



SUPREME COURT

STATE OF ARIZONA



GOVERNOR'S OFFICE OF
**HIGHWAY
SAFETY**

MVD Updates



AZ Judicial Traffic Conference

December 4, 2025

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Agenda

- Arizona Revised Statute §28-1559
- Disposition Code 76 vs Disposition Code 59
- Mandatory Insurance Suspension
- SR22 Requirements
- Admin Per Se/Implied Consent Affidavits vs DUI Consequences
- DUI Screening, Treatment, Education, and Substance Abuse Evaluation
- MVD Point System
- Driver History Record
- Juvenile Actions
- Commercial Driver License (CDL)
- Traffic Ticket Enforcement Assistance Program (TTEAP)
- Abandoned Vehicles
- Disability Placards

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Traffic case records; abstract of record; reports § 28-1559

Statute requiring reporting	What must be reported?	When must it be reported?
ARS 28-1559(B)	Abstract of record for convictions, judgments, or forfeitures of bail or deposit: <ul style="list-style-type: none"> Title 28, Chapters 3-5 (ARS 28-601 to 28-1654) Any other law regulating the operation of vehicles on highways BUT NOT convictions or civil adjudications for illegal parking or standing of a vehicle 	Within 10 days after the conviction, judgment, or forfeiture of bail or deposit
ARS 28-1559(H)	Report of traffic offenses or civil violations committed by persons under 18 years of age (based on being <i>charged</i>) <ul style="list-style-type: none"> Title 28, Chapters 3-4 (ARS 28-601 to 28-1467) Any other law regulating the operation of vehicles on highways BUT NOT parking violations or where it is found that the offense or civil violation was not committed 	Within 30 days after date committed

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Traffic case records; abstract of record; reports §28-1559

Commercial Motor Vehicles and Commercial Driver License (CDL) Holders;

- ARS 28-1559(B) requires courts to submit abstracts to the Department for convictions, judgments, or forfeitures of bail or deposit regarding “any other law regulating the operation of vehicles on highways.” This includes laws regulating the operation of commercial motor vehicles.
- Commercial vehicle violations should be reported only in the form specified in the “reported as” list. For example, a violation of AAC R17-5-202 – 49 CFR 392.01(c) is reported to MVD as 392.01(c). This ensures that (1) MVD can correctly code the driver’s record, (2) MVD complies with federal regulations, and (3) MVD report of the conviction to the CDL driver’s home state (if applicable) is processed correctly.

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Why Does It Matter?

- The Department of Transportation must take certain licensing actions upon report of these convictions. If the convictions are not properly reported to the Department, then the Department cannot take the statutorily-required actions (e.g., **suspension, revocation, ignition interlock device requirement**).
- The Department must maintain an accurate database of all violations regarding commercial driver license holders and of all violations occurring in commercial vehicles. The Department is required to transmit all violations to a driver's home state of record. The Department's database is audited by FMCSA and its failure to report accurately could result in loss of federal funding.

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Disposition Code 76 Set-Aside Pursuant to §13-905

- Disposition Code 76 should be used when a defendant applies for and is granted a "judgment of guilt set-aside pursuant to A.R.S. § 13-905" from the court. Report a set-aside judgment pursuant to A.R.S. § 13-905 by using Disposition Code 76. Once MVD records are updated, the defendant is still required to meet MVD requirements (i.e. reinstatement fees, Traffic Survival School, Ignition Interlock) prior to reinstating his/her driving privileges.
- **Note:** Disposition Code 76 will show the conviction on the driver record with a notation of "Set-aside per 13-905". The violation can still be used for any future litigation unlike a Disposition Code 59.

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Disposition Code 76

Set-Aside Pursuant to §13-905

- Will set aside the judgment of guilt
- Will not remove the arrest record from criminal history
- Does not delete any points assessed when the charge was originally reported to MVD
- Defendant is still required to meet MVD requirements (i.e. revocation, reinstatement fees, Traffic Survival School, Ignition Interlock) prior to reinstating his/her driving privileges

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Disposition Code 59

Judicial/Conviction set aside

- Voids the conviction from the driver record
- Voids any consequences/MVD requirements
- Is not a final disposition code & requires a follow-up code
- Removes it from the Motor Vehicle Record (MVR)

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Mandatory Insurance Suspension Clearance Form

- This form is given to a person when the court requires proof that a MI suspension was voided by MVD.
- The effective date of insurance received must be prior to the suspension date.

98-0229 403/15 azdot.gov

Mail Drop 535M
Insurance Unit
Motor Vehicle Division
PO Box 2100
Phoenix AZ 85001-2100

**MANDATORY INSURANCE
SUSPENSION CLEARANCE**

NAME	Vehicle Identification Number
ADDRESS	Plate Number
CITY/ST/ZIP	Owner Name (first, middle, last, suffix)
	Suspension Date Date Suspension Voided

The vehicle described above was suspended for not having current insurance on file with us. Proof was later received that showed the vehicle was insured before the suspension went into effect, therefore the suspension was voided, which removed it from the record.

MVD Agent Name	Signature	Date
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SR22 Requirements

What is a SR22?

- SR22 is a certificate of future financial responsibility from any insurance company licensed to conduct business in Arizona.

Why would a customer have to maintain proof of a SR22?

- Alcohol/Drug related revocations
- Implied Consent Conviction of A.R.S. §28-4135
- Judgments
- A person who defaults or cancels on the initial SR22 requirement

How long is a customer required to maintain proof of the SR22?

- Three years from the date the customer becomes eligible to reinstate their driving privileges
- Two years after the judgment satisfaction date.
- When a customer is making payments during a judgment (Written Consent), a SR22 is required during that time and then two years after the judgment satisfaction date.



Admin Per Se/Implied Consent Affidavit

<u>VIOLATION</u>	<u>ADMIN. SUSPENSION</u>	<u>SIIRDL ELIGIBILITY</u>	<u>SR22 REQUIREMENT</u>
§28-1385A (admin per se w/no BAC)	90 day suspension (30/60 if first)	Yes - If we get BAC	No
§28-1385A2 (admin per se w/BAC)	90 day suspension (30/60 if first)	Yes	No
§28-1321 (implied consent)	12 month suspension	Yes- If alcohol related and BAC is above 0.08	Yes

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DUI Consequences

<u>Type of DUI</u>	<u>Points</u>	<u>Suspension if no admin/implied</u>	<u>Interlock Requirement</u>	<u>ISS</u>
§28-1381 Alcohol	8	90 days	1 year	Yes
§28-1381 Drug only	8	90 days	No	Yes
§28-1382(A)(1)	8	90 days	1 year	Yes
§28-1382(A)(2)	8	90 days	18-24 month	Yes
§28-1383(A)(3)(a)	8	1 year revocation	1 year	Yes
§28-1383	8	1 year revocation	24 month	Yes

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What happens with affidavit vs no affidavit?

Admin then DUI

- 90 day suspension. Restriction or SIIRDL eligible
- Screening

Implied then DUI

- 1 year suspension. SIIRDL eligible
- Screening
- SR22

No admin/implied or DUI first (or hearing voids admin/implied)

- 90 day suspension. Restriction eligible (not SIIRDL)
- SR22

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DUI Screening, Treatment, Education and Substance Abuse Evaluation

- **Screening** – MVD receives an Admin Per Se or Implied Consent Affidavit, a compliance requirement will be generated on the driving record and the driver record will remain suspended until screening is completed. Affidavits each carry their own alcohol/drug screening requirement.
- **Treatment (Court Directed Alcohol Class)** – When a court orders DUI treatment, another compliance requirement will be generated on the driving record. Before reinstating a suspension, a person must be enrolled or have completed treatment (proof is required).
- **Education (§28-1381)** – When a customer has been convicted of A.R.S. 28-1381 (no accident) and the date is on or after 01/01/2012, 16 hours of alcohol education is required for the driver to be eligible for the Interlock deferral for up to six months. **(Not a mandate)**
- **Substance Abuse Evaluations** – When a person is revoked they must have a current evaluation completed for alcohol/drug revocations.

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HOUSE BILL 2728 DUI; alternative treatment

- Effective 9/26/2025
- Adds Evidence-Based Psychotherapy as an option for required court-ordered alcohol/drug treatment for a person convicted of §28-1381 (dui)
- Allows the court to order a person convicted of §28-1381, at the person’s option, to participate in a religious program that is approved by the court
- §28-1381(R) For the purpose of this section, “evidence-based psychotherapy” means psychotherapy services that are offered by a psychologist who is licensed pursuant to title 32, chapter 19.1 and who integrates the best available scientific research with clinical expertise based on the context of the patient’s characteristics, culture and preferences.



MVD Point System Arizona Administrative Code R17-4-404

POINT ACCUMULATION	CORRECTIVE ACTION TAKEN
8-12 Points (within 12 months)	Traffic Survival School (TSS) *if driver has attended TSS w/in the last 24 months then: Three month suspension
13-17 Points (within 12 months; no option to attend TSS)	Three Months Suspension
18-23 Points (within 12 months; no option to attend TSS)	Six Months Suspension
24+ Points (within past 36 months)	One Year Suspension



Driver History Record

MVD has updated our systems to implement the American Association of Motor Vehicle Administrators' (AAMVA) best practices one driver history record for each individual.

This update includes the following changes:

- Expands the electronic submittal of out of state convictions and withdrawals allowing for more timely posting and actions taken when needed;
- Motor Vehicle Records (MVRs) will include conviction history from other jurisdictions.

Effective: 09/15/2024

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Juvenile Actions

Juvenile actions reported to the Department are governed by the following Arizona Revised Statutes:

- A.R.S §28-3320 – Suspension of license for person under 18 years of age
- A.R.S. §8-323 (Juvenile hearing officer; appointment; term; compensation; hearings; required attendance; contempt)
- A.R.S. §8-323(D) – If ordered by the juvenile hearing office/court, MVD will suspend the driving privileges until the juvenile's 18th birthday, until the juvenile appears in court or complies with the court order.

****Notification of suspension must be received on a MVD Court Abstract.****

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Juvenile Actions

- A.R.S. §8-323(F) - If convicted of a charge that falls under this statute, the court may suspend or restrict the driving privileges for a period not to exceed 180 days. ***Notification of suspension/restriction must be received on a MVD Court Abstract.***
- A.R.S. §28-3320(B) - If ordered by the court, the department shall restrict the person's privilege to drive between the person's home, school and place of employment during specified periods of time according to the person's school and employment schedule.

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Juvenile Violations §8-323

Violations reported under this statute include any law relating to the following:

- **Any provision of Title 28 not declared a felony**
- Purchase, possession or consumption of spirituous liquor
- Boating/game and fish
- Curfew
- Truancy
- Graffiti
- Purchase or possession of tobacco
- Any city/town ordinance
- Failure to Comply (FTC)
- Failure to Appear (FTA)

***Upon receiving notification of compliance from the court, the suspension will end ***

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Juvenile Violations §28-3321

§28-3321. Moving violations by persons under eighteen years of age;traffic survival school;suspension

A person found responsible/convicted of a moving traffic violation or a moving criminal traffic offense pursuant to this title, excluding violations of sections 28-693, 28-695, 28-708, 28-1381-28-1383, and 28-3174, and commits the moving civil traffic violation or moving criminal traffic offense while under eighteen yrs of age is subject to the following:

- On receipt of the 1st record of judgment or conviction, MVD will order Traffic Survival School
- On receipt of the 2nd record of judgment or conviction, MVD will suspend the driving privilege for three months
- On receipt of the 3rd record of judgment or conviction, MVD will suspend the driving privilege for six months

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Juvenile Violations §28-3322

§28-3322. Suspension of license for persons eighteen, nineteen and twenty years of age;definition

- A. In addition to the grounds for mandatory suspension or revocation provided for in chapters 3, 4 and 5 of this title, the department shall immediately suspend the driver license or privilege to drive or refuse to issue a driver license or privilege to drive of a person who commits a violation of section 4-244, paragraph 34 while the person is eighteen, nineteen or twenty years of age **on receipt** of the record of the person's conviction for violation of section 4-244, paragraph 34 for a period of two years.

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Juvenile Suspension Under 18 Years of Age §28-3320

VIOLATION	SUSPENSION PERIOD
§4-244.9- 1 st Report of possession of liquor (§28-3320D)	Up to 180 days – Court ordered
§4-244.9 – 2 nd or subsequent possession of liquor (§28-3320A7)	Two years or until 18 th birthday – Court ordered
§4-244.34 – Under 21 driving or in physical control of a motor vehicle with spirituous liquor in the person’s body (§28-3320A1)	Two years – may be SIIRDL eligible
§28-1381A1 - DUI (§28-3320A1)	Two years – may be SIIRDL eligible
§28-1382 – Extreme DUI (§28-3320A1)	Two years – may be SIIRDL eligible
§28-1383 – Aggravated DUI (§28-3320A2)	Revocation and Suspension - Three years
§13-1602 (A)(1) – Criminal Damage/Defacing Property (§28-3320A3)	Until 18 th birthday

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Juvenile Suspension Under 18 Years of Age §28-3320

VIOLATION	SUSPENSION PERIOD
§13-1602A5 – Graffiti (§28-3320A4)	Until 18 th birthday
§13-1604A – Aggravated Criminal Damage (§28-3320A3)	Until 18 th birthday
§13-1802 – Theft (§28-3320A8)	Until 18 th birthday
§13-1803 – Unlawful Use of Transportation (§28-3320A8)	Until 18 th birthday
§13-1814 – Theft of Means of Transportation (§28-3320A8)	Until 18 th birthday
Title 13, Ch. 34 (any provision) Drug Offenses (§28-3320A6)	Until 18 th birthday
Any statute or ordinance involving purchase or possession of materials used for graffiti (§28-3320A5)	Until 18 th birthday

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Federal CDL Disqualification

1. CDL drivers that refuse to take a drug or alcohol test and are later charged would this create 2 disqualifications? 1 for refusing and 1 when they are charged?

- Yes, a Federal disqualification would be assessed for the refusal and once the court conviction is received an additional 1 year would be assessed.
- Federal Disqualifications for major violations such as a refusal and DUI conviction would not assess a lifetime Federal disqualification based on an occurrence that stems from the same stop.
- If a refusal is assessed and in turn the court conviction is for Sex trafficking or Felony involving the manufacturing, distributing, or dispensing a controlled substance a Permanent CDL disqualification will be applied to the driver

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CDL Federal Compliance Mandates

In 2024 the Federal CDL program had the following two Federal mandates implemented into the Arizona MVD system.

- **Exclusive Electronic Exchange (EEE)**
 - Mandates all CDL/CLP/CMV convictions, withdrawals and negates to be sent between jurisdictions electronically only through CDLIS. Paper convictions, withdrawals or negates are no longer permitted between Motor Vehicle offices, Mexico, Canada or any other Foreign jurisdiction.
- Effective May 6, 2024**
- **Drug and Alcohol Clearinghouse final rule (DACH)**
 - Mandates all state driver licensing agencies to at the minimum remove the commercial privileges from the Driver License until a return to duty process is completed through FMCSA. DACH records consist of drug and alcohol prohibition violations, including positive drug or alcohol test results and test refusals.
- Effective November, 10 2024**

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CDL Federal Compliance Mandates

In 2025 the Federal CDL program implemented the following Federal Mandate

- **National Registry of Medical Examiners II (NRII)- June 9, 2025**
 - Medical exam Certificates completed by Medical examiners must be submitted electronically to the National Registry where FMCSA will automatically transmit the results to the State driver licensing agency within 24 hours after submittal. Paper Medical Exam Certificates are no longer an option to record a drivers physical qualifications to operate a Commercial Motor vehicle to a Commercial Drivers history.

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CDL Masking [49 CFR §384.226]

“The State must not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a CLP or CDL holder’s conviction for any violation, in any type of motor vehicle, of a State or local traffic control law (other than parking, vehicle weight, or vehicle defect violations) from appearing on the CDLIS driver record, whether the driver was convicted for an offense committed in the State where the driver is licensed or another State.”

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Defensive Driving School for CDL drivers

An individual that holds a Commercial Driver License may attend defensive driving school **only** if the vehicle that the individual was driving at the time of the occurrence was not a commercial motor vehicle (CMV)

The definition of a CMV per Federal regulation 383.50 is defined as:

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is

- **Combination Vehicle (Group A)**—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- **Heavy Straight Vehicle (Group B)**—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or
- **Small Vehicle (Group C)** that does not meet Group A or B requirements but that either—
 - Is designed to transport 16 or more passengers, including the driver; or
 - Is of any size and is used in the transportation of hazardous materials as defined in this section.

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Deceased individual with TTEAP

If there is a TTEAP hold for a deceased individual involving a vehicle with more than one owner the following should be confirmed;

- Current title legal status for owners with MVD
 - **AND**- Tenancy in common- In the event of death of either party this must be handled by probate action through the courts by the interested party or by completing a Non Probate affidavit.
 - **AND/OR**-Joint tenancy with rights of survivorship- Surviving owner may make changes with documentation.
 - **OR**-Joint tenancy- Surviving owner may make changes
- If the surviving owners title legal status allows the individual to make sole changes the surviving owner would be able to remove the secondary owner(s)

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Abandoned Vehicles

Waiving fees

If customer is assessed an Abandoned Vehicle fee of \$500 or \$600, the following documentation can be provided to determine if the fee can be waived:

- Bill of Sale
- Sale receipt
- Trade-in agreement from the dealership
- Stolen police report
- Divorce decree
- Repossession
- Donation acceptance letter
- Total loss settlement from Insurance Company
- Bankruptcy Discharge: must list ADOT and the \$500 or \$600 fee
- Incarceration; time served or letter from probation officer
- Military deployment

Documentation must be completed prior to abandonment

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Abandoned Vehicles

Waiving fees

Customer must provide the following documentation in order to retrieve their vehicle from the towing company:

- Proof of Ownership: Current registration (AZMVDNow account)
- Valid insurance
- Valid Driver License
- Police release (if applicable)

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Disability Placards

When law enforcement queries the placard and no record found:

1. Query the placard as a license plate
2. The information will populate the placard owners information
 - If Permanent placard, the issue date will not populate
 - Temporary placard will show the expiration date and customers name

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THANK YOU!