



# ARIZONA HOUSE OF REPRESENTATIVES

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House: TI DP 11-0-0-0 | 3<sup>rd</sup> Read 38-11-10-0-1

## **SB 1453: DUI; license suspension; records**

**Sponsor: Senator Carroll, LD 28**

**Transmitted to the Governor**

### **Overview**

Modifies the administrative process the Arizona Department of Transportation (ADOT) and a law enforcement agency must follow when suspending or revoking a person's driving offense relating to driving under the influence (DUI) offenses.

### **History**

Statute outlines the administrative process law enforcement and ADOT must follow regarding the suspension or revocation of a person's driving privilege due to a DUI offense.

A law enforcement officer is required to forward ADOT a certified report following an arrest relating to a DUI offense and after positive DUI test results. If a breath test was administered, the law enforcement agency must forward the certified report within 30 days after the arrest occurs. If a sample of blood, urine or other bodily substance is taken, the law enforcement agency must forward the certified report within 30 days after the report of the analysis is provided to the law enforcement agency. If a report is not forwarded to ADOT within the required time period, the report is inadmissible in a hearing unless the violation resulted in death or serious injury. The law enforcement officer must also serve an order of suspension on the person. Statute outlines the requirements relating to the order of suspension ([A.R.S. 28-1385](#)).

A person operating a motor vehicle in this state gives consent to a test of the person's blood, breath, urine or other bodily substance to determine alcohol concentration or drug content if the person has been arrested for a suspected DUI offense. If a person under arrest refuses to submit to a DUI test, the test will not be given and the law enforcement officer administering the test is required to file a certified report of the refusal with ADOT and serve an order of suspension on the person that is effective 30 days after the date the order is served ([A.R.S. § 28-1321](#)).

### **Provisions**

#### ***Certified Report of Refusal***

1. Requires a law enforcement officer administering a DUI test to file a certified report of the refusal with ADOT within 30 days after the date of the arrest when someone who is under arrest refuses to submit to the DUI test. (Sec. 1)
2. Allows a law enforcement officer to advise the person that the certified report of the refusal will be submitted to ADOT and that ADOT will notify them if an order of

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suspension is entered instead of serving the order of suspension to the person refusing the DUI test themselves. (Sec. 1)

3. Requires a law enforcement officer to direct the person to ensure that their address is updated with ADOT if the officer files the certified report of the refusal with ADOT. (Sec. 1)
4. Specifies that if the certified report of the refusal is not properly forwarded to ADOT then ADOT cannot enter an order of suspension on its records unless the violation resulted in death or serious physical injury. (Sec. 1)
5. Directs a law enforcement officer to forward to ADOT the driver's license or permit of a person who was under arrest and refused to submit to the DUI test within *30 days*, rather than 5 days, after the issuance of the notice of suspension. (Sec. 1)
6. Requires the law enforcement officer to forward the certified report of refusal, a copy of the completed notice of suspension and a copy of any temporary permit to ADOT within *30 days*, rather than 5 days, after the issuance of the notice of suspension. (Sec. 1)
7. Stipulates that an order of suspension is effective 30 days after the date that the order was served unless a timely request for a hearing is filed by the accused person. (Sec. 1)

#### ***Administrative License Suspension for DUIs***

8. Requires a law enforcement officer to forward a certified report concerning a DUI-related arrest to ADOT within 30 days after the arrest. (Sec. 2)
9. Requires the officer administering the DUI test to either:
  - a) serve an order of suspension on the person that is effective 30 days after the date the order is served; or
  - b) advise the person that the certified report will be submitted to ADOT and that ADOT will notify the person if an order of suspension is entered and to direct them to ensure that their address is updated with ADOT. (Sec. 2)
10. States that if the certified report is not properly forwarded to ADOT then ADOT may not enter an order of suspension on its records unless the violation resulted in death or serious physical injury. (Sec. 2)
11. Strikes language that outlines the current process a law enforcement agency must follow when forwarding a certified report or serving an order of suspension after receiving DUI test results. (Sec. 2)
12. Requires the officer to forward a copy of the completed order of suspension and a copy of any completed temporary permit to ADOT within *30 days*, rather than 5 days, after the issuance of the order of suspension along with the report. (Sec. 2)
13. Directs a law enforcement officer to forward a surrendered driver's license or permit to ADOT within *30 days*, rather than 5 days, after the issuance of the notice of suspension. (Sec. 2)
14. Requires ADOT to enter an order of suspension on its records after receiving a certified report. (Sec. 2)
15. Directs ADOT to mail a written notification to a person named on a certified report. (Sec. 2)

16. Requires the written notification to include information on alcohol or other drug education and treatment programs that are provided by a Department of Health Services (DHS) approved facility. (Sec. 2)
17. States that the written notification must disclose that:
  - a) 30 days after the date of issuance of the notice ADOT will suspend the person's driving privilege;
  - b) the person may submit a written or online request for a hearing or summary review;
  - c) the request for a hearing or summary review must be received by ADOT within 30 days after the date of the notice or order of suspension becomes final;
  - d) the person's driving privilege or right to apply for a driving privilege or nonresident operating privilege will be suspended as required by law;
  - e) the person's driving privilege or right to apply for a driving privilege or nonresident operating privilege may be issued or reinstated following the period of suspension only if the person completed alcohol or other drug screening; and
  - f) the person may apply for a special ignition interlock restricted driver license. (Sec. 2)
18. Requires the Director of ADOT to expunge from ADOT's public record a notice of suspension or revocation after *24 months*, rather than 12 months, if the licensee had not been charged with a DUI-related offense due to the event and if the event involved a death or serious injury. (Sec. 5)

#### ***Ignition Interlock Devices***

19. States that if a person is required to equip a motor vehicle with a certified ignition interlock device but the person has a medical condition preventing them from using the device, ADOT must require monthly alcohol and drug screening instead of the certified ignition interlock device. (Sec. 6)
20. Directs ADOT to require satisfactory evidence of the medical condition in a manner prescribed by ADOT from an authorized physician or physician assistant. (Sec. 6)
21. Requires the alcohol or drug screening to be provided by a facility approved by DHS, the United States Department of Veterans Affairs, a substance abuse counselor or a probation department. (Sec. 6)

#### ***Miscellaneous***

22. Exempts ADOT from rulemaking requirements for one year. (Sec. 7)
23. Makes technical and conforming changes. (Sec. 1-6)