

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
 REQUIREMENTS FOR DEFENSIVE)
 DRIVING LIVE CLASSES DURING A) Administrative Order
 PUBLIC HEALTH EMERGENCY) No. 2020 - 50
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)

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). While certified defensive driving schools may continue to operate and provide defensive driving classes to the public, it is essential to reduce risk to the public during this public health emergency.

Pursuant to A.R.S. § 28-3396 the Supreme Court administers the defensive driving program and establishes the criteria for the certification of defensive driving schools and instructors used by the courts.

Legislation was enacted under HB 2265 in 2019 prohibiting the Supreme Court from amending any rules relating to defensive driving schools that are regulated pursuant to Title 28, Chapter 8, Article 7 of the Arizona Revised Statutes until June 30, 2020 unless the administrative director of the Supreme Court determines an emergency exists that necessitates an immediate adoption or amendment of a rule.

The administrative director of the courts has determined that an emergency exists that necessitates an immediate adoption of new defensive driving school program requirements to reduce risk to the public who may interact in person with defensive driving school employees, instructors, and others attending the same live defensive driving classes.

Therefore, pursuant to A.R.S. § 28-3396 and Article VI, Sections 3, of the Arizona Constitution,

IT IS ORDERED that effective March 24, 2020:

All defensive driving schools and instructors must follow recommendations issued by the Arizona Department of Health Services¹ and the Center for Disease Control (CDC)² regarding the

¹ <https://www.azdhs.gov/>

² <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>

COVID-19 pandemic, whichever is stricter, in locations where school staff or instructors receive and interact with the public. This includes physical offices that receive the public and live class locations. Currently those recommendations require, among other things, that meetings shall be comprised of groups no larger than 10 and social distancing of no less than 6 feet between individuals.

This Order applies to defensive driving school and instructor interactions with members of the public and not operating procedure in areas not accessed by the public or to non-defensive driving school business operations of the defensive driving schools that do not require certification.

IT IS FURTHER ORDERED that the Director of the Administrative Office of the Courts or designee (the “Director”) shall have the authority to summarily suspend the certification of any certified defensive driving school or instructor that fails to comply with the provisions of this order. If a certification is suspended, the suspension shall remain in effect until the suspension is rescinded by the Director. If common ownership exists among a group of schools and the Director has good cause to believe that a lack of oversight and control by the owner and/or principals exists over the commonly held schools, the Director may extend a summary suspension of one school to all commonly held schools. Unless inconsistent with this Order, this Order does not affect the certification complaint process described in ACJA §§ 7-201 and 7-205. In the event a certification is summarily suspended, notice and a right to hearing before the disciplinary hearing officer pursuant to ACJA §§ 7-201(H) and 7-205(H) shall apply.

Dated this 20th day of March, 2020.

ROBERT BRUTINEL
Chief Justice