

ARIZONA HOUSE OF REPRESENTATIVES  
Forty-sixth Legislature – First Regular Session

**COMMITTEE ON TRANSPORTATION**

Minutes of Meeting  
Monday, February 24, 2003  
House Hearing Room 3 -- 1:30 p.m.

Chairman Pierce called the meeting to order at 2:10 p.m. and attendance was noted by the secretary.

**Members Present**

Ms. Aguirre	Ms. Mason	Mr. Prezelski
Ms. Burton Cahill	Ms. McClure	Mr. Thompson
Ms. Hubbs	Mr. Nelson	Mr. Jayne, Vice Chairman
Mr. Lopes	Mr. O'Halleran	Mr. Pierce, Chairman

**Members Absent**

None

**Committee Action**

H.B. 2224 – DP (9-2-0-1)	H.B. 2298 – DPA S/E (11-0-0-1)
H.B. 2267 – DPA S/E (12-0-0-0)	H.B. 2333 – DPA (10-0-0-2)
H.B. 2386 – DP (12-0-0-0)	H.B. 2503 – DP (9-0-1-2)
H.B. 2282 – DPA (11-0-0-1)	H.B. 2295 – DPA S/E (9-0-0-3)
H.B. 2294 – DPA (11-0-0-1)	H.B. 2299 – DPA (8-0-1-3)
H.B. 2296 – DPA (10-0-0-2)	

**Speakers Present**

John Halikowski, Majority Research Analyst  
David Childers, representing Farmers Insurance Group and the National Association of Independent Insurers (NAII)  
Names of people recognized by Chairman Pierce who appeared in support of H.B. 2267 as amended but did not speak (page 5)  
Kevin Haynie, Majority Intern  
Claude Mattox, Councilman, City of Phoenix  
Jeff Alexander, Lieutenant, Phoenix Police Department  
Martha Garcia, representing herself, Phoenix  
Eric Edwards, Arizona Association of Chiefs of Police  
Names of people recognized by Chairman Pierce who appeared in support of H.B. 2386 as amended but did not speak (page 7)  
Barry Aarons, representing Arizona Tourism Alliance

Janna Day, representing Logo Signs of America

Names of people recognized by Chairman Pierce who appeared in support of H.B. 2294 but did not speak (page 9)

Richard Nassi, Department of Transportation, City of Tucson

Names of people recognized by Chairman Pierce who appeared in support of H.B. 2298 but did not speak (page 11)

Names of people recognized by Vice-Chairman Jayne who appeared in support of H.B. 2333 but did not speak (page 12)

Names of people recognized by Vice-Chairman Jayne who appeared in support of H.B. 2503 but did not speak (pages 13 and 14 )

Rich Rumer, President, Coalition of Arizona Bicyclists

Reed Kempton, representing himself, Mesa

Bill Lazenby, Vice President, Coalition of Arizona Bicyclists

Gene Holmerud, representing himself, Phoenix

Penny Allee Taylor, Southwest Gas

Larry Richmond, representing County Supervisors Association

Chuck Williams, representing himself, Phoenix

Name of person recognized by Chairman Pierce who appeared in support of H.B. 2295 but did not speak (page 15)

Representative Linda Gray, sponsor

Name of person recognized by Chairman Pierce who appeared in support of H.B. 2299 but did not speak (page 16)

## CONSIDERATION OF BILLS:

### H.B. 2224, credits; refunds; license plates – DO PASS

John Halikowski, Majority Research Analyst, reviewed the provisions of H.B. 2224 as follows (Attachment 1):

- Establishes a 36-month period during which a vehicle owner may apply vehicle license tax (VLT) and fee credits to another vehicle that is owned or acquired.
- Allows a vehicle owner to apply for a refund of vehicle license taxes and fees if the amount of the refund exceeds \$25, and the owner submits an affidavit that due to health or age reasons, the owner will no longer drive or register another vehicle in this state.
- Results in the vehicle license tax and fee credits continuing to decrement until the owner notifies the Department.
- Results in the vehicle license tax and fee credits continuing to decrement until the owner notifies the Motor Vehicle Department (MVD) of ownership transfer.
- Prohibits an owner for obtaining a credit or refund for vehicle license tax and fee credits if the owner registers the vehicle in another state.

Ms. Burton Cahill asked whether there is information on the number of MVD manpower hours needed to implement this proposal. Mr. Halikowski replied in the negative. He related that the program is fairly new and there is very little data as to how many refunds might be expected. To date, the Division has issued approximately 1,700 refunds at an average of \$662 per refund. The amount of refund currently in statute has to be at least \$350, and this bill would change that minimum amount to \$25.

Ms. Burton Cahill commented that there is no idea of the cost as far as manpower hours are concerned. Mr. Halikowski agreed; however, it is known that \$755,000 is needed for computer programming and implementation.

Ms. Burton Cahill queried whether that will come out of MVD's budget or will there be a request for general funds. Mr. Halikowski answered that the bill does not specify that now, so the Department would have to cover the cost.

Mr. Prezelski questioned whether the programming cost is a one-time or an annual cost. Mr. Halikowski said he understands it is a one-time cost.

Mr. Nelson commented that this simply refunds money that people paid to the state for a license plate they did not use for the full term. Mr. Halikowski stated that is correct. Under the current program, the credit from selling one vehicle can be transferred to another vehicle purchased. If transfer is not done within 30 days, the credit begins to decrement until it hits zero. Under the provisions of this bill, a person has up to three years to move that credit to another vehicle.

Ms. Burton Cahill asked whether the money would be deducted from the Highway User Revenue Fund (HURF), thus diminishing money that goes to communities. Mr. Halikowski advised the \$755,000 would come out of the ADOT portion of the State Highway Fund.

Chairman Pierce related that this bill is the result of many people basically getting nothing when they sold their vehicles. This bill gives people a credit, not a refund. The reality is this is money the state is not entitled to. He maintained that it is a fairness issue.

Mr. Halikowski explained the Jayne four-line amendment dated 2/21/03 removes the provisions for any refunds and allows for the retention of the 36-month credit (Attachment 2).

Ms. McClure said she wants to ensure that the 36-month credit is 100 percent. Mr. Halikowski related that if a person does not notify MVD when ownership is transferred, the credit will continue to decrement until MVD is notified.

Chairman Pierce said he does not support the amendment. He advised that it takes money from those who are least able to afford it.

**Mr. Nelson moved that H.B. 2224 do pass.**

Ms. Mason expressed concern about the \$755,000 in a time when lawmakers are trying to come up with a budget. She does not think the timing is right on this.

Chairman Pierce pointed out that it will take a while for this to become effective. He reiterated that this is money the state is not entitled to.

Mr. Prezelski agreed with comments made by Ms. Mason. He opined that the \$755,000 can go really far in rural areas, especially relating to maintenance projects.

Ms. McClure said she shares concerns expressed; however, this rectifies an action the Legislature took four years ago, so she thinks it should be done.

Vice-Chairman Jayne noted that the funds that will be used for reprogramming costs are not operating funds, so maintenance costs should not be affected. Mr. Halikowski said that is not exactly correct. He said about 50 percent of monies coming in to the HURF go to the State Highway Fund which is used for construction projects and ADOT operations, and would impact the available money. In addition, he advised Members that the \$755,000 is for implementation of computer re-programming and does not include any staffing costs for implementation.

Vice-Chairman Jayne announced that he will not offer his four-line amendment (Attachment 2).

**Question was called for on Mr. Nelson's motion that H.B. 2224 do pass. The motion carried with a roll call vote of 9-2-0-1 (Attachment 3).**

H.B. 2267, insurance companies; towed vehicle retrieval – DO PASS AMENDED S/E

John Halikowski, Majority Research Analyst, advised that the Pierce 26-line strike-everything amendment dated 2/20/03 (Attachment 4) to H.B. 2267 requires a towing company, upon request and payment of fees, to release a towed vehicle to an insurance company representative who produces required identification (Attachment 5).

Mr. Halikowski related that the Pierce four-line everything dated 2/21/03 makes clarifying changes to the strike-everything amendment (Attachment 6).

Mr. Halikowski explained that the Pierce five-line amendment dated 2/21/02 was drafted at the suggestion of the Rules Attorney (Attachment 7). The Rules Attorney pointed out that under the Constitution, towing companies cannot be indemnified, so new language was added that specifies that nothing creates a course of action or a right to bring an action against a towing company for releasing a motor vehicle. In addition, the amendment removes the language relating to false identification or documentation.

Mr. Halikowski said that there has been a request by the insurance auto auction folks for a verbal amendment to clarify language as follows:

Page 1, line 7, strike "THE OUTSTANDING" insert "ALL REASONABLE TOWING, STORAGE AND RELATED"

David Childers, representing Farmers Insurance Group and the National Association of Independent Insurers (NAII), testified in support of H.B. 2267 with the strike-everything amendment, the two proposed amendments and the verbal amendment. He said this proposal arises out of issues that have occurred in the past relating to the kind of information needed by

the towing company to release a vehicle to an individual or a representative of an insurance company.

Chairman Pierce announced that he had Request to Speak forms from the following people who are in favor of House Bill 2267 as amended:

Hal Borhause, Arizona Professional Towing and Recovery Association  
Allan Stanton, Insurance Auto Auction  
Lance Lane, State Farm Insurance Company  
Don Isaacson, State Farm Insurance Company  
John Haas, Allstate Insurance Company  
Tom Dorn, United Road Services  
Kerry Hayden, Government Affairs Representative

**Vice-Chairman Jayne moved that H.B. 2267 do pass.**

**Vice-Chairman Jayne moved that the Pierce 26-line strike-everything amendment dated 2/20/03 be adopted (Attachment 4).**

**Vice-Chairman Jayne moved that the Pierce five-line amendment dated 2/21/03 to the 26-line strike-everything amendment be adopted (Attachment 7). The motion carried.**

**Vice-Chairman Jayne moved that the Pierce four-line amendment dated 2/21/03 to the 26-line strike-everything amendment be adopted (Attachment 6). The motion carried.**

**Vice-Chairman Jayne moved that the 26-line strike-everything amendment be amended as follows:**

**Page 1, line 7, strike “THE OUTSTANDING” and insert “ALL REASONABLE TOWING, STORAGE AND RELATED”**

**The motion carried.**

**Vice-Chairman Jayne moved that the 26-line strike-everything amendment dated 2/20/03 as amended be adopted (Attachment 4). The motion carried.**

**Vice-Chairman Jayne moved that H.B. 2267 as amended do pass. The motion carried with a roll call vote of 12-0-0-0 (Attachment 8).**

H.B. 2386, dangerous driving behavior; violation – DO PASS

Kevin Haynie, Majority Intern, explained that H.B. 2386 establishes a new section of law pertaining to dangerous driving behavior (Attachment 9). The bill establishes “dangerous driving behavior” as a violation for which a person may be cited and allows a police officer to cause the removal of an operator’s vehicle that is cited for dangerous driving behavior. He said the intent is to allow jurisdictions to solve their problems with cruising through a series of city codes or ordinances.

Mr. Nelson advised that this legislation deals with the problems of drag racing and cruising by creating a civil violation that allows a police officer to cite those participating in this activity, and allows for the towing of those vehicles.

Mr. Lopes queried whether this bill provides for a greater fine and for the car to be towed. Mr. Nelson said it gives the ability to fine and tow.

Mr. Lopes expressed concern about the effectiveness of this proposal. He questioned whether this bill will have the desired effect of deterring or keeping people from doing this activity. He said he is doubtful whether these kinds of measures will deter. He thinks people will continue to cruise.

Chairman Pierce stated that driving a car is not a crime but if cruising, the vehicle would be towed in addition to being cited.

Claude Mattox, Councilman, City of Phoenix, stated support of H.B. 2386. He advised that this problem is one that the City of Phoenix has been dealing with for years. This legislation addresses a public safety issue. He stated that cruising has a serious impact on neighborhoods. This activity involves thousands of cars, gridlocks a square mile, and uses hundreds of police officers. A whole square mile is barricaded to try to control traffic, and police cannot get into neighborhoods to provide basic public services, nor can fire departments get out of their fire stations to assist residents. He asserted that this behavior has gotten out of control. He said he would like to have other communities have the same enforcement tools as Phoenix with which to address this issue.

Mr. Nelson pointed out that the City is also having a drag-racing problem.

Jeff Alexander, Lieutenant, Phoenix Police Department, stated support of H.B. 2386. He advised there are 10 officers and one sergeant assigned to the task force to enforce cruising and racing in the Maryvale precinct, the traditional spot for cruising and drag racing for the past ten years. He provided crime statistics relating to this problem. The City of Phoenix spends approximately \$1 million a year to try to fight this problem. It was found that towing vehicles for criminal violations have an impact on the driver as well as the parents and decreases the number of people who do this activity.

Chairman Pierce asked whether towing modifies the behavior. Lieutenant Alexander replied in the affirmative. He again stated it has an impact on the parents when the vehicle is towed.

Martha Garcia, representing herself, Phoenix, spoke in support of H.B. 2386. She said there is the perception that cruising is good, wholesome fun, and it used to be. Cruising has become a growing problem in her community of Maryvale. With cruising comes weapons violations, drugs, noise, litter, alcohol and inappropriate behavior. She related that the hard work to improve the quality of life of people who live in the neighborhood is being jeopardized. Five years ago, she and her neighbors organized to address cruising issues. She said they will continue to work toward finding solutions but need the Legislature's help to provide law enforcement with laws necessary to address these concerns.

Eric Edwards, Arizona Association of Chiefs of Police, testified in support of H.B. 2386. He said this is not just a Phoenix issue. All the Chiefs statewide are supportive of this legislation. It is a tool that all the Chiefs are asking the Legislature to give them.

Mr. Prezelski questioned why this is not being done by the individual cities. Mr. Edwards replied that the cities need authorization in order to allow them to pass ordinances.

Chairman Pierce announced that he had Request to Speak forms from the following people who are in favor of House Bill 2386:

Shannon Wilhelmsen, City of Tempe

Donna Neill, Neighborhood Activists Inter-Linked Empowerment Movement (NAILEM)

**Vice-Chairman Jayne moved that H.B. 2386 do pass. The motion carried with a roll call vote of 12-0-0-0 (Attachment 10).**

#### H.B. 2282, logo sign programs – DO PASS AMENDED

Kevin Haynie, Majority Intern, advised that H.B. 2282 authorizes expansion of the Arizona logo signs program to include “attraction” logos in accordance with federal law (Attachment 11). The logo signs program consists of signs on freeways and highways indicating what services are available via a particular exit. The Arizona Department of Transportation (ADOT) contracts with entities to place their logos on the signs. Categories on signs are limited to food, gas, lodging and camping. In December 2000, the Federal Highway Administration authorized an additional category of “attraction.” The attraction category includes tourist-related activities such as museums, historical sites, zoos, botanical facilities, amusement parks, business districts, ski areas, golf courses, etc. This legislation conforms state law to federal law.

Barry Aarons, representing Arizona Tourism Alliance, testified in support of H.B. 2282. He advised that the federal government now allows an expanded number of logos to go on those highway signs. This bill will enable ADOT to promulgate Rules. There is no cost to the state because the entire program is administered through a private contractor and funded by the entities advertising on the signs.

Mr. Aarons distributed a fact sheet on H.B. 2282 (Attachment 12).

Mr. O’Halloran asked how many more signs will this allow on highways. Mr. Aarons replied that this will enable ADOT to allow for another logo on the sign, so there will be no additional signs.

Janna Day, representing Logo Signs of America, spoke in support of H.B. 2282. She advised that under federal rules, only four categories are allowed: food, gas, lodging and camping. This proposal will still allow only four, but will provide for another entity to contract with ADOT when someone’s contract expires.

Mr. Prezelski expressed concern about sign clutter. He thinks having more signs actually reduces the effectiveness of the signs. Chairman Pierce reiterated that there will be no more signs. He said there is good evidence that these signs market well.

Mr. Aarons advised that the Pierce five-line amendment dated 2/21/03 removes the sunset provision (Attachment 13).

**Vice-Chairman Jayne moved that H.B. 2282 do pass.**

**Vice-Chairman Jayne moved that the Pierce five-line amendment dated 2/21/03 be adopted (Attachment 13). The motion carried.**

**Vice-Chairman Jayne moved that H.B. 2282 as amended do pass. The motion carried with a roll call vote of 11-0-0-1 (Attachment 14).**

H.B. 2294, vehicle title and registration – DO PASS AMENDED

John Halikowski, Majority Research Analyst, advised that H.B. 2294 is a bill that was requested by the Arizona Department of Transportation (ADOT) (Attachment 15). The provisions of the bill include:

- Indemnification language that holds the Department harmless for damage caused by a vehicle that was operating with an oversize/over-height/overweight configuration by special permit.
- Changes the signature requirements on the title application when there is no change in ownership status, and the person is converting an out-of-state title to an Arizona title.
- Broadens the definition of “salvage vehicle” by removing the reference to “the company that insured the vehicle.”
- Allows the Department to issue more than two ninety-day registration permits.

Mr. Halikowski explained that the Pierce three-line amendment dated 2/21/03 removes the indemnification language (Attachment 16). He advised that the Arizona Transport Association has raised a number of issues regarding the indemnification language.

Mr. Halikowski explained that the Pierce three-page amendment dated 2/7/03 deals with liens on vehicles (Attachment 17). Current statute says that the lien holder holds on to the title. This adds to the language that if the person holding the title is notified of a sale or transfer, that title goes to the person who it is sold or transferred to, so it is basically a clarification of getting the title to the right owner.

Mr. Halikowski said that the Pierce 22-line amendment dated 2/21/03 deals with primitive roads (Attachment 18). Currently, a County Board of Supervisors can designate a public road within its jurisdiction as a primitive road, provided that the road was opened before 1975 and was not constructed in accordance with county standards. This amendment broadens that out to the governing body of a city or town and authorizes the governing body of a city or town to designate a public road as a primitive road. He said he is awaiting a decision from the Rules Attorney because a question has arisen as to whether this amendment is germane to this bill.



Chairman Pierce announced that he had Request to Speak forms from the following people who are in favor of House Bill 2294:

Scot Butler, representing Manufactured Housing Industry  
David Childers, representing National Association of Independent Insurers (NAII)

Richard Nassi, Department of Transportation, City of Tucson, spoke in favor of the Pierce amendment on primitive roads. He said there are hundreds of primitive roads in metropolitan areas. The City would like to expand the primitive road laws to cities and towns. This would add protection to the public because warning signs would be placed on the roads advising drivers to drive with caution; it would match the landowners' desire to keep their road as a desert road; there would be better long-term planning and road maintenance, and there would be no dollar impact on the Legislature because cities and towns would take care of these roads with their current maintenance budget. A paper was distributed on this subject (Attachment 19).

Chairman Pierce announced that he had Request to Speak forms from the following people who are in favor of House Bill 2294:

Lance Lane, State Farm Insurance  
Don Isaacson, State Farm Insurance Company  
John Haas, Allstate Insurance Company  
Kerry Hayden, Government Affairs Representative, Farmers Insurance Group of Companies

**Vice-Chairman Jayne moved that H.B. 2294 do pass.**

**Vice-Chairman Jayne moved that the Pierce three-page amendment dated 2/7/03 be adopted (Attachment 17). The motion carried.**

**Vice-Chairman Jayne moved that the Pierce three-line amendment dated 2/21/03 be adopted (Attachment 16). The motion carried.**

**Vice-Chairman Jayne moved that the Pierce 22-line amendment dated 2/21/03 be adopted (Attachment 18). The motion carried.**

**Vice-Chairman Jayne moved that H.B. 2294 as amended do pass. The motion carried with a roll call vote of 11-0-0-1 (Attachment 20).**

H.B. 2296, vehicle dealers; definitions; mailing notices – DO PASS AMENDED

Kevin Haynie, Majority Intern, reviewed the provisions of H.B. 2296 (Attachment 21) as follows:

- Removes the definition and reference to “Mobile Medical Clinics.”
- Conforms the definition of “used motor vehicle dealer” to the definition found in Title 44.

- Eliminates the requirement that the Motor Vehicle Division (MVD) send cease and desist notices to licensed and unlicensed dealers, auto recyclers, authorized third parties, and professional driving schools by certified mail. MVD can send these notices by first-class mail.
- Allows the Arizona Department of Transportation (ADOT) to issue a cease and desist order to a professional driver training school.

Mr. Nelson said he has a problem with the language relating to the driver training school. He said this is something currently handled by the Supreme Court. Mr. Halikowski said this does not refer to the defensive driving school.

Mr. Haynie explained that the Pierce three-line amendment dated 2/7/03 removes the conforming language for used motor vehicle dealerships (Attachment 22).

Chairman Pierce advised that this is a clean-up bill.

**Vice-Chairman moved that H.B. 2296 do pass.**

**Vice-Chairman Jayne moved that the Pierce three-line amendment dated 2/7/03 be adopted (Attachment 22). The motion carried.**

**Vice-Chairman Jayne moved that H.B. 2296 as amended do pass. The motion carried with a roll call vote of 10-0-0-2 (Attachment 23).**

H.B. 2298, watercraft registration; transfer; study

S/E: regulations; taxis; sedans; limousines – DO PASS AMENDED S/E

John Halikowski, Majority Research Analyst, explained that the Pierce 46-page strike-everything amendment dated 2/20/03 (Attachment 24) to H.B. 2298 adds new provisions to HB. 2283, taxis, limousines and sedans; regulations (Attachment 25). The new provisions include operator licenses, license plates, insurance requirements and sanctions against owners or operators of these vehicles who are in violation of the above requirements. The strike-everything amendment contains a delayed effective date of July 1, 2004.

Mr. Prezelski queried whether this includes the 15-passenger van. Mr. Halikowski said this bill applies to those types of vehicles that provide taxi, limousine, sedan or executive sedan service.

Mr. Prezelski said that most taxi service drivers lease the cab from the company and act as an independent contractor. He wondered whether the cab driver or the company is penalized for not maintaining the meter, etc. Mr. Halikowski replied that if a vehicle is stopped by law enforcement and does not have proper credentials from Weights and Measures or from ADOT, the law enforcement officer will order the vehicle towed away. If the vehicle is not properly metered or has some sort of faulty or fraudulent meter, the owner's registration will be revoked by the Department of Weights and Measures.

Ms. Aguirre queried the fiscal impact on MVD. Mr. Halikowski replied that it is the same cost to obtain a class L endorsement as any other commercial license. The license plate fee for the taxi cab plate is not specified. The \$5 cost for testing is the same for obtaining any other commercial license.

Ms. Aguirre asked whether any additional staff is required to do this. Mr. Halikowski answered that MVD is looking at this now; however, he does not think it will require additional staff. There may be some impact to MVD for the cost of adding the L endorsement and the new license plate to the computer, but it is not known what the numbers will be.

Mr. Halikowski advised that the Pierce 13-line amendment dated 2/21/03 conforms the strike-everything amendment to H.B. 2283 relating to the sharing of information between ADOT and the Department of Weights and Measures. Some language is being removed regarding the fee for plate renewal. Allowing the Director to set the fee by Rule avoids Prop 108 language.

**Vice-Chairman Jayne moved that H.B. 2298 do pass.**

**Vice-Chairman Jayne moved that the Pierce 46-page strike-everything amendment dated 2/20/03 be adopted (Attachment 24).**

**Vice-Chairman Jayne moved that the Pierce 13-line amendment dated 2/21/03 to the 46-page strike-everything amendment be adopted (Attachment 26). The motion carried.**

**Vice-Chairman Jayne moved that the 46-page strike-everything amendment as amended do pass (Attachment 24). The motion carried.**

**Vice-Chairman Jayne moved that H.B. 2298 as amended do pass.**

Chairman Pierce announced that he had Request to Speak forms from the following people who are in favor of House Bill 2298:

Bruce Baker, Transportation Representatives Insuring Public Safety (TRIPS)  
Dennis Ehrhart, Department of Weights and Measures  
Alberto Gutier, representing himself, Phoenix

**Question was called for that H.B. 2298 as amended do pass. The motion carried with a roll call vote of 11-0-0-1 (Attachment 27).**

Vice-Chairman Jayne assumed the Chair.

H.B. 2333, service of process; municipal courts – DO PASS AMENDED

Kevin Haynie, Majority Intern, stated that H.B. 2333 allows unarmed police aides and traffic investigators to act as process servers while court is in session (Attachment 28).

Mr. Haynie explained that the Nelson nine-line amendment clarifies that police aides and traffic investigators are only allowed to serve these processes on court premises and only during the

hours the municipal court is open for the transaction of business (Attachment 29). The Supreme Court will define “court premises.”

Mr. Nelson explained that if an individual is in court and it is discovered that there is an outstanding warrant, the police aide or investigator can serve the process in a peaceful setting.

Vice-Chairman Jayne announced that he had Request to Speak forms from the following people who are in favor of House Bill 2333:

Sam Wooldridge, Arizona Police Association  
Eric Edwards, Lieutenant, Arizona Association of Chiefs of Police  
David Sands, Legislative Officer, Administrative Office of the Courts, Arizona Supreme Court  
Barbara Dolan, League of Arizona Cities and Towns  
Dave Iwanski, City of Goodyear  
Miryam Guitier, City of Surprise

**Mr. Thompson moved that H.B. 2333 do pass.**

**Mr. Thompson moved that the Nelson nine-line amendment dated 2/21/03 be adopted (Attachment 29). The motion carried.**

**Mr. Thompson moved that H.B. 2333 as amended do pass. The motion carried with a roll call vote of 10-0-0-2 (Attachment 30).**

H.B. 2503, bicycles; motor vehicle drivers – DO PASS

Kevin Haynie, Majority Intern, advised that H.B. 2503 makes changes to statute pertaining to the operation of bicycles (Attachment 31) as follows:

- Provides that a person may drive a motor vehicle at a reduced speed if necessary for safe operation when bicycles are present.
- Adds bicyclist to the prohibitions that the driver of a motor vehicle cannot overtake and pass another vehicle on the right unless the pavement is unobstructed.
- Establishes civil penalties for drivers who violate the current statutory minimums of a three-foot distance between the motor vehicle and the bicycle:
  - \$250 if the violation does not result in death or serious physical injury.
  - \$500 if a collision results causing serious physical injury to a bicyclist.
  - \$1,000 if a collision results in the death to a bicyclist.
- Allows drivers of motor vehicles to enter a two-way left-turn lane in order to maintain the minimum three-foot distance required by law.

Mr. Thompson advised that this issue relates to bicycle safety.

Vice-Chairman Jayne announced that he had a Request to Speak form from the following person who is in favor of House Bill 2503:

Steve Kemp, City of Peoria

Rich Rumer, President, Coalition of Arizona Bicyclists, expressed support of H.B. 2503. He said this is clean-up legislation. There are instances where bicyclists in a bike lane need to make a left-hand turn, just like any other slow-moving vehicle. He said this bill is very important to all cyclists.

Mr. Nelson said his concern is how and when this legislation will be enforced. He said most streets are designed with 11 or 12-foot travel lanes and if there is a three-foot clearance, the average vehicle cannot move any faster than the bicyclist unless it moves into another lane. If this happens during peak driving hours, there is a real problem with this legislation. He asked who comes first, the bicyclist or the vehicle.

Chairman Pierce resumed the Chair.

John Halikowski, Majority Research Analyst, advised that there are two issues in this legislation: riding as close to the curb as possible, and prescribing penalties if the bicyclist gets hit by a vehicle.

In response to Mr. Nelson, Mr. Halikowski related that bicycles and cars are subject to the same rules of the road.

Mr. Nelson asked whether this attempts to set parameters that give bicyclists more credence than cars. He thinks this puts the driver of a car at greater peril than the bicyclist. Mr. Halikowski advised that the three-foot rule currently exists in law. This only changes the penalty.

Ms. Burton Cahill asked the penalty for hitting a pedestrian. She wants to ensure that the penalties are not different for hitting a bicyclist as opposed to hitting a pedestrian. Mr. Halikowski answered that the penalty depends on what the motorist is cited for.

Mr. Lopes brought up the situation in Tucson and said this bill appears to exempt bicyclists from riding two abreast in the right-hand lane of a four-lane roadway. He advised that the Tucson Police Department has a concern about this provision and asked whether their concern is addressed in this legislation. Mr. Rumer explained that one particular person in Tucson insisted on riding side by side with another cyclist and was prosecuted for impeding traffic on purpose. He said he thinks that is a different issue than what this bill attempts to do.

Ms. Burton Cahill again expressed concern that this seems to be elevating the bicyclist over someone on foot. She asked Mr. Rumer if he would be amenable to making this a level playing field by valuing pedestrians and bicyclists equally. Mr. Rumer said he would not object to such an amendment. He said he does not think a driver or a pedestrian should be treated differently; however, pedestrians normally do not have a two-ton vehicle zooming by six inches from their left ear as cyclists do.

Ms. McClure advised that in the area where she lives, there are bicyclists riding side by side, and motorists are stuck behind them driving 20 miles per hour when the speed limit is 45. She said she has a problem when one bill is drafted to include all situations, and this seems to be one-sided.

Reed Kempton, representing himself, Mesa, testified in support of H.B. 2503. He advised that he has been a bicycle commuter here in the Valley for over 30 years. He said he thinks this is a good bill. It makes the road safer for everyone because it clarifies the issues. He related that it has always been law that motorists had to provide a safe distance between their vehicles and bicyclists when passing them. Two years ago, it was clarified that the distance had to be three feet, but there is no penalty for not complying. He pointed out that cyclists can already take the entire lane of a street if that lane is too narrow for a car and a bicycle to share. He asked for support of this bill.

Bill Lazenby, Vice President, Coalition of Arizona Bicyclists, spoke in support of H.B. 2503. He stated that this bill clarifies existing law. The intent is not to make cyclists more valuable than pedestrians.

Chairman Pierce announced that he had Request to Speak forms from the following people who are in favor of House Bill 2503:

Gene Holmerud, representing himself, Phoenix  
Randi Alcott, Rapid Transit Authority and Valley Metro  
Ed Beighe, representing himself, Phoenix  
Jim Walen, Coalition of Arizona Bicyclists

Gene Holmerud, representing himself, Phoenix, expressed support of H.B. 2503. He said when he puts his arm out to signify that he is making a left turn, he wants extra assurance that drivers recognize his intent and that his arm will still be there. He said he finds that the closer he is to the curb, the less respect he gets from drivers. He advised that he does support the same protections for pedestrians.

Penny Allee Taylor, Southwest Gas, spoke in support of H.B. 2503. She said Southwest Gas' interest in this legislation is because of its six meter readers who read meters using their bicycles. This legislation helps clarify the rules between the drivers of cars and the drivers of bicycles. A few years ago legislation on trip reduction was passed for companies with over 50 employees. Employees are given credits for choosing alternative transportation modes to reduce pollution, congestion, etc. She said she rides her bicycle to work one day a week to support her company's efforts to reduce pollution. She said she would appreciate Members' support.

**Mr. Thompson moved that H.B. 2503 do pass. The motion carried with a roll call vote of 9-0-1-2 (Attachment 32).**

H.B. 2295, third party electronic service providers

S/E: speed limits; unpaved roads; unincorporated areas – DO PASS AMENDED S/E

Kevin Haynie, Majority Intern, explained that the Pierce two-page strike-everything amendment dated 2/20/03 (Attachment 33) to H.B. 2295 establishes a prima facie evidentiary standard that

operating a vehicle on an unpaved road in an unincorporated area in excess of forty-five miles per hour is an unreasonable speed (Attachment 34).

Larry Richmond, representing County Supervisors Association, stated support of H.B. 2295. He advised that county engineers in Arizona are responsible for approximately 11,000 miles of unpaved roads. There are reasonable and prudent recommendations for speed on various roads. This legislation addresses reasonable and prudent speed on county roads in unincorporated areas.

Chairman Pierce asked about liability and queried whether counties are protected if the speed is not reasonable and prudent. Mr. Richmond replied in the affirmative.

Mr. Prezelski questioned whether this includes gravel roads. Mr. Richmond said it does.

Chuck Williams, representing himself, Phoenix, testified in support of H.B. 2295. He stated that he is speaking on behalf of the County Supervisors Association. He noted that there are 11,000 miles of county-maintained roads. He related that conditions change rapidly on an unpaved road. There is consensus from the county engineers that 65 miles per hour is never reasonable and prudent on an unpaved road. Federal guidelines recommend 45 miles per hour. From a technical standpoint, he said this is a positive approach to take for unpaved roads.

In response to Mr. Nelson, Mr. Williams said that when accident data was reviewed, the consensus was that 45 was a safe speed. It was also established that it was reasonable and prudent to establish a single speed for the whole state. In addition, it would help with compliance with federal guidelines.

Chairman Pierce announced that he had a Request to Speak form from the following person who is in favor of House Bill 2295:

Sally Bender, County Supervisors Association

**Vice-Chairman Jayne moved that H.B. 2295 do pass.**

**Vice-Chairman Jayne moved that the Pierce two-page strike-everything amendment dated 2/20/03 be adopted (Attachment 33). The motion carried.**

**Vice-Chairman Jayne moved that H.B. 2295 as amended do pass. The motion carried with a roll call vote of 9-0-0-3 (Attachment 35).**

H.B. 2299, vehicle impoundment; storage charges – DO PASS AMENDED

Representative Linda Gray, sponsor, reviewed H.B. 2299 (Attachment 36). The bill eliminates the \$5.00 per day cap on storage fees currently in law for a vehicle that is impounded when the driver's license is revoked or suspended. She said that no one is willing to pick up a vehicle with the \$5.00 cap, so the law is totally ineffective. This legislation addresses the unlicensed people who ignore the law. This proposal is not asking for seizure of the vehicle, but deals with impoundment.

Mr. Thompson wondered if the proposed \$10 is enough.

John Halikowski, Majority Research Analyst, advised that this legislation is modeled after California law which has no cap. He said it was thought that the idea of eliminating the cap might be too high. This is designed at \$10 per day because the storage costs are about \$10 to \$25 a day.

Ms. Burton Cahill asked for the average number of days a car is impounded, and what other fees are involved. Mr. Halikowski said the bill provides for a 30-day impoundment. This bill prescribes a storage fee of \$10. In addition, there is an administrative fee up to \$150 as well as the towing fee.

**Vice-Chairman Jayne moved that H.B. 2299 do pass.**

Mr. Halikowski explained that the Pierce four-page amendment makes clarifications on the interlock device, adds the term “certified,” moves the hearings back to the impounding agency, changed the post-storage hearing time to within five days of the impound, and allows flexibility on how and where the hearing is conducted (Attachment 37).

Chairman Pierce announced that he had a Request to Speak form from the following person who is in favor of House Bill 2299:

Eric Edwards, Lieutenant, Arizona Association of Chiefs of Police

**Vice-Chairman Jayne moved that the Pierce four-page amendment dated 2/20/03 be adopted (Attachment 37). The motion carried.**

**Vice-Chairman Jayne moved that H.B. 2299 as amended do pass. The motion carried with a roll call vote of 8-0-1-3 (Attachment 38).**

Without objection, the meeting adjourned at 5:20 p.m.

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Joanne Bell, Committee Secretary  
December 22, 2016

(Original minutes, attachments and tape on file in the Chief Clerk’s Office)