

House Engrossed Senate Bill

~~commercial vehicles; operator; lawful presence~~
(now: nondomiciled commercial driver licenses; validity)

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1511

AN ACT

AMENDING TITLE 28, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 28-5233; RELATING TO COMMERCIAL DRIVER LICENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 28, chapter 14, article 2, Arizona Revised
3 Statutes, is amended by adding section 28-5233, to read:

4 28-5233. Commercial motor vehicle operator; lawful presence;
5 failure of proof; impoundment of vehicle

6 A. A PERSON WHO IS ISSUED A NONDOMICILED COMMERCIAL DRIVER LICENSE
7 MAY NOT OPERATE A COMMERCIAL MOTOR VEHICLE IN THIS STATE UNLESS THE PERSON
8 CAN PROVIDE EVIDENCE OF LAWFUL IMMIGRATION STATUS PURSUANT TO 49 CODE OF
9 FEDERAL REGULATIONS PART 383 OR LAWFUL PRESENCE IN THE UNITED STATES
10 PURSUANT TO THE ACCEPTABLE DOCUMENTS PRESCRIBED IN SECTION 41-1080.

11 B. A LAW ENFORCEMENT OFFICER MAY REQUEST EVIDENCE OF LAWFUL
12 IMMIGRATION STATUS OR LAWFUL PRESENCE IN THE UNITED STATES PURSUANT TO
13 SUBSECTION A OF THIS SECTION FROM A PERSON OPERATING A COMMERCIAL MOTOR
14 VEHICLE WITH A NONDOMICILED COMMERCIAL DRIVER LICENSE.

15 C. IF A PERSON OPERATING A COMMERCIAL MOTOR VEHICLE WITH A
16 NONDOMICILED COMMERCIAL DRIVER LICENSE FAILS TO PROVIDE EVIDENCE REQUESTED
17 PURSUANT TO SUBSECTION B OF THIS SECTION, THE LAW ENFORCEMENT OFFICER OR
18 THE LAW ENFORCEMENT AGENCY OF THE LAW ENFORCEMENT OFFICER SHALL:

- 19 1. IMPOSE A CIVIL PENALTY PURSUANT TO SECTION 28-5240.
- 20 2. ISSUE A CITATION PURSUANT TO THIS SECTION.
- 21 3. REPORT THE VIOLATION TO:

22 (a) THE JURISDICTION THAT ISSUED THE PERSON'S COMMERCIAL DRIVER
23 LICENSE.

24 (b) THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.

25 D. IF A PERSON OPERATING A COMMERCIAL MOTOR VEHICLE WITH A
26 NONDOMICILED COMMERCIAL DRIVER LICENSE FAILS TO PROVIDE EVIDENCE REQUESTED
27 PURSUANT TO SUBSECTION B OF THIS SECTION, THE LAW ENFORCEMENT OFFICER OR
28 THE LAW ENFORCEMENT AGENCY OF THE LAW ENFORCEMENT OFFICER MAY PLACE THE
29 DRIVER ON AN OUT-OF-SERVICE ORDER AS DEFINED IN 49 CODE OF FEDERAL
30 REGULATIONS SECTION 390.5. IF THE PERSON OPERATING THE COMMERCIAL MOTOR
31 VEHICLE IS PLACED OUT-OF-SERVICE PURSUANT TO THIS SUBSECTION, THE LAW
32 ENFORCEMENT OFFICER SHALL DOCUMENT THE COMMERCIAL DRIVER LICENSE
33 INFORMATION AND IMMEDIATELY REPORT THE OUT-OF-SERVICE ORDER TO:

34 1. THE JURISDICTION THAT ISSUED THE PERSON'S COMMERCIAL DRIVER
35 LICENSE.

36 2. THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION THROUGH THE
37 COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM OR OTHER APPROPRIATE
38 FEDERAL REPORTING MECHANISM.

39 3. THE MOTOR CARRIER THAT EXERCISED OPERATIONAL CONTROL OF THE
40 COMMERCIAL MOTOR VEHICLE AT THE TIME OF THE STOP.

41 E. THE MOTOR CARRIER THAT EXERCISED OPERATIONAL CONTROL OF THE
42 COMMERCIAL MOTOR VEHICLE AT THE TIME OF THE STOP SHALL ARRANGE EITHER OF
43 THE FOLLOWING WITHIN TWENTY-FOUR HOURS AFTER THE MOTOR CARRIER RECEIVES
44 NOTIFICATION THAT THE PERSON WAS PLACED OUT-OF-SERVICE:

1 1. A REPLACEMENT PERSON TO OPERATE THE COMMERCIAL MOTOR VEHICLE WHO
2 MEETS ALL THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION.

3 2. REMOVAL OF THE COMMERCIAL MOTOR VEHICLE FROM THE ROADWAY BY THE
4 MOTOR CARRIER OR COMMERCIAL MOTOR VEHICLE OWNER. IF THE COMMERCIAL MOTOR
5 VEHICLE IS NOT REMOVED FROM THE ROADWAY WITHIN TWENTY-FOUR HOURS AS
6 REQUIRED BY THIS PARAGRAPH, A LAW ENFORCEMENT AGENCY MAY IMPOUND THE
7 COMMERCIAL MOTOR VEHICLE FOR A PERIOD OF NOT MORE THAN THIRTY DAYS. THE
8 LAW ENFORCEMENT AGENCY SHALL NOTIFY THE COMMERCIAL MOTOR VEHICLE OWNER AND
9 ANY LIEN HOLDERS OF RECORD OF THE COMMERCIAL MOTOR VEHICLE BY CERTIFIED
10 MAIL WITHIN TWENTY-FOUR HOURS AFTER THE IMPOUNDMENT AUTHORIZED PURSUANT TO
11 THIS PARAGRAPH THAT MUST INCLUDE ALL OF THE FOLLOWING:

12 (a) THE LOCATION OF THE IMPOUNDED COMMERCIAL MOTOR VEHICLE.

13 (b) CONTACT INFORMATION FOR RETRIEVAL OF THE COMMERCIAL MOTOR
14 VEHICLE.

15 (c) A LIST OF THE REQUIRED DOCUMENTS NEEDED TO RETRIEVE THE
16 COMMERCIAL MOTOR VEHICLE.

17 (d) INFORMATION REGARDING THE RETRIEVAL PROCEDURES FOR LESSORS
18 PURSUANT TO SUBSECTION F OF THIS SECTION.

19 (e) A STATEMENT OF IMPOUNDMENT CHARGES AND RESPONSIBILITY FOR
20 PAYMENT. THE MOTOR CARRIER OR LESSEE OF THE COMMERCIAL MOTOR VEHICLE IS
21 SOLELY RESPONSIBLE FOR ALL IMPOUNDMENT, TOWING AND STORAGE CHARGES FOR THE
22 COMMERCIAL MOTOR VEHICLE AND ANY CHARGES RELATED TO THE UNLOADING, THE
23 HANDLING, APPROPRIATE STORAGE AND THE TRANSFER OF AND ADMINISTRATIVE OR
24 OTHER FEES RELATED TO THE CARGO THE COMMERCIAL MOTOR VEHICLE WAS CARRYING
25 AT THE TIME OF THE VIOLATION.

26 F. IF THE COMMERCIAL MOTOR VEHICLE IS OPERATED PURSUANT TO A LEASE
27 AGREEMENT:

28 1. THE LESSEE OR MOTOR CARRIER IS SOLELY RESPONSIBLE FOR ALL
29 IMPOUNDMENT, TOWING AND STORAGE CHARGES.

30 2. THE LAW ENFORCEMENT AGENCY OR IMPOUND FACILITY SHALL RELEASE THE
31 COMMERCIAL MOTOR VEHICLE TO THE LESSOR ON PRESENTATION OF BOTH OF THE
32 FOLLOWING:

33 (a) PROOF OF OWNERSHIP, INCLUDING TITLE, REGISTRATION OR OTHER
34 DOCUMENTATION SHOWING THE LESSOR HOLDS LEGAL TITLE TO THE COMMERCIAL MOTOR
35 VEHICLE.

36 (b) A COPY OF THE LEASE AGREEMENT OR OTHER DOCUMENTATION THAT SHOWS
37 THE COMMERCIAL MOTOR VEHICLE WAS LEASED TO THE MOTOR CARRIER AT THE TIME
38 OF THE VIOLATION.

39 G. THE IMPOUND FACILITY MAY PURSUE COLLECTION OF ALL FEES OR
40 CHARGES FROM THE LESSEE OR MOTOR CARRIER THROUGH NORMAL COLLECTION
41 PROCESSES.

42 H. THIS SECTION DOES NOT ALLOW FOR THE IMPOUNDMENT OF ANY CARGO
43 OWNED BY A THIRD PARTY. IF THE COMMERCIAL MOTOR VEHICLE WAS TRANSPORTING
44 CARGO AT THE TIME THE PERSON OPERATING THE COMMERCIAL MOTOR VEHICLE WAS

1 PLACED OUT-OF-SERVICE PURSUANT TO SUBSECTION D OF THIS SECTION, THE LAW
2 ENFORCEMENT AGENCY SHALL:

3 1. IMMEDIATELY MAKE REASONABLE EFFORTS TO IDENTIFY AND CONTACT THE
4 CARGO OWNER, WHICH MAY INCLUDE REVIEWING ANY OF THE FOLLOWING:

5 (a) BILLS OF LADING, SHIPPING MANIFESTS OR DELIVERY DOCUMENTS
6 LOCATED IN THE IMPOUNDED COMMERCIAL MOTOR VEHICLE.

7 (b) INFORMATION PROVIDED BY THE MOTOR CARRIER OR THE PERSON
8 OPERATING THE COMMERCIAL MOTOR VEHICLE.

9 (c) CONTACT INFORMATION ON CARGO PACKAGING OR DOCUMENTATION.

10 2. NOTIFY THE CARGO OWNER BY TELEPHONE, EMAIL OR OTHER AVAILABLE
11 MEANS WITHIN FOUR HOURS AFTER THE COMMENCEMENT OF ANY STOP THAT RESULTS IN
12 THE OUT-OF-SERVICE PLACEMENT OF THE PERSON OPERATING THE COMMERCIAL MOTOR
13 VEHICLE CARRYING THE CARGO.

14 3. NOTIFY THE CARGO OWNER BY CERTIFIED MAIL WITHIN TWENTY-FOUR
15 HOURS AFTER THE COMMENCEMENT OF A STOP THAT RESULTS IN THE OUT-OF-SERVICE
16 PLACEMENT OF THE PERSON OPERATING THE COMMERCIAL MOTOR VEHICLE CARRYING
17 THE CARGO.

18 4. PROVIDE NOTIFICATION TO THE CARGO OWNER PURSUANT TO PARAGRAPHS 2
19 AND 3 OF THIS SUBSECTION THAT INCLUDES:

20 (a) THE LOCATION OF THE CARGO.

21 (b) CONTACT INFORMATION FOR RETRIEVAL OF THE CARGO.

22 (c) A LIST OF THE REQUIRED DOCUMENTS NEEDED TO RETRIEVE THE CARGO.

23 (d) A STATEMENT THAT THE RETRIEVAL OF THE CARGO IS AT NO CHARGE TO
24 THE CARGO OWNER. THE MOTOR CARRIER OR LESSEE OF THE COMMERCIAL MOTOR
25 VEHICLE IS SOLELY RESPONSIBLE FOR ALL IMPOUNDMENT, TOWING AND STORAGE
26 CHARGES FOR THE COMMERCIAL MOTOR VEHICLE AND ANY CHARGES RELATED TO THE
27 UNLOADING, THE HANDLING, APPROPRIATE STORAGE AND THE TRANSFER OF AND
28 ADMINISTRATIVE OR OTHER FEES RELATED TO THE CARGO THE COMMERCIAL MOTOR
29 VEHICLE WAS CARRYING AT THE TIME OF THE VIOLATION.

30 5. PROVIDE REASONABLE ASSISTANCE FOR CARGO LOADING AND
31 TRANSFER. THE CARGO OWNER MAY BRING EQUIPMENT OR TRANSPORTATION TO AID IN
32 THE LOADING AND TRANSFER OF THE CARGO.

33 6. DOCUMENT THE RETRIEVAL OF THE CARGO WITH A SIGNED RECEIPT THAT
34 MUST NOTE THE CONDITION OF THE CARGO AT THE TIME OF RETRIEVAL AND RELEASE.

35 7. IF THE CARGO CANNOT BE SAFELY STORED AT THE SCENE OF THE STOP,
36 ARRANGE FOR APPROPRIATE STORAGE THAT MEETS THE NEEDS AND PREVENTS LOSS OR
37 DAMAGE OF THE CARGO. APPROPRIATE STORAGE OF THE CARGO MAY INCLUDE:

38 (a) REFRIGERATION FOR PERISHABLE GOODS.

39 (b) CLIMATE CONTROL FOR TEMPERATURE-SENSITIVE GOODS.

40 (c) SECURE FACILITIES FOR HIGH-VALUE CARGO.

41 (d) PERMITTED HAZARDOUS MATERIALS STORAGE FOR HAZMAT MATERIALS.

42 (e) SPECIALIZED FACILITIES FOR LIVESTOCK OR OTHER CARGO WITH
43 SPECIAL NEEDS.

44 8. IF THE CARGO IS PERISHABLE OR TIME-SENSITIVE OR THE CARGO IS FOR
45 MEDICAL, EMERGENCY OR CRITICAL INFRASTRUCTURE PURPOSES:

1 (a) EXPEDITE NOTIFICATION TO THE CARGO OWNER AND FACILITATE
2 EXPEDITED RETRIEVAL OF THE CARGO. THE CARGO OWNER MAY RETRIEVE THE CARGO
3 IMMEDIATELY ON ARRIVAL AT THE CARGO'S LOCATION, INCLUDING OUTSIDE NORMAL
4 BUSINESS HOURS.

5 (b) IF THE CARGO OWNER CANNOT ARRANGE IMMEDIATE RETRIEVAL OF THE
6 CARGO, ALLOW THE CARGO OWNER TO DESIGNATE AN ALTERNATIVE CARRIER OR
7 LOGISTICS PROVIDER TO RETRIEVE THE CARGO.

8 I. THE LAW ENFORCEMENT AGENCY OR IMPOUND FACILITY SHALL IMMEDIATELY
9 RELEASE THE CARGO TO THE CARGO OWNER OR AN AUTHORIZED DESIGNEE OF THE
10 CARGO OWNER AND MAY NOT CONDITION RELEASE OF THE CARGO ON PAYMENT OF ANY
11 COSTS OR RESOLUTION OF ANY CHARGES AGAINST THE PERSON OPERATING THE
12 COMMERCIAL MOTOR VEHICLE OR MOTOR CARRIER, ON PRESENTATION OF BOTH OF THE
13 FOLLOWING:

14 1. PROOF OF OWNERSHIP, INCLUDING:

15 (a) THE BILL OF LADING THAT LISTS THE PERSON OR ENTITY AS
16 CONSIGNOR, CONSIGNEE OR OWNER OF THE CARGO.

17 (b) THE PURCHASE ORDER, INVOICE OR RECEIPT THAT SHOWS OWNERSHIP OF
18 THE CARGO.

19 (c) ANY OTHER DOCUMENTATION THAT ESTABLISHES OWNERSHIP OR RIGHT TO
20 POSSESSION OF THE CARGO.

21 2. PROOF OF IDENTITY OF THE PERSON WHO IS RETRIEVING THE CARGO.

22 J. IT IS AN AFFIRMATIVE DEFENSE TO IMPOUNDMENT PURSUANT TO THIS
23 SECTION IF THE MOTOR CARRIER VERIFIED THE PERSON'S COMMERCIAL DRIVER
24 LICENSE THROUGH THE COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM THAT IS
25 MAINTAINED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION AND THE
26 DRIVER LICENSE WAS NOT SUSPENDED, REVOKED OR DISQUALIFIED AT THE TIME OF
27 VERIFICATION.