

Traffic

SB1334: DUI; License Suspensions; Restrictions

Several changes to DUI Statutes – detailed below

- **28-673 (implied consent; traffic accidents)**
Under current law, a person involved in an accident resulting in death or serious physical injury who refuses a breath or blood test is issued an order of suspension of driving privileges effective fifteen days after the date the order is served. The person must surrender their license or permit and is issued a temporary permit which is valid for that 15-day period. **This bill increases the 15-day time period to 30 days.**
- **28-1321 Implied consent; tests; refusal to submit to test; order of suspension**
 - Mirrors the change made in 28-673 for an implied consent refusal: the person loses their license 30 days after the order is served, and received a temporary permit valid for 30 days. A change from the previous 15-day time period.
 - The person has 30 days to request a hearing from the department (a change from 15). The request for hearing must be received by the department within 30 days after the date of the order of suspension. If no request for hearing is received, the suspension will become final.
 - Eliminates the 90-day mandatory suspension period before a driver can apply for a SIRD. The requirement to complete any alcohol or other drug screening ordered by the department is still in place. Expands the category of offenders who can apply for a SIRD. A person who applies for and is issued a SIRD agrees to any administrative action taken by the department, and waives any right to an administrative hearing contesting the action against the person's license.
- **28-1385 Administrative license suspension for DUI, etc.**
 - As above, increases the time period for effectiveness of an order suspending a person's driving privileges from 15 days to 30. A temporary permit is now valid for 30 days, increased from 15.
 - An order suspending a person's license must inform the person that he or she may be eligible for a SIRD.
 - A person may avoid a driving privilege suspension, and instead request a SIRD if all of the following apply:
 - The person did not cause death or serious physical injury
 - The person was not convicted of a DUI in the previous 84 months; and
 - The person completes any ordered alcohol or drug screening.
- **28-1401 Special Ignition Interlock Restricted Driver Licenses; Application Fee**
 - Eliminates the "place/ purpose" restrictions outlined in 28-144 (e.g. work/ school/ doctor, etc.) for drivers SIRD drivers.
 - Current statute says a person can apply for a SIRD if their driving privileges have been restricted "due to an alcohol-related offense." The bill changes that language. Now, a SIRD can be issued if the offense "involved only alcohol, or if the person's BAC is .08 or higher, a combination of drugs and alcohol."

- **28-1402 Issuance of special ignition interlock restricted driver license**
 - Eliminates the “place/ purpose” restrictions outlined in 28-144.
- **28-1461 Use of certified ignition interlock devices; reporting**
 - Allows the department of motor vehicles to adopt rules regarding reporting data from ignition interlock devices.
- **28-3319 Action after license suspension, revocation or denial for DUI or refusal of test**
 - A person issued a SIRDRL shall be credited for time that a certified ignition interlock device is installed on the person’s motor vehicle after the department authorizes the installation of the certified ignition interlock device on the vehicle.

Sections amended: §§ 28-673, 28-1321, 28-1385, 28-1387, 28-1401, 28-1402, 28-3319
Effective from and after December 31, 2022.

HB2673: Vehicle Operation; Licenses; Points

Makes several changes to the administrative actions MVD can take in connection with DUI and other traffic offenses; makes changes to permissible charges related to DUI offenses.

MVD/ Administrative Changes:

- If a person violates Ch. 3 or Ch. 4 of Title 28 (traffic violations and DUI violations), the department may assess points against the person’s driving record for only one violation if multiple violations result from the same action or course of conduct. The number of points to be assessed is for the violation resulting in the highest number of points.
- If a person’s license is administratively suspended or revoked by the department for DUI, homicide or assault involving a motor vehicle, the department shall expunge the notation of that administrative action if:
 - (a) the violation which resulted in the suspension or revocation is dismissed and not re-filed within six months of the dismissal; or
 - (b) the person is adjudicated not guilty of the violation for which the revocation or suspension occurred; or
 - (c) the person is not charged with a violation of 28-1381 (DUI) or 28-1382 (Extreme DUI) within 12 months of the event causing the suspension or revocation. This provision does not apply to commercial drivers’ licenses.

Charging:

- Aggravated DUI or actual physical control of the vehicle while under the influence of alcohol or drugs may only be alleged as a historical prior felony if the current offense being charged is a violation of 28-1383 (aggravated DUI).
- Removes the prohibition against the state dismissing driving under the influence charges only for cases for which there is insufficient legal or factual basis to pursue that charge and repeals the associated reporting requirement related to those dismissals.

Delayed effective date 1/1/23

Sections Amended: §§ 13-105, 28-1387, 28-1442, 28-3004

Section Added: § 28-1526

CH 42, SB1273: Two-Wheeled Motorcycle Operation

Allows the operator of a two-wheeled motorcycle to operate between the lanes of traffic and pass another vehicle, but only under the following circumstances:

- The vehicle is stopped in the same lane with the same direction of travel as the motorcycle;
- the movement can be made safely;
- the street’s speed limit is less than 45 mph and is divided into two adjacent traffic lanes in the same direction of travel; and
- the operator’s speed is less than 15mph. General effective date applies.

Sections amended: § 28-729, 28-903

CH206, H2583: DUI; Data Collection; Study Committee

Establishes, as session law, the DUI data collection study committee and states the duties and responsibilities of the committee. The committee’s purpose is to recommend data collection processes, systems, and funding to centralize DUI-related data reporting to enable the legislature to develop policies to better enforce DUI laws, to reduce the number and impact of impaired drivers, and educate the public on the consequences of impaired driving. The AOC director or his designee is a statutory member of the committee, which will be staffed by the legislature and will terminate September 2023. General effective date applies.

CH 75, S1206: License Plate Design and Color

Establishes standardized rules for license plate and special plate colors and designs. States that the background color of the license plate must significantly contrast with the color of the letters, numerals, and the name of the state on the license plate. Requires the name of the state to appear in serif font and be three-fourths of an inch in height. Contains an applicability section excluding plates designed prior to the general effective date from the new design rules.

Section amended: § 28-2351

CH 58, H2480: Vehicle Serial Numbers; Removal; Restoration

Creates an exception to the crime of intentionally or knowingly removing a VIN number if removal and reinstallation of a motor vehicle’s serial number is reasonably necessary for repair or restoration in vehicles manufactured before 1981. The exception does not apply if the person removing the VIN number either knows or reasonably should know that the vehicle is stolen.

Sections amended: §§ 28-2531, 28-4593, 28-4594

CH 256, S1333: Neighborhood Occupantless Electric Vehicles

Removes the requirement that certain vehicles meet “motor vehicle safety standard 500.” Creates and defines a “neighborhood occupantless electric vehicle,” and adds it to numerous autonomous vehicle statutes. This vehicle type may only travel on roads that have a speed limit

up to 45 mile per hour. There are specific rules the vehicle must adhere to when the speed limit is between 35 and 45 miles per hour.

Sections amended: §§ 28-101, 28-661, 28-662, 28-663, 28-664, 28-665, 28-666, 28-815, 28-966

CH 264, H2481: ADOT; Licenses; Registration; VLT; Aviation (Omnibus Bill)

- Eliminates the “only 3 tries at the test” limit for applicants for class A, B, or C licenses.
- Lowers the age at which renewal of a license every five years is required, from 65 to 60 years old.
- Extends the duration of a commercial learner’s permit from six months to twelve months.
- If a vehicle owner was operating the vehicle at time of removal, immobilization, or impoundment, the driver no longer must prove they have a valid driver’s license but rather that their driving privileges have been reinstated.
- For abandoned vehicles, if no owner, lienholder, or other party with interest is known, ADOT must publish onto their website, instead of in the newspaper, their notice of intent to transfer ownership of an abandoned vehicle.
- Other items related to fleets, VLT, aircraft registration requirements.

Sections amended: §§ 28-3158, 28-3171, 28-3225, 28-3480, 28-3482, 28-3512, 28-4841, 28-5801, 28-5805, 28-6392, 28-8322, 28-8324, 28-8325, 28-8329, 28-8335, 28-8337, 28-8338, 28-8339, 28-8340, 28-8341, 28-8342

Sections added: §§ 28-8322.01, 28-8322.02

Other Criminal

CH 163, S1602: Central State Repository; Offenses

Expands the list of offenses that must be reported and collected by the Department of Public Safety for the Central State Repository. Allows the Department to obtain criminal history records and related criminal justice information from all criminal justice agencies in this state for individuals who have been charged, arrested, convicted, or summoned to court as a criminal defendant for any of the following: a felony offense involving domestic violence; a violation of title 13 chapter 14 or title 28 chapter 4; an offense listed in section 32-2422, subsection A paragraph 4, section 32-2441 subsection A paragraph 4, section 32-2612 subsection A paragraph 4, section 32-2622 subsection A paragraph 4, section 41-1758.03 subsection B and C, and section 41-1758.07 subsection B and C. **Delayed effective date: and after December 31, 2022.**

Section amended: § 41-1750

CH 167, H2604: Emergency Orders of Protection; Superior Court

Extends the duration of an order of protection from 1 year to 2 years. Extends the duration of an emergency order of protection from 72 hours to 7 days. Establishes procedures for issuance of emergency orders of protection. **Applicable to orders served from and after the general effective date (9/24/22).**

Sections amended: §§ 13-3692, 13-3624

CH 283, S1653: Lifetime Injunction; Crime Victim

Creates a lifetime injunction against contact that may be requested by a victim or a prosecutor against the defendant. The injunction shall be requested and, if granted, issued at the time of sentencing. The injunction prohibits the defendant from contacting the victim. Can only be requested if the offense was a dangerous offense, serious, violent or aggravated felony, sex offense, or sex offense against a child. An injunction under this section may expire if the victim has died, the conviction has been dismissed, expunged, or overturned, or if the victim requests early termination. A victim of one of the listed crimes in which the crime occurred prior to the effective date may petition the court for an injunction against their offender.

Sections amended: §§ 11-445, 12-1809, 13-901, 31-411.01

Section added: § 13-719

CH 138, H2324: Animal Fighting; Cockfighting; Minors Presence

Classifies knowingly causing, allowing, or assisting “a minor to attend an animal fight or cockfight or to be present at any place or building where preparations are being made for an exhibition of animal fighting or cockfighting” as a class 1 misdemeanor. Contains an emergency clause.

Section added: § 13-2910.12

CH 202, H 2322: Hazing; Classification; Offense

Classifies “intentionally, knowingly, or recklessly for the purpose of pre-initiation activities, pledging, initiating, holding office, admitting or affiliating a minor or student into or with an organization for the purpose of continuing, reinstating or enhancing a minor's or student's membership or status in an organization” as hazing. States that sexual humiliation, sexual brutality, physical and psychological tactics that result in a minor or student's mental distress, consumption of food, consumption of nonalcoholic liquids, consumption of alcoholic liquids, consumption of drugs, an act of restraint, confinement in a small space, sleep deprivation are all classified as hazing a minor or student. Exempts customary athletics, law enforcement or military training, contests, competitions, and events from being charged with or prosecuted for hazing or a crime arising out of hazing. Exempts individuals from being charged with or prosecuted for hazing or a crime arising out of hazing if they do the following: 1) transport a minor or student who is experiencing a medical emergency to a law enforcement agency, campus security, or health care facility. 2) The person promptly and in good faith reported the medical event caused by hazing to a law enforcement officer, 911, or E911 service, campus security officer, or emergency personnel. Requires the individual seeking exemption to provide the minor or students name and location, to stay with the minor or student until help arrives, and for the person to cooperate with law enforcement, a campus security officer, or emergency service personnel. Classifies hazing as a class 1 misdemeanor, except if the hazing resulted in death it is classified as a class 4 felony. Classifies a hazing planning or organizing as a class 2 misdemeanor.

Section amended: § 15-2301

Sections added: §§ 13-1215, 13-1216

CH 291, S1633: Harassment; Aggravated Harassment; Offense

Removes the “intent” and “knowledge” requirement from the definition of harassing. Current law requires that the person must know they are harassing another person and intend to do so. This bill modifies the definition to state that harassment occurs if a person “knowingly and repeatedly commits an act or acts that harasses a person,” or commits one of the specific acts already outlined in statute. Removes the requirement that if someone were to make a false report to law enforcement against another person, it must occur more than once to be considered harassment. Specifies that harassment does not apply to a professional investigator or peace officer while they are acting within the scope of investigation. Also states harassment does not apply to a certified and duly authorized process server carrying out their server duties in relation to an action or proceeding. Amends the definition of “harass” to include if the harassed person feels humiliated or mentally distressed. Modifies the definition of aggravated harassment to include any type of court order against harassment/ contact/ OOP/ Emergency OOP that may be in place at the time of the offense in order to constitute aggravated harassment.

Sections amended: §§ 13-2921, 13-2921.01

CH 260, H2251: Lasers; Peace Officers; Aircraft; Penalty

Modifies the mens rea applicable to these offenses. Current statute specifies a mens rea of knowingly or intentionally. This bill adds recklessly. Classifies intentionally aiming a laser pointer at a police officer as a class 5 felony, while doing so recklessly is deemed a class 1 misdemeanor. The intentional or reckless aiming of a laser pointer at an occupied aircraft that causes a crash or emergency landing is classified as a class 2 felony. If the laser pointer causes a pilot to be unable to safely operate the aircraft, it is a class 3 felony. Intentionally or knowingly aiming a laser pointer at an occupied aircraft is a class 6 felony, and recklessly aiming a laser pointer is a class 1 misdemeanor. Amends the definition of a laser pointer.

Section amended: § 13-1213

CH 262, H2343: Crime Scene Investigation Interference; Offense

Defines “interfering with a crime scene investigation” as when an individual knowingly disobeys the order of a peace officer in relation to staying away from crime scene area or simply interfering with the investigation. Specifically states that the section does not prevent a person from “peaceably” observing the activity. Interfering with a crime scene investigation is a class 2 misdemeanor. Defines a “crime scene.”

Section added: § 13-2413

CH 225, H2652: Used Catalytic Converters; Sales; Acquisitions

Prohibits solicitation, advertising, or possession of a used catalytic converter or nonferrous parts of a catalytic converter (class 1 misdemeanor). Contains exceptions. Emergency clause (already in effect).

Sections amended: §§ 13-3728, 44-1641, 44-1641.05, 44-1642, 44-1642.01, 44-1644, 44-1646

Evictions

CH 97, H2484: Forcible Entry; Detainer; Filing Fee

Prohibits any court from collecting a fee for filing an answer to a complaint for forcible entry or detainer.

Sections amended: §§ 12-301, 22-281

CH 286, H2485: Eviction Dismissal; Sealed Records

Requires the court to seal all court records relating to an action for summary eviction, forcible entry and detainer, or special detainer action in which the court dismissed the action prior to entry of judgment, or entered judgment in the favor of the tenant. The court must also seal records related to eviction actions if the parties jointly agree and stipulate to do so. The records may only be made available to the parties involved, their attorneys, the court, or the clerk of the court. Applies to cases dismissed or in which judgment is entered for the tenant on or after the general effective date.

Section added: § 33-1379

Elections

CH 370, HB2243: Voter Registrations; State Residency; Cancellation

In pertinent part, requires jury commissioners to provide a summary report to the Secretary of State and to the county recorder with information from jury questionnaires to accurately identify persons in the voter registration database who are not residents of the county or who are not United States citizens based on questionnaire responses. Requires juror questionnaires to contain a notice informing persons that disqualification from jury duty as a result of responding to the questionnaire that the person is not a resident or is not a United States citizen will result in the person's voter registration being canceled.

Sections amended: §§ 16-152, 21-314

Law Amended: Laws 2022, Chapter 99, Section 8

CH 3, H2839: Candidate Nominations; Signatures; Redistricting

Changes the number of signatures required for justice of the peace nominating petitions in the 2022 election cycle. Requires nomination petitions for a justice of the peace candidate to be signed by at least one percent but no more than ten percent of the total number of qualified signers in the county or district. Counties or districts with a population of two hundred thousand persons or more must obtain at least one-fourth of one percent but not more than ten percent of the total number of qualified signers in the county or district. Establishes the requirements for nomination petition signatures after a justice precinct has been redistricted. If new boundaries for justice precincts are adopted after January 2 of the year of a general election and before the last date for filing nomination petitions for the justice precinct, then the basis for determining the required number of nomination petition signatures is the number of qualified signers in the precinct on the effective date of the new precinct.

Section amended: § 16-322

Law amended: Laws 2021, Chapter 155, Section 2

CH 230, S1008: Elections; Recount Margin

For a primary or general election only, a recount must be initiated if the final count is less than or equal to one-half of a percent “of the number of votes cast for both such candidates or on such measures or proposals.” Removes all other previous circumstances that would require a recount and leaves this new provision as the only instance where a recount occurs.

Section amended: § 16-661

CH 282, S1460: Election Law Amendments

Amends numerous election related procedures, such as call of elections, elections after redistricting, early ballots, and address confidentiality programs.

Sections amended: §§ 16-135, 16-153, 16-166, 16-205, 16-226, 16-227, 16-228, 16-403, 16-411, 16-412, 16-544, 16-579, 41-166, 45-415

Administrative

CH 24, H2063: PSPRS; CORP; Reemployment; Time Period

Decreases the required waiting period after the date of retirement from 12 to 6 months for when a PSPRS or CORP member can become reemployed by the same employer and continue to be eligible to receive pension payments.

Sections amended: §§ 38-849, 38-884

CH 247, H2453: Governmental Entities; Mask Requirement; Prohibition

Prohibits a governmental from requiring masks or face coverings anywhere on the premises, unless there are “long-standing workplace safety and infection control measures” that are not related to and pre-exist COVID-19. There is an exception for Title 48 special healthcare districts. Defines governmental entity to include the state, political subdivision and the judiciary.

Section added: § 36-381

CH 323, S1002: EORP Appropriation; Resignation; Retirement

Allows an EORP member who meets the IRS safe harbor requirements (55 years old plus 10 years service or 59.5 + 5 years to retire within a specific window (6/30/22 thru 9/30/22) and receive normal retirement benefits (note, not “full” retirement benefits if the person is not otherwise eligible) pursuant to Section 38-808. Allocates \$60m from the state general fund to EORP. Contains an emergency clause.

Odds & Ends

CH 9, S1089: Liens; Fees; Exemption

Prohibits the county recorder from collecting fees related to performing duties necessary to record or release a criminal restitution lien, or for any lien necessary to enforce a support order.

Sections amended: §§ 11-475, 11-480, 13-806

CH 18, S1275: Fireworks; Use; Overnight Hours; Prohibition

Allows local governments to prohibit the use of permissible consumer fireworks on all days between the hours of 11:00 PM and 8:00 AM, except for on December 31st and July 4th, when firework usage is permitted between 11:00 PM and 1:00AM.

Section amended: § 36-1606

CH 208, H2645: False Filings; UCC; Penalty

States that in judicial proceedings where the identity of a party to notarized instrument is in question a presumption must be given to the validity of the identity of the party who signed the instrument if the official journal of the notary public is lost, stolen or, compromised. Clarifies that if an official journal never existed or that the notary public failed to fully and faithfully discharge the duties of a notary public, then no presumption will be applied to the validity of the identity of the party who signed the instrument. Requires the courts to provide a notice to the secretary of the state and the county attorney general when a notary fails to fully and faithfully discharge the duties of a notary public. Classifies filing a material misstatement or false claim when the person knows the record is unauthorized under section 47-9509, as a class 3 felony. Allows the attorney general or county attorney in the county where the incident occurred to prosecute the violation.

Sections amended: 41-323, 47-9527

CH 263, H2371: COVID Vaccine Mandates; Prohibition

Repeals Title 36, chapter 6, article 4.2 (and the two sections under it), “Vaccine Passport Prohibitions,” and replaces it with “Public Health Mandates.” The new section (36-381) states that a governmental entity may not require a person under eighteen to receive a COVID-19 vaccine without the consent of a parent or guardian. Classifies a violation of this section as a class 1 misdemeanor which can be prosecuted by the county attorney.

Article repealed: Title 36, chapter 6, article 4.2

Article added: Titled 36, chapter 6, article 4.2

CH 343, SB1168: Vacation Rentals; Short-Term Rentals; Enforcement

Sections amended: §§ 9-500.39, 11-269.17, 42-5042

Sections repealed: § 42-1125.02

Budget Highlights

[CH 313, H2862: Budget; General Appropriations Act; 2022-2023](#)

- **Jury Pay:** Appropriates \$1,620,000 from the General Fund (GF) for the Arizona Trial and Digital Evidence fund. Allows payment for lost wages to jurors empaneled on a jury in superior court beginning day 1 of trial. Same verification process as used in lengthy trial fund claims.
- **Judicial Salary Increases:**
 - o Raises the Chief Justice’s salary to \$212,000 and the other justices’ salaries to \$205,000 (eff. 1/1/23)
 - o Raises Court of Appeals judge salaries to \$190,000 (eff. 1/1/23)
 - o Raises Superior Court judge salaries to \$164,700 on 1/1/23 and \$180,000 on 1/1/24. (JP salaries tied to SC judge salaries in statute).
- **Court of Appeals Expansion:** Appropriates \$3.1 M GF for six new judges, twenty support staff, and chamber construction costs for Court of Appeals Division 1 and 2. New judges and staff effective January 1, 2023. Adds 3 new at-large judges to each Division, requires caseload reporting, allows transfer between divisions & designated specialty benches to ensure efficient use of judicial resources & expeditious case resolution. Effective January 1, 2023.

Other Budget Nuggets:

- \$1M GF for the judiciary’s automation revenue shortfall.
- \$1,227,300 GF for the state’s share of a 2.5% increase in probation officer salaries.
- \$959k from the CASA Fund for 15 FTE & CASA volunteer retention initiatives.
- \$300k from the CASA fund for the Dependent Children Automated Tracking System rewrite.
- 10% across the board salary increase for state employees