

REFERENCE TITLE: traffic violations; penalties

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2522

Introduced by
Representatives Syms: Clodfelter, John, Mitchell, Norgaard, Payne, Toma,
Weninger

AN ACT

AMENDING SECTIONS 28-672, 28-675 AND 28-676, ARIZONA REVISED STATUTES;
RELATING TO TRAFFIC VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-672, Arizona Revised Statutes, is amended to
3 read:
4 28-672. Causing serious physical injury or death by a moving
5 violation; time limitation; penalties; violation;
6 classification; definition
7 A. A person is guilty of causing serious physical injury or death
8 by a moving violation if the person violates any one of the following and
9 the violation results in an accident causing serious physical injury or
10 death to another person:
11 1. Section 28-645, subsection A, paragraph 3, subdivision (a).
12 2. Section 28-729.
13 3. Section 28-771.
14 4. Section 28-772.
15 5. Section 28-773.
16 6. Section 28-792.
17 7. Section 28-794.
18 8. Section 28-797, subsection F, G, H or I.
19 9. Section 28-855, subsection B.
20 10. Section 28-857, subsection A.
21 B. A person who violates this section shall attend and successfully
22 complete traffic survival school educational sessions that are designed to
23 improve the safety and habits of drivers and that are approved by the
24 department. In addition, the court may order the person to perform
25 community restitution.
26 C. The court shall report a conviction for a violation of this
27 section to the department and:
28 1. For a first violation of this section, may direct the department
29 to suspend the person's driving privilege for not more than ~~ninety~~ **ONE**
30 **HUNDRED EIGHTY** days if the violation results in serious physical injury
31 and not more than one ~~hundred eighty days~~ **YEAR** if the violation results in
32 death.
33 2. For a second or subsequent violation of this section within a
34 period of thirty-six months, shall direct the department to suspend the
35 person's driving privilege for ~~ninety~~ **ONE HUNDRED EIGHTY** days if the
36 violation results in serious physical injury and one ~~hundred eighty days~~
37 **YEAR** if the violation results in death.
38 D. If a person's driving privilege is suspended pursuant to any
39 other statute because of an incident involving a violation of this
40 section, the suspension period prescribed in subsection C of this section
41 shall run ~~concurrently~~ **CONSECUTIVELY** with the other suspension period.
42 E. If a person fails to successfully complete traffic survival
43 school educational sessions or perform community restitution pursuant to
44 this section, the court shall notify the department and the department
45 shall promptly suspend the driver license or permit of the driver or the

1 privilege of a nonresident to drive a motor vehicle in this state until
2 the order is satisfied.

3 F. If the person who suffers serious physical injury as a result of
4 a violation of this section appears before the court in which the action
5 is pending at any time before trial and acknowledges receipt of
6 satisfaction for the injury, on payment of the costs incurred, the court
7 shall order that the prosecution be dismissed and the defendant be
8 discharged. The reasons for the order shall be set forth and entered of
9 record, and the order shall be a bar to another prosecution for the same
10 offense.

11 G. Restitution **SHALL BE** awarded pursuant to section 13-603 as a
12 result of a violation of this section ~~shall not exceed ten thousand~~
13 ~~dollars.~~

14 H. A prosecution for a violation of this section must be commenced
15 within two years after actual discovery of the offense by the state or the
16 political subdivision having jurisdiction or discovery by the state or the
17 political subdivision that should have occurred with the exercise of
18 reasonable diligence, whichever first occurs.

19 I. A person who violates this section is guilty of a class ~~3~~ **1**
20 ~~misdemeanor, except that if the violation results in the death of another~~
21 ~~person the maximum fine for the person shall be one thousand dollars.~~

22 J. For the purposes of this section, "serious physical injury" has
23 the same meaning prescribed in section 13-105.

24 Sec. 2. Section 28-675, Arizona Revised Statutes, is amended to
25 read:

26 **28-675. Causing death by use of a vehicle; violation;**
27 **classification**

28 A. A person is guilty of causing death by use of a vehicle if all
29 of the following apply:

30 1. The person is not allowed to operate a motor vehicle pursuant to
31 subsection B of this section.

32 2. While operating a motor vehicle, the person causes the death of
33 another person.

34 3. The person commits a violation of any of the following:

35 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

36 (b) Section 28-729.

37 (c) Section 28-771.

38 (d) Section 28-772.

39 (e) Section 28-773.

40 (f) Section 28-792.

41 (g) Section 28-794.

42 (h) Section 28-797, subsection F, G, H or I.

43 (i) Section 28-855, subsection B.

44 (j) Section 28-857, subsection A.

1 B. For the purposes of this section, a person shall not operate a
2 motor vehicle if any of the following applies:

3 1. The person's driving privilege is revoked for any reason.

4 2. The person's driving privilege is suspended for any reason
5 pursuant to chapter 4, article 3 of this title, INCLUDING FAILURE TO
6 COMPLY WITH AN INSURANCE REQUIREMENT THAT IS PRESCRIBED BY THE DEPARTMENT.

7 3. The person's driving privilege is suspended pursuant to section
8 28-1321.

9 4. The person's driving privilege is suspended pursuant to the
10 department's action based on a previous conviction for a violation of
11 section 28-3473.

12 5. The person's driving privilege is suspended pursuant to section
13 28-3306, subsection A.

14 6. The person's driving privilege is suspended pursuant to section
15 28-3308 and the person has had one or more previous suspensions pursuant
16 to that section.

17 7. The person does one of the following to obtain a driver license:

18 (a) Knowingly uses a false or fictitious name.

19 (b) Knowingly makes a false statement.

20 (c) Knowingly conceals a material fact.

21 (d) Commits fraud.

22 (e) Violates section 28-3479.

23 8. The person does not have a valid driver license and a proper
24 endorsement, if required, as prescribed by chapter 8 of this title and the
25 person is not exempt pursuant to chapter 8 of this title.

26 C. THE SENTENCE IMPOSED ON A PERSON FOR A CONVICTION UNDER THIS
27 SECTION SHALL RUN CONSECUTIVELY TO ANY SENTENCE IMPOSED ON THE PERSON FOR
28 OTHER CONVICTIONS ON ANY OTHER CHARGE RELATED TO THE ACCIDENT.

29 D. RESTITUTION SHALL BE AWARDED PURSUANT TO SECTION 13-603 AS A
30 RESULT OF A VIOLATION OF THIS SECTION.

31 E. THE DEPARTMENT SHALL REVOKE THE LICENSE OR PERMIT TO DRIVE AND
32 ANY NONRESIDENT OPERATING PRIVILEGE OF A PERSON WHO IS CONVICTED OF A
33 VIOLATION OF THIS SECTION FOR TEN YEARS, NOT INCLUDING ANY TIME THAT THE
34 PERSON IS INCARCERATED.

35 F. FIVE OR MORE YEARS AFTER THE REVOCATION PERIOD HAS BEGUN
36 PURSUANT TO SUBSECTION E OF THIS SECTION, NOT INCLUDING ANY TIME THAT THE
37 PERSON IS INCARCERATED, A PERSON MAY APPLY TO THE DEPARTMENT FOR A
38 RESTRICTED PRIVILEGE TO DRIVE AS DESCRIBED IN SECTION 28-3473. THE
39 DEPARTMENT MAY ISSUE A RESTRICTED PRIVILEGE TO DRIVE PURSUANT TO SECTION
40 28-3473 IF THE DEPARTMENT FINDS BOTH OF THE FOLLOWING:

41 1. THE PERSON IS NOT CONVICTED OF ANY OFFENSE INVOLVING THE
42 OPERATION OF A MOTOR VEHICLE WHILE THE PERSON'S DRIVING PRIVILEGE IS
43 REVOKED.

44 2. THE PERSON HAS PAID FULL RESTITUTION AS ORDERED BY THE COURT.

45 ~~E.~~ G. Causing death by use of a vehicle is a class 4 felony.

1 Sec. 3. Section 28-676, Arizona Revised Statutes, is amended to
2 read:

3 28-676. Causing serious physical injury by use of a vehicle;
4 violation; classification

5 A. A person is guilty of causing serious physical injury by use of
6 a vehicle if all of the following apply:

7 1. The person is not allowed to operate a motor vehicle pursuant to
8 subsection B of this section.

9 2. While operating a motor vehicle, the person causes serious
10 physical injury as defined in section 13-105 to another person.

11 3. The person commits a violation of any of the following:

12 (a) Section 28-645, subsection A, paragraph 3, subdivision (a).

13 (b) Section 28-729.

14 (c) Section 28-771.

15 (d) Section 28-772.

16 (e) Section 28-773.

17 (f) Section 28-792.

18 (g) Section 28-794.

19 (h) Section 28-797, subsection F, G, H or I.

20 (i) Section 28-855, subsection B.

21 (j) Section 28-857, subsection A.

22 B. For the purposes of this section, a person shall not operate a
23 motor vehicle if any of the following applies:

24 1. The person's driving privilege is revoked for any reason.

25 2. The person's driving privilege is suspended for any reason
26 pursuant to chapter 4, article 3 of this title, **INCLUDING FAILURE TO**
27 **COMPLY WITH AN INSURANCE REQUIREMENT THAT IS PRESCRIBED BY THE DEPARTMENT.**

28 3. The person's driving privilege is suspended pursuant to section
29 28-1321.

30 4. The person's driving privilege is suspended pursuant to the
31 department's action based on a previous conviction for a violation of
32 section 28-3473.

33 5. The person's driving privilege is suspended pursuant to section
34 28-3306, subsection A.

35 6. The person's driving privilege is suspended pursuant to section
36 28-3308 and the person has had one or more previous suspensions pursuant
37 to that section.

38 7. The person does one of the following to obtain a driver license:

39 (a) Knowingly uses a false or fictitious name.

40 (b) Knowingly makes a false statement.

41 (c) Knowingly conceals a material fact.

42 (d) Commits fraud.

43 (e) Violates section 28-3479.

1 8. The person does not have a valid driver license and a proper
2 endorsement, if required, as prescribed by chapter 8 of this title and the
3 person is not exempt pursuant to chapter 8 of this title.

4 C. THE SENTENCE IMPOSED ON A PERSON FOR A CONVICTION UNDER THIS
5 SECTION SHALL RUN CONSECUTIVELY TO ANY SENTENCE IMPOSED ON THE PERSON FOR
6 OTHER CONVICTIONS ON ANY OTHER CHARGE RELATED TO THE ACCIDENT.

7 D. RESTITUTION SHALL BE AWARDED PURSUANT TO SECTION 13-603 AS A
8 RESULT OF A VIOLATION OF THIS SECTION.

9 E. THE DEPARTMENT SHALL REVOKE THE LICENSE OR PERMIT TO DRIVE AND
10 ANY NONRESIDENT OPERATING PRIVILEGE OF A PERSON WHO IS CONVICTED OF A
11 VIOLATION OF THIS SECTION FOR FIVE YEARS, NOT INCLUDING ANY TIME THAT THE
12 PERSON IS INCARCERATED.

13 F. THREE OR MORE YEARS AFTER THE REVOCATION PERIOD HAS BEGUN
14 PURSUANT TO SUBSECTION E OF THIS SECTION, NOT INCLUDING ANY TIME THAT THE
15 PERSON IS INCARCERATED, A PERSON MAY APPLY TO THE DEPARTMENT FOR A
16 RESTRICTED PRIVILEGE TO DRIVE AS DESCRIBED IN SECTION 28-3473. THE
17 DEPARTMENT MAY ISSUE A RESTRICTED PRIVILEGE TO DRIVE PURSUANT TO SECTION
18 28-3473 IF THE DEPARTMENT FINDS BOTH OF THE FOLLOWING:

19 1. THE PERSON IS NOT CONVICTED OF ANY OFFENSE INVOLVING THE
20 OPERATION OF A MOTOR VEHICLE WHILE THE PERSON'S DRIVING PRIVILEGE IS
21 REVOKED.

22 2. THE PERSON HAS PAID FULL RESTITUTION AS ORDERED BY THE COURT.

23 ~~E.~~ G. Causing serious physical injury by use of a vehicle is a
24 class 5 felony.