

**AGENCY LEGISLATIVE PROPOSAL
ADOT-MVD #13 – 9/8/14**

Agency: Arizona Department of Transportation.

Division: Motor Vehicle Division.

Potential Sponsors: TBD

Proposal: Modify the definition of “suspension” under the Title 28 Driver License statutes to clarify that the “suspension period” of a driver license ends when the person has completed all requirements, except for actually applying for reinstatement of the credential.

Background/History:

Laws 1993, Chapter 178 amended the definition of “suspension” to stipulate that the suspension of a driver license does not end until the person applies for reinstatement of his or her driver license.

The Department is proposing this change so MVD can update a person’s driving record and remove the suspension code once the person has complied with all of the requirements for reinstating the driver license, except for actually applying for reinstatement of the credential. There may be legitimate reasons why a person may delay in applying for reinstatement (e.g. financial reason, inoperable vehicle, does not have a vehicle, etc.) but the suspension stays on the ADOT driver license database indefinitely until an application for reinstatement is made.

A person who does not reinstate his or her driver license and is caught driving without a valid driver license would be cited for a civil traffic offense.

Statutes Affected: Arizona Revised Statutes (A.R.S.) § 28-3001.

Fiscal Impact:

Policy Impact on other Agencies:

Potential Supporters: Potential Opponents: Has this been run previously? No.

Can this be done administratively? No.

Language:

28-3001. Definitions

In this chapter, unless the context otherwise requires:

1. "Cancellation" means the annulment or termination of a driver license because of an error or defect or because the licensee is no longer entitled to the license.

2. "Commercial driver license" means a license that is issued to an individual and that authorizes the individual to operate a class of commercial motor vehicles.
3. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles that is used in commerce to transport passengers or property and that includes any of the following:
 - (a) A motor vehicle or combination of motor vehicles that has a gross combined weight rating of twenty-six thousand one or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds.
 - (b) A motor vehicle that has a gross vehicle weight rating of twenty-six thousand one or more pounds.
 - (c) A bus.
 - (d) A motor vehicle or combination of motor vehicles that is used in the transportation of materials found to be hazardous for the purposes of the hazardous materials transportation authorization act of 1994 (49 United States Code sections 5101 through 5128) and is required to be placarded under 49 Code of Federal Regulations section 172.504, as adopted by the department pursuant to chapter 14 of this title.
4. "Conviction" has the same meaning prescribed in section 28-101 and also means a final conviction or judgment, including an order of a juvenile court finding that a juvenile has violated a provision of this title or has committed a delinquent act that if committed by an adult constitutes any of the following:
 - (a) Criminal damage to property pursuant to section 13-1602, subsection A, paragraph 1.
 - (b) A felony offense in the commission of which a motor vehicle was used, including theft of a motor vehicle pursuant to section 13-1802, unlawful use of means of transportation pursuant to section 13-1803 or theft of means of transportation pursuant to section 13-1814.
 - (c) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court that has not been vacated.
5. "Disqualification" means a prohibition from obtaining a commercial driver license or driving a commercial motor vehicle.
6. "Employer" means a person, including the United States, a state or a political subdivision of a state, that owns or leases a commercial motor vehicle or that assigns a person to operate a commercial motor vehicle.
7. "Endorsement" means an authorization that is added to an individual's driver license and that is required to permit the individual to operate certain types of vehicles.
8. "Foreign" means outside the United States.
9. "Gross vehicle weight rating" means the weight that is assigned by the vehicle manufacturer to a vehicle and that represents the maximum recommended total weight including the vehicle and the load for the vehicle.
10. "Judgment" means a final judgment and any of the following:
 - (a) The finding by a court that an individual is responsible for a civil traffic violation.
 - (b) An individual's admission of responsibility for a civil traffic violation.
 - (c) The voluntary or involuntary forfeiture of deposit in connection with a civil traffic violation.
 - (d) A default judgment entered by a court pursuant to section 28-1596.
11. "License class" means, for the purpose of determining the appropriate class of driver license required for the type of motor vehicle or vehicle combination a driver intends to operate or is operating, the class of driver license prescribed in section 28-3101.

12. "Nondomiciled commercial driver license" means a commercial driver license issued to an individual domiciled in a foreign country or to an individual domiciled in another state if that state is prohibited from issuing commercial driver licenses.
13. "Original applicant" means any of the following:
- (a) An applicant who has never been licensed or cannot provide evidence of licensing.
 - (b) An applicant who is applying for a higher class of driver license than the license currently held by the applicant.
 - (c) An applicant who has a license from a foreign country.
14. "Revocation" means that the driver license and driver's privilege to drive a motor vehicle on the public highways of this state are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted on by the department after one year from the date of revocation.
15. "State of domicile" means the state or jurisdiction where a person has the person's true, fixed and permanent home and principal residence and to which the person has the intention of returning after an absence.
16. "Suspension" means that the driver license and driver's privilege to drive a motor vehicle on the public highways of this state are temporarily withdrawn during the period of the suspension **and until application for reinstatement is made.**
17. "Vehicle combination" means a motor vehicle and a vehicle in excess of ten thousand pounds gross vehicle weight that it tows, if the combined gross vehicle weight rating is more than twenty-six thousand pounds.