 2018.

9/28/16

2:30PM

