Arizona Department of Transportation

Government Relations

MEMORANDUM

To: Arizona Criminal Justice Agencies	**Date:** January 10, 2011
From: Ralene Whitmer RW Courts and Law Enforcement Liasion	**Subject:** Laws 2010, Chapter 185 (SB 1030, driver license violations; suspensions)

The purpose for this memo is to help provide information relating to the implementation of Laws 2010, Chapter 185 (SB 1030, driver license violations; suspensions).

The legislation made significant changes to A.R.S. 28-3473, Driving violations; classification; restricted privilege to drive. The legislation took effect on January 1, 2011, and repealed the following provisions:

- § 28-3473(B), requiring a minimum 48 hours in jail upon conviction of driving on a license that is suspended, cancelled or refused as the result of a DUI.
- § 28-3473(C), requiring a mandatory fine if the suspension is due to failure to appear or failure to pay a fine.
- § 28-3473(D), requiring a like suspension upon conviction of § 28-3473.
- § 28-3473(E), requiring the mandatory extension of disqualification if a commercial driver license holder is convicted of driving while disqualified.

As a result of the legislative changes, the only acceptable violation code for driving on a suspended, revoked, canceled or disqualified license is 28-3473A. Violation codes of 28-3473B and 28-3473C with a violation date on or after January 1, 2011 are no longer acceptable. Also, the penalty is now only a Class 1 misdemeanor. There are no longer any mandatory fines or jail time prescribed based on previous violations.

The Motor Vehicle Division (MVD) of the Arizona Department of Transportation (ADOT) will no longer be extending a person's original suspension, revocation or disqualification. The law now directs MVD upon receipt of a record of a conviction of 28-3473A and if eligible to restrict a person's privilege to drive as follows:

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

2. Between the person's place of residence, the person's place of employment and the person's secondary or postsecondary school according to the person's employment or educational schedule.
3. Between the person's place of residence and a screening, education or treatment facility for scheduled appointments.
4. Between the person's place of residence and the office of the person's probation officer for scheduled appointments.
5. Between the person's place of residence and the office of a physician or other health care professional.
6. Between the person's place of residence and a certified ignition interlock device service facility.

The person will be determined eligible for the restricted license based on the following statutory provision:

A.R.S. 28-3473
C. On application, the department shall issue a driver license that restricts a person's privilege to drive pursuant to subsection B of this section and that is valid for one year only if all of the following apply:
1. The person has completed all requirements of the sentence imposed by the court.
2. The person has satisfied all suspension periods imposed on the person's driver 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.
3. The person pays the applicable reinstatement fee prescribed by section 28-3002.

The person's driving privilege will be restricted for one year. The person will **not** receive a new or specially marked credential for the restriction. Instead, the person will continue to use his/her currently issued license and will be informed of the restrictions by a Corrective Action Notice mailed to his/her home. Law enforcement transactions DQ/KQ have been modified to display the driver's status as "restricted". (Please see attached for an example of the DQ/KQ display and an example of a 5 year Motor Vehicle Record.)

The legislation also made changes to the SR22 requirements. There is no longer an SR22 requirement when a person's vehicle registration and plates have been suspended due to an MVD request for proof of insurance. The person must instead provide proof of financial responsibility. The SR22 is still required for DUI and Implied Consent suspensions.

If you have any further questions regarding SB 1030, please contact Ralene Whitmer at 602-712-8684 or RWhitmer@azdot.gov.

DQ

```
 40-01 DR.A
 TXT OLN/D07420897
 NAME:CIN,CHECK,ONE                                DOB:11/26/1975
RCPT#:NW161834
 ADDR:1801 W JEFFERSON                            PHOENIX                    AZ
85020
 ISSUE DT:07/15/2010 EXP:07/15/2028      SEX:M HGT:601 WGT:182 HAIR:BRN
EYE:BLU
 OLN:D07420897     SSN:000000000     OLT:OPERATOR CLASS D
 * ADDTL PERMITS AND LICENSES FOR LIC# D07420897 *******
 OLT/ID CARD     ISS:04/26/2006 EXP:NONE       STATUS/
      .RC#/CH132030
 STATUS    RESTRICTIONS
```

DQ.STA

```
 40-05 DR.A
 TXT OLN/D07420897.STA
 DISPOSITION   FROM        TO          NOTIFICATION  STATUS
 RESTRICTIONS  11/25/2010  11/25/2011  MAILED        08/09/2010
                                  COMMENTS: RESTRICTED-PURSUANT TO 28-3473

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KQ

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 40-01 KR.A
 TXT OLN/D07420897
 NAME/CIN,CHECK,ONE
 ADDR/1801 W JEFFERSON                            PHOENIX                    AZ
85020
 SEX/M. DOB:11/26/1975. HGT/601. WGT/182. HAI/BRN. EYE/BLU. SSN/000000000.
 OLN/D07420897 OLT/OPER-CLS D  ISS:07/15/2010 EXP:07/15/2028 RECEIPT#/NW161834
 *  *  *  ADDITIONAL PERMITS AND LICENSES FOR LICENSE# D07420897  *  *  *
 OLT/ID CARD     IS:04/26/2006 EX:NONE       STAT/
RC#CH132030.
           *****    END OF ADDITIONAL PERMITS AND LICENSES     *****
 11/25/2010 RESTRICTIONS                          EFF TO 11/25/2011
          RESTRICTED-PURSUANT TO 28-3473
          MAILED          11/24/2010
           *****       END OF DRIVER IMPROVEMENT ACTIONS       *****
           *****         NO FURTHER HISTORY TO REPORT          *****
               *  *  *  *  *  END OF KQ RESPONSE   *  *  *  *  *
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ARIZONA RESTRICTED FOR PAST FIVE YEARS AS OF 12/03/2010
MOTOR VEHICLE RECORD RECORD SECTION 01 OF 02
THIS DOCUMENT IS A CERTIFIED DUPLICATE OF THE INFORMATION CONTAINED IN THE COMPUTER STORAGE DEVICES OF THE DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE DIVISION, IN ACCORDANCE WITH ARIZONA REVISED STATUTES SECTION 28-444.

NAME					CLS	DOB	CUSTOMER#
CIN,CHECK,ONE					D	11261975	D07420897
EXP DATE	ISS DATE	WGT	EY	HGT HR	SEX		
07152028	07152010	182	BL	601 BR	M		

STREET	CITY	ST ZIP
1801 W JEFFERSON	PHOENIX	AZ 85020
MAILING ADDRESS	CITY	ST ZIP

CTRY

RESTRICTIONS: NONE

ENDORSEMENTS: NONE

IDENTIFICATION NUMBERS AND/OR PERMITS

CLS: G ISS DTE: 07272009 EXP DTE: 07272010 STATUS:
RESTRICTIONS: INSTRUCTION PERMIT
ENDORSEMENTS: NONE
CLS: ID LIC. ISS DTE: 04262006 EXP DTE: NONE STATUS: CANCELLED

RECORD SECTION 02 OF 02

ADDITIONAL LICENSES AND/OR PERMITS

LICENSE NO: D07420897

NO PRIOR LICENSE INFORMATION ON RECORD

------> STAT CODE RESTRICTIONS
ACT DATE VIOL CODE D E S C R I P T I O N
11252010 DI ACTION DETAILED RESTRICTIONS - RESTRICTED-PURSUANT TO 28-3473
T2349873 EFF TO 11252011
NOTIFICATION STATUS: MAILED 08092010
* * * * * * * * * * * * * * * END OF RECORD * * * * * * * * * * * * *