House Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 39

HOUSE BILL 2052

AN ACT

AMENDING SECTION 28-672, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 297, SECTION 1; REPEALING SECTION 28-672, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 276, SECTION 1; AMENDING SECTIONS 28-675 AND 28-676, ARIZONA REVISED STATUTES; REPEALING LAWS 2006, CHAPTER 297, SECTION 3; RELATING TO MOTOR VEHICLE ACCIDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 28-672, Arizona Revised Statutes, as amended by Laws 2006, chapter 297, section 1, is amended to read:

28-672. Causing serious physical injury or death by a moving violation; classification; penalties

A. A person is guilty of causing serious physical injury or death by a moving violation if the person violates any one of the following and the violation results in an accident causing serious physical injury as defined in section 13-105 or death to another person:

1. Section 28-645, subsection A, paragraph 3, subdivision (a).
2. Section 28-772.
3. Section 28-792.
4. Section 28-794.
5. Section 28-797, subsection E or G.
6. Section 28-855, subsection B.
7. SECTION 28-857, SUBSECTION A.

B. A person who violates this section shall attend and successfully complete traffic survival school training and educational sessions that are designed to improve the safety and habits of drivers and that are approved by the department. In addition, the court may order the person to perform community restitution.

C. The court shall report a conviction for a violation of this section to the department and may direct the department to suspend the person's driving privilege for not more than ninety days if the violation results in serious physical injury as defined in section 13-105 and not more than one hundred eighty days if the violation results in death.

D. If a person's driving privilege is suspended pursuant to any other statute because of an incident involving a violation of this section, the suspension period prescribed in subsection C of this section shall run concurrently with the other suspension period.

E. If a person fails to successfully complete traffic survival school training and educational sessions or perform community restitution pursuant to this section, the court shall notify the department and the department shall promptly suspend the driver license or permit of the driver or the privilege of a nonresident to drive a motor vehicle in this state until the order is satisfied.

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

G. Restitution awarded pursuant to section 13-603 as a result of a violation of this section shall not exceed ten thousand dollars.

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

Sec. 2. Repeal

Section 28-672, Arizona Revised Statutes, as amended by Laws 2006, chapter 276, section 1, is repealed.

Sec. 3. Section 28-675, Arizona Revised Statutes, is amended to read:

28-675. Causing death by use of a vehicle; classification

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

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

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

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

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

(b) Section 28-772.

(c) Section 28-792.

(d) Section 28-794.

(e) Section 28-797, subsection E or G.

(f) Section 28-855, subsection B.

(g) SECTION 28-857, SUBSECTION A.

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

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

2. The person's driving privilege is suspended for any reason pursuant to chapter 4, article 3 of this title.

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

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

5. The person's driving privilege is suspended pursuant to section 28-3306, subsection A, paragraph 3.

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

(a) Knowingly uses a false or fictitious name.

(b) Knowingly makes a false statement.

(c) Knowingly conceals a material fact.

(d) Commits fraud.

(e) Violates section 28-3479.

C. Causing death by use of a vehicle is a class 4 felony.

Sec. 4. Section 28-676, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

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

(b) Section 28-772.

(c) Section 28-792.

(d) Section 28-794.

(e) Section 28-797, subsection E or G.

(f) Section 28-855, subsection B.

(g) SECTION 28-857, SUBSECTION A.

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

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

2. The person's driving privilege is suspended for any reason pursuant to chapter 4, article 3 of this title.

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

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

5. The person's driving privilege is suspended pursuant to section 28-3306, subsection A, paragraph 3.

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

(a) Knowingly uses a false or fictitious name.

(b) Knowingly makes a false statement.

(c) Knowingly conceals a material fact.

(d) Commits fraud.

(e) Violates section 28-3479.

C. Causing serious physical injury by use of a vehicle is a class 5 felony.

Sec. 5. Repeal

Laws 2006, chapter 297, section 3 is repealed.

APPROVED BY THE GOVERNOR APRIL 11, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.