

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2262

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-101, Arizona Revised Statutes, is amended to
3 read:

4 28-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Alcohol" means any substance containing any form of alcohol,
7 including ethanol, methanol, propynol and isopropynol.

8 2. "Alcohol concentration" if expressed as a percentage means either:

9 (a) The number of grams of alcohol per one hundred milliliters of
10 blood.

11 (b) The number of grams of alcohol per two hundred ten liters of
12 breath.

13 3. "All-terrain vehicle" means either of the following:

14 (a) A motor vehicle that satisfies all of the following:

15 (i) Is designed primarily for recreational nonhighway all-terrain
16 travel.

17 (ii) Is fifty or fewer inches in width.

18 (iii) Has an unladen weight of one thousand two hundred pounds or
19 less.

20 (iv) Travels on three or more nonhighway tires.

21 (v) Is operated on a public highway.

22 (b) A recreational off-highway vehicle that satisfies all of the
23 following:

24 (i) Is designed primarily for recreational nonhighway all-terrain
25 travel.

26 (ii) Is sixty-five or fewer inches in width.

27 (iii) Has an unladen weight of one thousand eight hundred pounds or
28 less.

29 (iv) Travels on four or more nonhighway tires.

1 4. "Authorized emergency vehicle" means any of the following:

2 (a) A fire department vehicle.

3 (b) A police vehicle.

4 (c) An ambulance or emergency vehicle of a municipal department or
5 public service corporation that is designated or authorized by the department
6 or a local authority.

7 (d) Any other ambulance, fire truck or rescue vehicle that is
8 authorized by the department in its sole discretion and that meets liability
9 insurance requirements prescribed by the department.

10 5. "Aviation fuel" means all flammable liquids composed of a mixture
11 of selected hydrocarbons expressly manufactured and blended for the purpose
12 of effectively and efficiently operating an internal combustion engine for
13 use in an aircraft but does not include fuel for jet or turbine powered
14 aircraft.

15 6. "Bicycle" means a device, including a racing wheelchair, that is
16 propelled by human power and on which a person may ride and that has either:

17 (a) Two tandem wheels, either of which is more than sixteen inches in
18 diameter.

19 (b) Three wheels in contact with the ground, any of which is more than
20 sixteen inches in diameter.

21 7. "Board" means the transportation board.

22 8. "Bus" means a motor vehicle designed for carrying sixteen or more
23 passengers, including the driver.

24 9. "Business district" means the territory contiguous to and including
25 a highway if there are buildings in use for business or industrial purposes
26 within any six hundred feet along the highway, including hotels, banks or
27 office buildings, railroad stations and public buildings that occupy at least
28 three hundred feet of frontage on one side or three hundred feet collectively
29 on both sides of the highway.

30 10. "Combination of vehicles" means a truck or truck tractor and
31 semitrailer and any trailer that it tows but does not include a forklift
32 designed for the purpose of loading or unloading the truck, trailer or
33 semitrailer.

34 11. "Controlled substance" means a substance so classified under
35 section 102(6) of the controlled substances act (21 United States Code
36 section 802(6)) and includes all substances listed in schedules I through V
37 of 21 Code of Federal Regulations part 1308.

1 12. "Conviction" means:

2 (a) An unvacated adjudication of guilt or a determination that a
3 person violated or failed to comply with the law in a court of original
4 jurisdiction or by an authorized administrative tribunal.

5 (b) An unvacated forfeiture of bail or collateral deposited to secure
6 the person's appearance in court.

7 (c) A plea of guilty or no contest accepted by the court.

8 (d) The payment of a fine or court costs.

9 13. "County highway" means a public road constructed and maintained by
10 a county.

11 14. "Dealer" means a person who is engaged in the business of buying,
12 selling or exchanging motor vehicles, trailers or semitrailers and who has an
13 established place of business.

14 15. "Department" means the department of transportation acting directly
15 or through its duly authorized officers and agents.

16 16. "Director" means the director of the department of transportation.

17 17. "Drive" means to operate or be in actual physical control of a
18 motor vehicle.

19 18. "Driver" means a person who drives or is in actual physical control
20 of a vehicle.

21 19. "Driver license" means a license that is issued by a state to an
22 individual and that authorizes the individual to drive a motor vehicle.

23 20. "Electric personal assistive mobility device" means a
24 self-balancing two nontandem wheeled device with an electric propulsion
25 system that limits the maximum speed of the device to fifteen miles per hour
26 or less and that is designed to transport only one person.

27 21. "Farm" means any lands primarily used for agriculture production.

28 22. "Farm tractor" means a motor vehicle designed and used primarily as
29 a farm implement for drawing implements of husbandry.

30 23. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
31 that is brought into this state other than in the ordinary course of business
32 by or through a manufacturer or dealer and that has not been registered in
33 this state.

34 24. "Golf cart" means a motor vehicle that has not less than three
35 wheels in contact with the ground, that has an unladen weight of less than
36 one thousand eight hundred pounds, that is designed to be and is operated at

1 not more than twenty-five miles per hour and that is designed to carry not
2 more than four persons including the driver.

3 25. "Hazardous material" means a material, and its mixtures or
4 solutions, that the United States department of transportation determines
5 under 49 Code of Federal Regulations is, or any quantity of a material listed
6 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
7 is, capable of posing an unreasonable risk to health, safety and property if
8 transported in commerce and that is required to be placarded or marked as
9 required by the department's safety rules prescribed pursuant to chapter 14
10 of this title.

11 26. "Implement of husbandry" means a vehicle designed primarily for
12 agricultural purposes and used exclusively in the conduct of agricultural
13 operations, including an implement or vehicle whether self-propelled or
14 otherwise that meets both of the following conditions:

15 (a) Is used solely for agricultural purposes including the preparation
16 or harvesting of cotton, alfalfa, grains and other farm crops.

17 (b) Is only incidentally operated or moved on a highway whether as a
18 trailer or self-propelled unit. For the purposes of this subdivision,
19 "incidentally operated or moved on a highway" means travel between a farm and
20 another part of the same farm, from one farm to another farm or between a
21 farm and a place of repair, supply or storage.

22 27. "Limousine" means a motor vehicle providing prearranged ground
23 transportation service for an individual passenger, or a group of passengers,
24 that is arranged in advance or is operated on a regular route or between
25 specified points and includes ground transportation under a contract or
26 agreement for services that includes a fixed rate or time and is provided in
27 a motor vehicle with a seating capacity not exceeding fifteen passengers
28 including the driver.

29 28. "Livery vehicle" means a motor vehicle that:

30 (a) Has a seating capacity not exceeding fifteen passengers including
31 the driver.

32 (b) Provides passenger services for a fare determined by a flat rate
33 or flat hourly rate between geographic zones or within a geographic area.

34 (c) Is available for hire on an exclusive or shared ride basis.

35 (d) May do any of the following:

36 (i) Operate on a regular route or between specified places.

1 (ii) Offer prearranged ground transportation service as defined in
2 section 28-141.

3 (iii) Offer on demand ground transportation service pursuant to a
4 contract with a public airport, licensed business entity or organization.

5 29. "Local authority" means any county, municipal or other local board
6 or body exercising jurisdiction over highways under the constitution and laws
7 of this state.

8 30. "Manufacturer" means a person engaged in the business of
9 manufacturing motor vehicles, trailers or semitrailers.

10 31. "Moped" means a bicycle that is equipped with a helper motor if the
11 vehicle has a maximum piston displacement of fifty cubic centimeters or less,
12 a brake horsepower of one and one-half or less and a maximum speed of
13 twenty-five miles per hour or less on a flat surface with less than a one per
14 cent grade.

15 32. "Motor driven cycle" means a motorcycle, including every motor
16 scooter, with a motor that produces not more than five horsepower.

17 33. "Motor vehicle":

18 (a) Means either:

19 (i) A self-propelled vehicle.

20 (ii) For the purposes of the laws relating to the imposition of a tax
21 on motor vehicle fuel, a vehicle that is operated on the highways of this
22 state and that is propelled by the use of motor vehicle fuel.

23 (b) Does not include a motorized wheelchair, an electric personal
24 assistive mobility device or a motorized skateboard. For the purposes of
25 this subdivision:

26 (i) "Motorized skateboard" means a self-propelled device that has a
27 motor, a deck on which a person may ride and at least two tandem wheels in
28 contact with the ground.

29 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
30 used by a person for mobility.

31 34. "Motor vehicle fuel" includes all products that are commonly or
32 commercially known or sold as gasoline, including casinghead gasoline,
33 natural gasoline and all flammable liquids, and that are composed of a
34 mixture of selected hydrocarbons expressly manufactured and blended for the
35 purpose of effectively and efficiently operating internal combustion engines.
36 Motor vehicle fuel does not include inflammable liquids that are specifically
37 manufactured for racing motor vehicles and that are distributed for and used

1 by racing motor vehicles at a racetrack, use fuel as defined in section
2 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
3 mixture created at the interface of two different substances being
4 transported through a pipeline, commonly known as transmix.

5 35. "Motorcycle" means a motor vehicle that has a seat or saddle for
6 the use of the rider and that is designed to travel on not more than three
7 wheels in contact with the ground but excluding a tractor and a moped.

8 36. "Neighborhood electric vehicle" means a self-propelled electrically
9 powered motor vehicle to which all of the following apply:

10 (a) The vehicle is emission free.

11 (b) The vehicle has at least four wheels in contact with the ground.

12 (c) The vehicle complies with the definition and standards for low
13 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
14 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

15 37. "Nonresident" means a person who is not a resident of this state as
16 defined in section 28-2001.

17 38. "Off-road recreational motor vehicle" means a motor vehicle that is
18 designed primarily for recreational nonhighway all-terrain travel and that is
19 not operated on a public highway. Off-road recreational motor vehicle does
20 not mean a motor vehicle used for construction, building trade, mining or
21 agricultural purposes.

22 39. "Operator" means a person who drives a motor vehicle on a highway,
23 who is in actual physical control of a motor vehicle on a highway or who is
24 exercising control over or steering a vehicle being towed by a motor vehicle.

25 40. "Owner" means:

26 (a) A person who holds the legal title of a vehicle.

27 (b) If a vehicle is the subject of an agreement for the conditional
28 sale or lease with the right of purchase on performance of the conditions
29 stated in the agreement and with an immediate right of possession vested in
30 the conditional vendee or lessee, the conditional vendee or lessee.

31 (c) If a mortgagor of a vehicle is entitled to possession of the
32 vehicle, the mortgagor.

33 41. "Pedestrian" means any person afoot. A person who uses an electric
34 personal assistive mobility device or a manual or motorized wheelchair is
35 considered a pedestrian unless the manual wheelchair qualifies as a bicycle.
36 For the purposes of this paragraph, "motorized wheelchair" means a
37 self-propelled wheelchair that is used by a person for mobility.

1 42. "Power sweeper" means an implement, with or without motive power,
2 that is only incidentally operated or moved on a street or highway and that
3 is designed for the removal of debris, dirt, gravel, litter or sand whether
4 by broom, vacuum or regenerative air system from asphaltic concrete or cement
5 concrete surfaces, including parking lots, highways, streets and warehouses,
6 and a vehicle on which the implement is permanently mounted.

7 43. "Public transit" means the transportation of passengers on
8 scheduled routes by means of a conveyance on an individual passenger
9 fare-paying basis excluding transportation by a sight-seeing bus, school bus
10 or taxi or a vehicle not operated on a scheduled route basis.

11 44. "Reconstructed vehicle" means a vehicle that has been assembled or
12 constructed largely by means of essential parts, new or used, derived from
13 vehicles or makes of vehicles of various names, models and types or that, if
14 originally otherwise constructed, has been materially altered by the removal
15 of essential parts or by the addition or substitution of essential parts, new
16 or used, derived from other vehicles or makes of vehicles. For the purposes
17 of this paragraph, "essential parts" means integral and body parts, the
18 removal, alteration or substitution of which will tend to conceal the
19 identity or substantially alter the appearance of the vehicle.

20 45. "Residence district" means the territory contiguous to and
21 including a highway not comprising a business district if the property on the
22 highway for a distance of three hundred feet or more is in the main improved
23 with residences or residences and buildings in use for business.

24 46. "Right-of-way" when used within the context of the regulation of
25 the movement of traffic on a highway means the privilege of the immediate use
26 of the highway. Right-of-way when used within the context of the real
27 property on which transportation facilities and appurtenances to the
28 facilities are constructed or maintained means the lands or interest in lands
29 within the right-of-way boundaries.

30 47. "School bus" means a motor vehicle that is designed for carrying
31 more than ten passengers and that is either:

32 (a) Owned by any public or governmental agency or other institution
33 and operated for the transportation of children to or from home or school on
34 a regularly scheduled basis.

35 (b) Privately owned and operated for compensation for the
36 transportation of children to or from home or school on a regularly scheduled
37 basis.

1 48. "Semitrailer" means a vehicle that is with or without motive power,
2 other than a pole trailer, that is designed for carrying persons or property
3 and for being drawn by a motor vehicle and that is constructed so that some
4 part of its weight and that of its load rests on or is carried by another
5 vehicle. For the purposes of this paragraph, "pole trailer" has the same
6 meaning prescribed in section 28-601.

7 49. "State" means a state of the United States and the District of
8 Columbia.

9 50. "State highway" means a state route or portion of a state route
10 that is accepted and designated by the board as a state highway and that is
11 maintained by the state.

12 51. "State route" means a right-of-way whether actually used as a
13 highway or not that is designated by the board as a location for the
14 construction of a state highway.

15 52. "Street" or "highway" means the entire width between the boundary
16 lines of every way if a part of the way is open to the use of the public for
17 purposes of vehicular travel.

18 53. "Taxi" means a motor vehicle that has a seating capacity not
19 exceeding fifteen passengers, including the driver, that is registered as a
20 taxi in this state or any other state, that provides passenger services and
21 that:

22 (a) Does not primarily operate on a regular route or between specified
23 places.

24 (b) Offers local transportation for a fare determined on the basis of
25 the distance traveled or prearranged ground transportation service as defined
26 in section 28-141 for a predetermined fare.

27 54. "Traffic survival school" means a school that offers educational
28 sessions to drivers who are required to attend and successfully complete
29 educational sessions pursuant to this title that are designed to improve the
30 safety and habits of drivers and that are approved by the department.

31 55. "Trailer" means a vehicle that is with or without motive power,
32 other than a pole trailer, that is designed for carrying persons or property
33 and for being drawn by a motor vehicle and that is constructed so that no
34 part of its weight rests on the towing vehicle. A semitrailer equipped with
35 an auxiliary front axle commonly known as a dolly is deemed to be a trailer.
36 For the purposes of this paragraph, "pole trailer" has the same meaning
37 prescribed in section 28-601.

1 56. "TRANSPORTATION NETWORK" HAS THE SAME MEANING PRESCRIBED IN SECTION
2 41-2051.

3 57. "TRANSPORTATION NETWORK VEHICLE" HAS THE SAME MEANING PRESCRIBED IN
4 SECTION 41-2051.

5 ~~56.~~ 58. "Truck" means a motor vehicle designed or used primarily for
6 the carrying of property other than the effects of the driver or passengers
7 and includes a motor vehicle to which has been added a box, a platform or
8 other equipment for such carrying.

9 ~~57.~~ 59. "Truck tractor" means a motor vehicle that is designed and
10 used primarily for drawing other vehicles and that is not constructed to
11 carry a load other than a part of the weight of the vehicle and load drawn.

12 ~~58.~~ 60. "Vehicle" means a device in, on or by which a person or
13 property is or may be transported or drawn on a public highway, excluding
14 devices moved by human power or used exclusively on stationary rails or
15 tracks.

16 ~~59.~~ 61. "Vehicle transporter" means either:

17 (a) A truck tractor capable of carrying a load and drawing a
18 semitrailer.

19 (b) A truck tractor with a stinger-steered fifth wheel capable of
20 carrying a load and drawing a semitrailer or a truck tractor with a dolly
21 mounted fifth wheel that is securely fastened to the truck tractor at two or
22 more points and that is capable of carrying a load and drawing a semitrailer.

23 Sec. 2. Section 28-142, Arizona Revised Statutes, is amended to read:

24 28-142. Livery vehicle, taxi, transportation network vehicle,
25 transportation network and limousine regulation; state
26 preemption

27 The regulation and use of livery vehicles, taxis, TRANSPORTATION
28 NETWORK VEHICLES, TRANSPORTATION NETWORKS and limousines are of statewide
29 concern. Livery vehicles, taxis, TRANSPORTATION NETWORK VEHICLES,
30 TRANSPORTATION NETWORKS and limousines and their use that are regulated
31 pursuant to this title are not subject to further regulation by a county,
32 city, town or other political subdivision of this state, except that a public
33 airport operator that operates a public airport pursuant to section 28-8421,
34 28-8423 or 28-8424 or a public body operating a public airport may establish
35 the number of livery vehicles, taxis, TRANSPORTATION NETWORK VEHICLES,
36 TRANSPORTATION NETWORKS or limousines that may conduct business at a public

1 airport or may set additional or more restrictive requirements for the
2 conduct of that business at a public airport.

3 Sec. 3. Section 41-2051, Arizona Revised Statutes, is amended to read:

4 41-2051. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Biodiesel" means a diesel fuel substitute that is produced from
7 nonpetroleum renewable resources as defined by the United States
8 environmental protection agency and that meets the registration requirements
9 for fuels and fuel additives established by the United States environmental
10 protection agency pursuant to section 211 of the clean air act, as defined in
11 section 49-401.01.

12 2. "Biodiesel blend" means a motor fuel that is comprised of biodiesel
13 and diesel fuel and that is designated by the letter "B", followed by the
14 numeric value of the volume percentage of biodiesel in the blend.

15 3. "Biofuel" means a solid, liquid or gaseous fuel that is derived
16 from biomass and that can be used directly for heating or power or as a motor
17 fuel.

18 4. "Biofuel blend" means a motor fuel that is comprised of a biofuel,
19 that is combined with a petroleum based fuel and that is designated by the
20 volume percentage of biofuel in the blend.

21 5. "Biomass" means biological material, such as plant or animal
22 matter, excluding organic material that has been transformed by geological
23 processes into substances such as coal or petroleum or derivatives thereof,
24 that may be transformed into biofuel.

25 6. "Certification" means the process of determining the accuracy of a
26 commercial device to the standards of this state by a registered service
27 representative or the department.

28 7. "Commercial device" means any weighing, measuring, metering or
29 counting device that is used to determine the direct cost of things sold or
30 offered or exposed for sale, or used to establish a fee for service if the
31 cost is based on weight, measure or count, except that it does not include
32 those devices used for in-house packaging, inventory control or law
33 enforcement purposes.

34 8. "Commodity" means any merchandise, product or substance produced or
35 distributed for sale to or use by others.

36 9. "Correct" as used in connection with weights and measures means
37 conformance to all applicable requirements of this chapter.

1 10. "Department" means the department of weights and measures.

2 11. "Diesel fuel" means a refined middle distillate that is used as a
3 fuel in a compression-ignition internal combustion engine and that meets the
4 specifications of ASTM D975.

5 12. "Director" means the director of the department of weights and
6 measures.

7 13. "E85" means a fuel ethanol gasoline blend that meets the
8 specifications of ASTM D5798.

9 14. "Inspector" means state officials of the department of weights and
10 measures.

11 15. "Limousine" means a motor vehicle providing prearranged ground
12 transportation service for an individual passenger, or a group of passengers,
13 that is arranged in advance or is operated on a regular route or between
14 specified points and includes ground transportation under a contract or
15 agreement for services that includes a fixed rate or time and is provided in
16 a motor vehicle with a seating capacity not exceeding fifteen passengers,
17 including the driver.

18 16. "Liquid fuel measuring device" means any meter, pump, tank, gauge
19 or apparatus used for volumetrically determining the quantity of any internal
20 combustion engine fuel, liquefied petroleum gas or low-viscosity heating oil.

21 17. "Livery vehicle" means a motor vehicle that:

22 (a) Has a seating capacity not exceeding fifteen passengers, including
23 the driver.

24 (b) Provides passenger services for a fare determined by a flat rate
25 or flat hourly rate between geographic zones or within a geographic area.

26 (c) Is available for hire on an exclusive or shared-ride basis.

27 (d) May do any of the following:

28 (i) Operate on a regular route or between specified places.

29 (ii) Offer prearranged ground transportation service as defined in
30 section 28-141.

31 (iii) Offer on demand ground transportation service pursuant to a
32 contract with a public airport, licensed business entity or organization.

33 (e) IS NOT A TRANSPORTATION NETWORK VEHICLE.

34 18. "Misfuel" means the act of dispensing into the fuel tank of a motor
35 vehicle a motor fuel that was not intended to be used in the engine of that
36 motor vehicle.

1 19. "Motor fuel" means a petroleum or a petroleum-based substance that
2 is motor gasoline, aviation gasoline, number one or number two diesel fuel or
3 any grade of oxygenated gasoline typically used in the operation of a motor
4 engine, including biodiesel blends, biofuel blends and the ethanol blend E85
5 as defined in ASTM D5798.

6 20. "Package" means any commodity enclosed in a container or wrapped in
7 any manner in advance of sale in units suitable for either wholesale or
8 retail trade.

9 21. "Person" means both the plural and the singular, as the case
10 demands, and includes individuals, partnerships, corporations, companies,
11 societies and associations.

12 22. "Public weighmaster" means any person who is engaged in any of the
13 following:

14 (a) The business of weighing any object or thing for the public
15 generally for hire or for internal use and issuing for that weighing a weight
16 certificate intended to be accepted as an accurate weight ~~upon~~ ON which a
17 purchase or sale is to be based or on which a service fee is to be charged.

18 (b) The business of weighing for hire motor vehicles, trailers or
19 semitrailers and issuing weight certificates intended to be accepted as an
20 accurate weight for the purpose of determining the amount of any tax, fee or
21 other assessment on the vehicles.

22 23. "Reference standards" means the physical standards of the state
23 that serve as the legal reference from which all other standards and weights
24 and measures are derived.

25 24. "Registered service agency" means any agency, firm, company or
26 corporation that for hire, award, commission or any other payment of any kind
27 installs, services, repairs or reconditions a commercial device or tests or
28 repairs vapor recovery systems or vapor recovery components and that has been
29 issued a license by the department.

30 25. "Registered service representative" means any individual who for
31 hire, award, commission or any other payment of any kind installs, services,
32 repairs or reconditions a commercial device or tests or repairs vapor
33 recovery systems or vapor recovery components and who has been issued a
34 license by the department.

35 26. "Retail seller" means a person whose business purpose is to sell,
36 expose or offer for sale or use any package or commodity by weight, measure
37 or count.

1 27. "Sale from bulk" means the sale of commodities when the quantity is
2 determined at the time of sale.

3 28. "Secondary standards" means the physical standards that are
4 traceable to the reference standards through comparisons, using acceptable
5 laboratory procedures, and that are used in the enforcement of weights and
6 measures laws and rules.

7 29. "Taxi" means a motor vehicle that has a seating capacity not
8 exceeding fifteen passengers, including the driver, that is registered as a
9 taxi in this state or any other state, that provides passenger services and
10 that:

11 (a) Does not primarily operate on a regular route or between specified
12 places.

13 (b) Offers local transportation for a fare determined on the basis of
14 the distance traveled or prearranged ground transportation service as defined
15 in section 28-141 for a predetermined fare.

16 (c) IS NOT A TRANSPORTATION NETWORK VEHICLE.

17 30. "Taxi meter" means a commercial device that meets the requirements
18 of the national institute of standards and technology handbook 44 as
19 prescribed by section 41-2064.

20 31. "TRANSPORTATION NETWORK" MEANS A COMPANY THAT USES A DIGITAL
21 PLATFORM TO MATCH PASSENGERS TO TRANSPORTATION NETWORK OPERATORS.
22 TRANSPORTATION NETWORK DOES NOT INCLUDE THE FOLLOWING:

23 (a) THIS STATE OR A COUNTY, A CITY, A TOWN OR A POLITICAL SUBDIVISION
24 OF THIS STATE AND ANY RELATED ENTITY, A NONPROFIT AGENCY OR ANY OTHER PUBLIC
25 BODY THAT COORDINATES, OPERATES, PROMOTES OR SPONSORS PUBLIC TRANSPORTATION,
26 CARPOOL OR VANPOOL SERVICES.

27 (b) A PROGRAM THAT IS IN PLACE TO MEET FEDERAL AIR QUALITY STANDARDS
28 PURSUANT TO SECTION 49-404.

29 (c) ANY INDIVIDUAL, COMPANY OR ACTIVITY THAT MEETS THE REQUIREMENTS OF
30 A RENTAL CAR AGENT OR RENTAL COMPANY AS DEFINED IN SECTION 20-331 IF ALL OF
31 THE FOLLOWING APPLY:

32 (i) TRANSPORTATION IS PROVIDED TO ANOTHER PERSON.

33 (ii) THE ROUTE IS PREDETERMINED.

34 (iii) ANY MONEY EXCHANGED BETWEEN THE PROVIDER OF THE TRANSPORTATION
35 AND THE RECIPIENT DOES NOT EXCEED THE COST OF PROVIDING THE SERVICE.

1 32. "TRANSPORTATION NETWORK OPERATOR" MEANS AN INDIVIDUAL WHO USES A
2 TRANSPORTATION NETWORK VEHICLE TO PROVIDE TRANSPORTATION NETWORK SERVICES
3 PURSUANT TO ARTICLE 8 OF THIS CHAPTER.

4 33. "TRANSPORTATION NETWORK SERVICE" MEANS THE PROVISION OF A
5 TRANSPORTATION SERVICE BY A TRANSPORTATION NETWORK OPERATOR THROUGH A
6 TRANSPORTATION NETWORK.

7 34. "TRANSPORTATION NETWORK TRIP" MEANS THE TIME PERIOD THAT BEGINS
8 WHEN A TRANSPORTATION NETWORK OPERATOR ACCEPTS A REQUESTED RIDE THROUGH THE
9 DIGITAL PLATFORM USED BY THE TRANSPORTATION NETWORK, THAT CONTINUES WHILE THE
10 TRANSPORTATION NETWORK OPERATOR TRANSPORTS THE PASSENGER AND THAT ENDS WHEN
11 THE PASSENGER DEPARTS FROM THE TRANSPORTATION NETWORK VEHICLE AND THE
12 OPERATOR TERMINATES THE TRANSPORTATION NETWORK TRIP ON THE DIGITAL PLATFORM.

13 35. "TRANSPORTATION NETWORK VEHICLE" MEANS A VEHICLE THAT IS USED BY A
14 TRANSPORTATION NETWORK OPERATOR TO PROVIDE TRANSPORTATION NETWORK SERVICES,
15 THAT HAS AT LEAST FOUR DOORS, THAT IS DESIGNED TO CARRY NOT MORE THAN EIGHT
16 PASSENGERS, INCLUDING THE DRIVER, AND THAT MEETS THE CRITERIA SET FORTH IN
17 ARTICLE 8 OF THIS CHAPTER.

18 ~~31.~~ 36. "Weight" as used in connection with any commodity means net
19 weight.

20 ~~32.~~ 37. "Weights" or "measures", or both, means all weights, measures,
21 meters or counters of every kind, instruments and devices for weighing,
22 measuring, metering or counting and any appliance and accessories associated
23 with any or all such instruments and devices.

24 Sec. 4. Section 41-2052, Arizona Revised Statutes, is amended to read:

25 41-2052. Livery vehicle, taxi, transportation network vehicle,
26 transportation network and limousine regulation;
27 state preemption

28 The regulation and use of livery vehicles, taxis, TRANSPORTATION
29 NETWORK VEHICLES, TRANSPORTATION NETWORKS and limousines are of statewide
30 concern. Livery vehicles, taxis, TRANSPORTATION NETWORK VEHICLES,
31 TRANSPORTATION NETWORKS and limousines and their use that are regulated
32 pursuant to this title are not subject to further regulation by a county,
33 city, town or other political subdivision of this state, except that a public
34 airport operator that operates a public airport pursuant to section 28-8421,
35 28-8423 or 28-8424 or a public body operating a public airport may establish
36 the number of livery vehicles, taxis, TRANSPORTATION NETWORK VEHICLES,
37 TRANSPORTATION NETWORKS or limousines that may conduct business at a public

1 airport or may set additional or more restrictive requirements for the
2 conduct of that business at a public airport.

3 Sec. 5. Title 41, chapter 15, Arizona Revised Statutes, is amended by
4 adding article 8, to read:

5 ARTICLE 8. TRANSPORTATION NETWORKS

6 41-2136. Transportation networks; registration; requirements;
7 operators; civil penalty; exemption

8 A. A TRANSPORTATION NETWORK OPERATING IN THIS STATE SHALL:

9 1. FILE WITH THE ARIZONA CORPORATION COMMISSION PURSUANT TO TITLE 10
10 OR 29, AS APPLICABLE, IF THE TRANSPORTATION NETWORK IS A CORPORATION OR A
11 LIMITED LIABILITY COMPANY OR WITH THE SECRETARY OF STATE PURSUANT TO TITLE 29
12 IF THE TRANSPORTATION NETWORK IS A PARTNERSHIP.

13 2. ALLOW A TRANSPORTATION NETWORK OPERATOR TO OPERATE A MOTOR VEHICLE
14 THAT HAS AT LEAST FOUR DOORS AND THAT IS DESIGNED TO CARRY NOT MORE THAN
15 EIGHT PASSENGERS, INCLUDING THE DRIVER.

16 3. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A SAFETY INSPECTION OF EACH
17 MOTOR VEHICLE TO BE USED BY A TRANSPORTATION NETWORK OPERATOR BEFORE THE
18 TRANSPORTATION NETWORK OPERATOR USES THE MOTOR VEHICLE TO PROVIDE A
19 TRANSPORTATION NETWORK SERVICE. INSPECTIONS PURSUANT TO THIS PARAGRAPH MUST
20 BE CONDUCTED ANNUALLY.

21 4. MAINTAIN A COMMERCIAL LIABILITY INSURANCE POLICY WITH UNINSURED AND
22 UNDERINSURED MOTORIST COVERAGE THAT PROVIDES MINIMUM COVERAGE OF ONE MILLION
23 DOLLARS PER INCIDENT FOR CLAIMS FOR AN ACCIDENT INVOLVING A TRANSPORTATION
24 NETWORK VEHICLE AND A TRANSPORTATION NETWORK OPERATOR AND OCCURRING DURING A
25 TRANSPORTATION NETWORK TRIP. THE COMMERCIAL LIABILITY INSURANCE POLICY
26 REQUIRED BY THIS PARAGRAPH IS PRIMARY COVERAGE DURING A TRANSPORTATION
27 NETWORK TRIP TO ANY INSURANCE POLICY CARRIED BY THE TRANSPORTATION NETWORK
28 OPERATOR AND COVERS BODILY INJURY AND PROPERTY DAMAGE LIABILITY CLAIMS OF
29 THIRD PARTIES, BODILY INJURY CLAIMS INVOLVING UNINSURED AND UNDERINSURED
30 MOTORIST COVERAGE AND ALL DEFENSE COSTS, SUBJECT TO THE POLICY LIMITS, FOR
31 LIABILITY CLAIMS FOR AN ACCIDENT OCCURRING DURING A TRANSPORTATION NETWORK
32 TRIP AND CAUSED BY A TRANSPORTATION NETWORK SERVICE OPERATOR.

33 5. ANNUALLY PROVIDE PROOF TO THE DEPARTMENT OF THE COMMERCIAL
34 LIABILITY INSURANCE COVERAGE, UNINSURED MOTORIST COVERAGE AND UNDERINSURED
35 MOTORIST COVERAGE IN A MANNER THAT IS CONSISTENT WITH SECTION 28-4077.

36 6. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A CRIMINAL BACKGROUND CHECK
37 ON EACH POTENTIAL TRANSPORTATION NETWORK OPERATOR BEFORE ALLOWING THE

1 OPERATOR TO OFFER TRANSPORTATION NETWORK SERVICES ON THE TRANSPORTATION
2 NETWORK'S DIGITAL PLATFORM. A TRANSPORTATION NETWORK MAY NOT ALLOW A PERSON
3 TO BE A TRANSPORTATION NETWORK OPERATOR IF THE PERSON'S CRIMINAL BACKGROUND
4 CHECK REVEALS THAT THE PERSON HAS BEEN CONVICTED AT ANY TIME FOR A VIOLATION
5 OF SECTION 13-706 OR TITLE 13, CHAPTER 14, 19, 22, 23 OR 35.1.

6 7. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A DRIVER LICENSE RECORD
7 CHECK ON EACH POTENTIAL TRANSPORTATION NETWORK OPERATOR BEFORE ALLOWING THE
8 OPERATOR TO OFFER TRANSPORTATION NETWORK SERVICES ON THE TRANSPORTATION
9 NETWORK'S DIGITAL PLATFORM. THE TRANSPORTATION NETWORK OR THE THIRD PARTY
10 MUST MAKE THE RESULTS OF THE DRIVER LICENSE CHECK AVAILABLE TO THE DEPARTMENT
11 ON REQUEST. THE TRANSPORTATION NETWORK MAY NOT ALLOW A PERSON TO BE A
12 TRANSPORTATION NETWORK OPERATOR IF THE PERSON'S DRIVER LICENSE RECORD CHECK
13 REVEALS THAT THE PERSON HAS BEEN CONVICTED OF ANY OF THE FOLLOWING:

14 (a) MORE THAN THREE MOVING TRAFFIC VIOLATIONS PURSUANT TO TITLE 28 IN
15 THE PRECEDING THREE YEARS.

16 (b) ANY VIOLATION OF SECTION 28-1381, 28-1382 OR 28-1383.

17 (c) DRIVING WITH A SUSPENDED OR REVOKED LICENSE DUE TO A VIOLATION OF
18 TITLE 28 IN THE PRECEDING THREE YEARS.

19 8. PROHIBIT THE USE OF DRUGS AND ALCOHOL BY A TRANSPORTATION NETWORK
20 OPERATOR WHILE THE OPERATOR PROVIDES TRANSPORTATION NETWORK SERVICES. ON
21 RECEIVING A COMPLAINT THAT A TRANSPORTATION NETWORK OPERATOR IS USING DRUGS
22 OR ALCOHOL WHILE PROVIDING TRANSPORTATION NETWORK SERVICES, THE
23 TRANSPORTATION NETWORK SHALL:

24 (a) IMMEDIATELY REVOKE THE TRANSPORTATION NETWORK OPERATOR'S ACCESS TO
25 ITS DIGITAL PLATFORM. THE REVOCATION CONTINUES FOR THE DURATION OF THE
26 INVESTIGATION.

27 (b) CONDUCT AN INVESTIGATION.

28 9. NOTIFY ANY POTENTIAL TRANSPORTATION NETWORK OPERATOR, BEFORE THE
29 OPERATOR IS ALLOWED TO ACCESS THE TRANSPORTATION NETWORK DIGITAL PLATFORM,
30 THAT THE OPERATOR'S PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY MAY NOT
31 COVER THE OPERATOR WHILE PROVIDING A TRANSPORTATION NETWORK TRIP.

32 B. A TRANSPORTATION NETWORK MAY EITHER OFFER TRANSPORTATION NETWORK
33 SERVICES AT NO CHARGE, SUGGEST A DONATION OR CHARGE A FARE. IF A FARE IS
34 CHARGED, THE TRANSPORTATION NETWORK SHALL DISCLOSE ON ITS WEBSITE OR
35 APPLICATION THE FARE CALCULATION METHOD AND THE APPLICABLE RATES CHARGED. ON
36 COMPLETION OF A TRANSPORTATION NETWORK TRIP, THE TRANSPORTATION NETWORK SHALL

1 TRANSMIT AN ELECTRONIC RECEIPT TO THE PASSENGER'S E-MAIL ADDRESS OR MOBILE
2 APPLICATION DOCUMENTING:

3 1. THE ORIENTATION AND DESTINATION OF THE TRIP.

4 2. THE TOTAL TIME AND DISTANCE OF THE TRIP.

5 3. THE TOTAL FARE PAID, IF ANY.

6 C. A TRANSPORTATION NETWORK OPERATOR SHALL:

7 1. ACCEPT ONLY RIDES REQUESTED THROUGH A TRANSPORTATION NETWORK'S
8 DIGITAL PLATFORM AND MAY NOT SOLICIT OR ACCEPT STREET HAILS.

9 2. POSSESS A VALID DRIVER LICENSE ISSUED BY THIS STATE, PROOF OF
10 CURRENT VEHICLE REGISTRATION AND PROOF THAT THE VEHICLE IS IN COMPLIANCE WITH
11 THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF SECTION 28-4009.

12 3. BE AT LEAST TWENTY-ONE YEARS OF AGE.

13 4. OPERATE A TRANSPORTATION NETWORK VEHICLE.

14 5. MAKE AVAILABLE FOR INSPECTION BY THE DEPARTMENT WRITTEN OR
15 ELECTRONIC EVIDENCE OF THE OPERATOR'S CRIMINAL BACKGROUND CHECK.

16 6. NOTIFY THE OPERATOR'S PERSONAL AUTOMOBILE LIABILITY INSURANCE
17 COMPANY THAT THE OPERATOR INTENDS TO OFFER TRANSPORTATION NETWORK SERVICES ON
18 A PART-TIME BASIS.

19 D. AN INSURER ISSUING A PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY
20 PROVIDING COVERAGE IN THIS STATE:

21 1. NOTWITHSTANDING ANY OTHER LAW, HAS NO DUTY TO DEFEND OR INDEMNIFY
22 ON A LIABILITY CLAIM IF THE CLAIM OCCURS DURING A TRANSPORTATION NETWORK TRIP
23 AND THE POLICY CONTAINS ANY REASONABLE EXCLUSION FOR USE OF THE VEHICLE FOR
24 LIVERY OR FOR-HIRE TRANSPORTATION USE.

25 2. MAY INCLUDE IN THE POLICY AN EXCLUSION FOR COVERAGE OR THE DUTY TO
26 DEFEND, OR BOTH, FOR ANY LOSS OR INJURY THAT OCCURS DURING A TRANSPORTATION
27 NETWORK TRIP. A PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY EXCLUSION
28 THAT REFERS TO COMMERCIAL, FEE OR LIVERY ACTIVITIES MUST APPLY TO A
29 TRANSPORTATION NETWORK OPERATOR DURING A TRANSPORTATION NETWORK TRIP.

30 3. MAY UNDERWRITE, RATE OR MAKE OTHER DECISIONS WITH RESPECT TO THE
31 TERMS OR CONTINUATION OF COVERAGE PERMITTED BY TITLE 20, CHAPTERS 2 AND 6 FOR
32 ANY APPLICANT OR INSURED WHO ENTERS INTO AN AGREEMENT TO BECOME A
33 TRANSPORTATION NETWORK OPERATOR WITH ONE OR MORE TRANSPORTATION NETWORKS.

34 E. THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE
35 THOUSAND DOLLARS AGAINST A PERSON WHO VIOLATES THIS SECTION.

1 F. A SEPARATE LICENSE OR PERMIT IS NOT REQUIRED FOR A TRANSPORTATION
2 NETWORK OPERATOR WHO IS APPROVED TO PROVIDE TRANSPORTATION NETWORK SERVICES
3 THROUGH A TRANSPORTATION NETWORK REGISTERED PURSUANT TO THIS SECTION.

4 G. ARTICLE 4 OF THIS CHAPTER DOES NOT APPLY TO TRANSPORTATION
5 NETWORKS, TRANSPORTATION NETWORK OPERATORS OR TRANSPORTATION NETWORK
6 VEHICLES."

7 Amend title to conform

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