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THE ABCS OF DUI

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2019 APAAC ADMINISTRATIVE PROFESSIONALS CONFERENCE

DUI and Traffic Updates, Fun
Facts & Reminders

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Governor Doug Ducey

SESSION CONTENT

- DUI Hot Topics & Fun Facts
- FST Demonstration
- A Few Quick Legal Updates
- Interspersed with Trivia

HANDOUT MATERIAL

Motor Vehicle Division
Acceptable Violation Code Table
Updated

Violation Code	Description	NRVC/ACD Code	Offense	Points
28-369E	Failure to Stop at Port of Entry		C	0
28-448A	Notice of address or name change/Failure to report change of address		V	0
28-457A	Records no disclosure of personal information		C	0
28-457B	Records no disclosure of MVD information		C	0
28-457C	Records false disclosure to obtain of MVD information		C	0
28-622A	Obedience to police officers		C	2
28-622 01	Unlawful flight from pursuing law enforcement vehicle		C	0
28-644A1	Failure to obey traffic control device	Y M16	V	2
28-644A2	Driving over/through a gore area	Y M12	V	3
28-645A1A	Green light violation	Y M14	V	2
28-645A1A.PE	Green light DPS photo enforcement (do not use after 06/30/2012)	Y M14	V	2
28-645A1B	Green arrow violation	Y M14	V	2
28-645A1B.PE	Green arrow DPS photo enforcement (do not use after 06/30/2012)	Y M14	V	2
28-645A2B	Pedestrian yellow light violation		V	0
28-645A3A	Failure to stop for red light	Y M14	V	2

**AN APPROACHING
DUI/TRAFFIC ISSUE**

◉ Self-Driving Cars

SFST DEMONSTRATION



Legislative Update



"Miniature Scooters; electric standup scooters

SB 1398

- Defines electric standup scooter as a device that:
 - Weighs less than 75 lbs
 - Has 2 or 3 wheels
 - Has handlebars
 - Has a floorboard for standing while riding
 - Is powered by electric motor &/or human power
 - Has max speed not exceeding 20 MPH
 - Does not include electric miniature scooter
 - (less than 30 lbs, 2-3 wheels, handlebars, floorboard, human/motor powered)



"Miniature Scooters; electric standup scooters

SB 1398

- Grants electric standup scooter operators same rights, privileges & duties of bicyclists – “except . . . as otherwise regulated by a local authority”
- Exempts from title, registration, VLT, driver license or veh. insurance requirements
- May be used on bike & multiuse paths, unless prohibited by a local law
- Must meet unique identification requirements
- States motorized skateboard doesn't have handlebars



Miniature Scooters; electric standup scooters

SB 1398

- Specifies definition of moped, motorcycle, motor driven cycle, motor vehicle and vehicle exclude electric standup scooters & electric miniature scooters
- Does not prohibit local authority “within reasonable exercise of the police power” from regulating electric bicycles & electric standup scooters. May consider environmental & traffic benefits of these devices when regulating.

DUI REMINDER

§ 28-1381(A)

- ⦿ A. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state . . .

DUI REMINDER

§ 28-101(71). "Vehicle":

- ⦿ (a) Means a device in, on or by which a person or property is or may be transported or drawn on a public highway.
- ⦿ (b) Does not include:
 - (i) Electric bicycles and devices moved by human power.
 - (ii) Devices used exclusively on stationary rails or tracks.
 - (iii) Personal delivery devices.
 - & now electric standup scooters



"Texting" While Driving
HB 2318

- Prohibits operating motor vehicles on a street or highway (unless parked or stopped) if the person:
 1. Physically holds or supports with any part of the body
 - a) a portable wireless communication device except with earpiece, headphone device or wrist-worn device to conduct voice-based communication;
 - b) or a stand-alone electronic device;

**Effective - Now - emergency clause
 Amends ARS § 28-672; 28-963, 28-3164 & 28-3312; adds 28-914



"Texting" While Driving

HB 2318

- 2. Writes, sends or reads any text-based communication (text, instant message, e-mail or internet data) excluding:
 - a) voice-based communication to direct writing, sending, reading, etc. any text-based communication; &
 - b) hands free GPS; navigation or device used for obtaining motor vehicle information or information related to driving a motor vehicle.



"Texting" While Driving

HB 2318

The following are exempt:

- Hand-free devices embedded in motor vehicles
- Authorized emergency, law enforcement or probation vehicle operators if using the device while acting in an official capacity
- Licensed FCC operators.



"Texting" While Driving

HB 2318

Exemptions continued:

- Operators using 2 way radios or private land radio systems while performing work-related duties if operating fleet vehicles or possessing a CDL
- Operators using portable wireless communication devices
 1. To report illegal activity/summon help
 2. Affixed to vehicle to relay info during operator's job duties between operator & dispatcher or digital network or software application device.



"Texting" While Driving

HB 2318

An officer who stops a vehicle for a violation may not:

- Take possession or inspect the portable wireless communication device unless otherwise authorized by law; and
- Issue citations before Jan. 1, 2021. May only issue a warning

Voids all county, city, & local regulations beginning January 1, 2021.



REMINDER

Teenage Drivers/Instruction Permits Cell Phones/Texting

SB 1080

- Prohibits drivers with
 - instruction permits
 - class G licenses for first 6 months or until 18th birthday
 From using wireless communication devices while driving.
- Can use in emergency. Can use GPS if not manually adjusting.
- Secondary offense.

**Effective date 7/1/2018 Amends A.R.S. § 28-3154; 28-3101



"Texting" While Driving - 28-693

HB 2318

Prohibits drivers from:

- Watching videos or movies except data related to navigation, vehicle info or driving info
- Recording or broadcasting videos except for continuously recording or broadcasting videos within or outside the vehicle

No delayed enforcement/citation date. [Violation code 28-693.]



"Texting" While Driving & 28-672

HB 2318

- Adds this section (28-914) to the violations included in 28-672 (causing serious physical injury or death by a moving violation).
- This section does not have the delayed enforcement/citation date.



Written Vehicle Accident Reports: threshold

SB 1223

- Increases damage threshold required for issuance of a written accident report from \$1,000, to \$2,000.
- Other requirements remain the same.

****Effective - August 27, 2019
Amends ARS § 28-667**



Veteran Special Plates; Women Veteran; branch seal

SB 1338 HB 2446

- Directs ADOT to design 12 new veteran special plates:
 - Army seal;
 - Navy seal;
 - U.S. Marine Corps seal;
 - Air Force seal;
 - Coast Guard seal; and
 - Native American Code Talker seal.

****Effective - October 1, 2019
Amends ARS § 28-2414**

ADDITIONAL NEW SPECIAL PLATES

- ⦿ Share the Road - HB 2606
- ⦿ Affordable homeownership - SB 1453
- ⦿ Collegiate bowl game - HB 2006
- ⦿ Community services - HB 2442
- ⦿ Distinguished flying cross - HB 2589
- ⦿ Alzheimer's disease research - SB 1533



2019 State Lottery: prizewinner confidentiality

HB 2552

Lottery prizewinners of \$100,000 or more may request their name be confidential & not made public record!

**Effective date – August 27, 2019
Amends ARS § 28-3319



2018

Reminder From Last Session





Wrong-Way Driving; DUI

HB 2243

- Establishes civil traffic offense for driving the wrong way on a “controlled access highway.”
- Adds Agg DUI for a person who commits DUI while driving the wrong way on a “highway.”

***Effective - August 3, 2018*
Creates ARS § 28-694; Amends ARS § 28-1383

TREND - ORAL FLUID

- ◉ Used for drug testing
- ◉ Currently like a PBT
- ◉ Tests for limited number of drugs
- ◉ Cut-off levels are pretty high
- ◉ Limited use in Arizona

- ◉ Similar idea - Marijuana breathalyzer

CASE LAW UPDATES

MEDICAL MARIJUANA



SMOKING MEDICAL MARIJUANA IN PUBLIC

- ◉ In general, person may be arrested & prosecuted for smoking marijuana while in car, if car is in public, even with MM card.
- ◉ Even though AMMA broadly immunizes qualifying patients from arrest or prosecution on marijuana offenses, MM patients may not smoke marijuana “in any public place”.
 - Public place = place frequented by general public.
 - Interior of vehicle is not separate/distinct from the location in which it found

State v. Tagge, CR2015-113021-001 (May 9, 2019).

HASHISH/EXTRACTS

- ◉ AMMA immunizes medical marijuana card holder from prosecution for use & possession of Hashish & other extracted resins.
- ◉ Qualified patients are allowed 2 ½ ounces of dried flowers, or mixtures or preparations made from 2 ½ ounces of dried flowers.

State v. Jones, CR-18-0370 (filed May 28, 2019).

COMING SOON!

Intoxilyzer 9000

INTOXILYZER 9000

- ◎ Officers are currently training
- ◎ Various agencies will start using 9000s soon
- ◎ Will be phased in
- ◎ Will still have Intoxilyzer 8000s also for about 5 years
 - Defense will likely try to use them against each other
 - Not too many differences
 - CMI states they are both accurate to within 3%

DOCUMENTATION FOR INTOX 9000

- ◎ Breath Test Print Card
- ◎ Operator checklist [I-1]
- ◎ 31- day check [I-2](no 90-day check)
 - The tests are combined
- ◎ [Yearly maintenance check]
- ◎ Other maintenance records will be available from the lab
- ◎ Officer's card

- ◎ Documentation for 8000s will stay the same

GENERAL DUI QUESTIONS?

**BECTON DICKINSON (BD) TUBE
RECALL**

- Catalog number: 367001
- Lot number: 8187663
- Expiration Date: 7/31/2020

DUI HOT TOPICS/TRENDS

- Marijuana
- Prescriptions
- Heroin/Opioids/Fentanyl
- Meth use has increased
- Seeing Cocaine again
- Seeing LSD & PCP

VAPING ALCOHOL WITH DRY ICE

- ⦿ Pouring alcohol over dry ice & inhaling the vapors
- ⦿ Claims less calories
 - Do not absorb sugars, do absorb ethanol
- ⦿ Risks
 - Alcohol poisoning
 - Bypasses digestive system
 - Can't gauge how much are consuming
 - Lung damage
 - Increased risk of alcohol addiction
 - Potential brain damage
 - Especially children and teens

IMODIUM

- ⦿ It is an opioid
 - only tiny amount makes into blood stream with regular use
- ⦿ Take extremely large doses 200 mg (100 pills)
 - To get high (euphoria)
 - To self-treat addiction to painkillers
- ⦿ Risks
 - Depressed breathing & heart rate
 - Paralyzed intestine
 - Liver dysfunction
 - Depressed central nervous system

CHEESE

EVEN WORSE METH

- ◎ Yaba
 - Meth + Caffeine

- ◎ Wasping
 - Meth + Bug Spray

Thank You!

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