

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-first Legislature – Second Regular Session

**COMMITTEE ON TRANSPORTATION**

Minutes of Meeting  
Thursday, February 13, 2014  
House Hearing Room 3 -- 9:00 a.m.

Chairman Fann called the meeting to order at 9:02 a.m. and attendance was noted by the secretary.

**Members Present**

Mrs. Barton  
Mr. Escamilla

Mr. Gray  
Ms. Steele

Mr. Borrelli, Vice-Chairman  
Ms. Fann, Chairman

**Members Absent**

None

**Committee Action**

HB2362 – HELD

HB2363 – DPA (6-0-0-0)

HB2430 – DPA (6-0-0-0)

HB2582 – HELD FOR ONE WEEK

**CONSIDERATION OF BILLS**

**HB2362 – DPS; school bus rules oversight – DO PASS**

**Vice-Chairman Borrelli moved that HB2362 do pass.**

Neil Fowler, Majority Research Intern, advised that current law requires the Arizona Department of Public Safety (DPS), the Arizona Department of Administration (ADOA) and the Arizona School Bus Advisory Council (Council) to oversee and make rules with regard to school buses. HB2362 gives DPS and the Council the responsibility of dealing with school buses and removes ADOA from oversight responsibilities (Attachment 1).

Chairman Fann, sponsor, stated the ADOA is encompassed in statutes related to the oversight of school buses. She said that, in reality, ADOA does not need to be involved in the process. DPS works with the schools on the issue and has the necessary institutional knowledge to oversee and make rules with regard to school buses.

Ms. Steele questioned if there is a cost associated with the bill. Chairman Fann responded that the bill will be a cost savings to ADOA by eliminating paperwork and staff hours. Ms. Steele asked if DPS is agreeable to the bill. Chairman Fann answered in the affirmative.

Chairman Fann advised the Committee the drafted amendment to HB2362 will not be offered due to a minor disagreement with the inclusion of the Arizona Department of Transportation (ADOT); however, after modifications, the amendment may be offered on the Floor. She requested that Mr. Mlynek explain the amendment for future reference.

Antonio Mlynek, representing self, testified in support of HB2362 and reviewed the provisions of the amendment. He related that the changes will provide representation for private schools and charters schools on the Council, remove the Arizona Department of Education and add the ADOT, Motor Vehicle Division (MVD). Mr. Mlynek said that because MVD has a significant role in licensing drivers, including them on the Council will reduce duplication in student transportation licensing, training and certification.

Chairman Fann commented that over the years, the school transportation system has changed; this bill is an attempt to include additional stakeholders in the process.

Carly Fleege, Assistant Legislative Liaison, Arizona Department of Administration, spoke in support of HB2362 and said that the intent of the bill is to align statute with current practice. She explained that since 1993, the DPS Student Transportation Unit has provided the administrative support to the Council and has the institutional knowledge to adopt the rules necessary to improve the safety and welfare of school bus passengers. Additionally, HB2362 affords flexibility to DPS and the Council to send notice of their activities to interested parties by any reasonable method, including but not limited to, email or other electronic means.

Vice-Chairman Borrelli announced the names of those who signed up as neutral on HB2362 but did not speak:

Leonard Clark, representing self

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2362 but did not speak:

Tim Carter, Yavapai County School Superintendent, representing self  
Katy Proctor, Legislative Liaison, Arizona Department of Public Safety

**Question was called on the motion that HB2362 do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 2).**

### **HB2363 – driving on suspended license; penalty – DO PASS AMENDED**

**Vice-Chairman Borrelli moved that HB2363 do pass.**

**Vice-Chairman Borrelli moved that the Fann four-line amendment dated 02/10/14 to HB2363 (Attachment 3) be adopted.**

Justin Riches, Majority Research Analyst, explained that Arizona Revised Statutes (A.R.S.) § 28-3473 provides that a person who is caught driving a motor vehicle on a public highway with a suspended, revoked, cancelled or refused license is guilty of a class 1 misdemeanor. If the suspension is a result of failing to pay a civil penalty, and the person presents to the court evidence that their driving privilege has been reinstated, then the court may dismiss the charge of driving under a suspended driver license. HB2363 expands the options a

court has under these circumstances. Specifically, the bill allows the court to find the person responsible for a civil traffic violation and impose a civil penalty up to \$250 or dismiss the charge (Attachment 4).

Mr. Riches advised that the Fann four-line amendment dated 02/10/14 to HB2363 clarifies that a person who loses their license due to nonpayment of civil penalties can also be charged with a misdemeanor, depending on the court's discretion (Attachment 3).

Ms. Steele questioned the cost of a misdemeanor. Mr. Riches replied that the cost depends upon the classification of the misdemeanor. Chairman Fann asked if there is a need to specify the classification of the misdemeanor. Mr. Riches answered in the negative and stated that he believes the intent of the bill is to provide the court with additional flexibility in court rulings.

Representative Paul Boyer, sponsor, stated that under current statute, a judge has two options for a person driving under a suspended license: find the driver guilty of a class 1 misdemeanor or dismiss the charge based on the driver providing evidence that their driving privilege has been reinstated. He explained that some city courts do not offer payment plans and a person who does not have the means to pay the debt cannot get their license reinstated. A person who is charged with driving under a suspended license will have to automatically plead guilty to a class 1 misdemeanor, which is the most serious type of misdemeanor and carries up to a \$2,500 penalty. HB2363 provides the court with a third option where the judge can fine the person with a civil traffic violation rather than a class 1 misdemeanor.

Mrs. Barton thanked Representative Boyer for bringing this bill forward; the bill will provide a necessary option to the judicial branch in these situations. She said that she has seen the negative effects on the working poor in her legislative district. Rural areas lack a transit system and people with a suspended driver license have a difficult time finding transportation to and from work. They have to rely on friends and family to get to work so that they can pay the fine and get their license reinstated. If a person gets caught driving under a suspended driver license his or her circumstances only get worse which can be devastating.

Representative Boyer related that HB2363 is an incentive for a person to restore his or her driver license.

Jerry Landau, Government Affairs Director, Arizona Supreme Court, appeared as neutral on HB2363 and reviewed A.R.S. § 28-3473. In reply to questions, he explained court procedures and said that the bill only applies to civil traffic violations.

Vice-Chairman Borrelli announced the names of those who signed up as neutral on HB2363 but did not speak:

Leonard Clark, representing self

**Question was called on the motion that Fann four-line amendment dated 02/10/14 to HB2363 (Attachment 3) be adopted. The motion carried.**

**Vice-Chairman Borrelli moved that HB2363 as amended do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 5).**

**HB2430 – combination vehicles; size; weight; load – DO PASS AMENDED**

**Vice-Chairman Borrelli moved that HB2430 do pass.**

**Vice-Chairman Borrelli moved that the Fann three-page amendment dated 02/05/14 to HB2430 (Attachment 6) be adopted.**

Neil Fowler, Majority Research Intern, advised that HB2430 changes the conditions for a special transport permit for combination vehicles (Attachment 7).

Mr. Fowler explained that the Fann three-page amendment dated 02/05/14 to HB2430 (Attachment 6) clarifies the roads covered by the special permits specified in HB2430 to include highways and specifies permit length and fees for various combination vehicles that are over dimensional and have overweight loads as described in A.R.S. § 28-1103, subsection C. The amendment also allows the Director of the Arizona Department of Transportation to issue an envelope permit to any two axel vehicles that are under the 34,000 pound maximum gross weight as prescribed by A.R.S. § 28-1100.

Chairman Fann, sponsor, deferred testimony to Deb Gullett in an effort to save time.

Deb Gullett, Lobbyist, Barney Trucking, Inc., testified in support of HB2430. She gave background on the stakeholder process that generated the statutory changes in the bill and provided a roadmap of a 20-mile section of highway in northern Arizona (Attachment 8) detailing the only route in the state for longer combination vehicles. Ms. Gullett explained that current state statutes have lower weight limits on 37 miles of highway than federal guidelines. Due to the state weight limits, longer combination vehicles are unable to run the highway fully loaded and are operating at 90 percent capacity. HB2430 simply increases Arizona's weight limit to the limit permitted by federal law.

Mr. Escamilla requested additional information on the federal road restrictions for combination vehicles. Ms. Gullett deferred to Jim LaRue.

Jim LaRue, Safety Manager, Barney Trucking, Inc., spoke in favor of HB2430 and in response to questions, explained that federal statutes allow long combination vehicles to operate 20 miles from the northern Arizona border with Utah carrying up to 129,000 pounds per load. Arizona law does not permit the same weight and is overly restrictive, allowing for only 123,500 pounds on ten axles, which can easily be bridged on a ten-axle combination vehicle; however, an identical vehicle with nine axles can carry up to 129,000 pounds per load on Interstate 15 in northwestern Arizona between Utah and Nevada. Mr. LaRue also advised that long combination vehicles cannot go further than 20 miles into northern Arizona from Utah due to the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) weight freeze. HB2430 is a rare win for all entities involved. The bill will make it easier for the industry to transport goods and comply with laws and it will allow northern Arizona to be more competitive in the construction markets while the state collects additional monies from the higher permit fees.

Vice-Chairman Borrelli questioned if the bill will equate to fewer trucks on the road. Mr. LaRue agreed and provided an example. Vice-Chairman Borrelli asked the type of cargo being hauled. Mr. LaRue responded that Barney Trucking, Inc. hauls fly ash and limestone chips.

For clarification, Mr. Gray inquired if long combination vehicles with ten axles produce less damage to the state's roadways. Mr. LaRue answered in the affirmative and explained the purpose of the federal bridge gross weight formula.

Ms. Steel commented that further expansion of this type of legislation could allow for additional trade along Arizona's borders. Mr. LaRue advised Members of an ongoing federal study and said that he will provide the Committee with further information on the plans to increase roadway weight limits.

Pascal Berlioux, Eastern Arizona Counties Organization; Northern Arizona Wood Products Association, testified in strong support of HB2430 and related the benefits an increase to roadway weight limits will have on the logging industry, Arizona's watershed and wood-related transportation to assist in a more affordable way to haul forest overgrowth.

Mrs. Barton thanked Mr. Berlioux for attending the meeting and educating the Committee on the costs associated with wood product transportation and forest restoration.

Kevin Biesty, Arizona Department of Transportation, appeared as neutral on HB2430. He stated concern for ISTEA regulations that froze the nation's weight restrictions to the highway standards in 1991 and stressed the importance of transportation in relation to the commerce corridor and the economy. In reply to questions, Mr. Biesty described the processes used for the management and enforcement of combination vehicle weight regulations.

Vice-Chairman Borrelli announced the names of those who signed up in support of HB2430 but did not speak:

Rob Dalager, Barney Trucking, Inc.  
Warde Nichols, Show Low Chamber of Commerce  
James Candland, Eastern Arizona Counties Association  
Manny Tarango, Salt River Project  
Alexis Glascock, Barney Trucking, Inc.  
David Tenney, representing self

Vice-Chairman Borrelli announced the names of those who signed up as neutral on HB2430 but did not speak:

Richard Travis, Union Pacific

**Question was called on the motion that Fann three-page amendment dated 02/05/14 to HB2430 (Attachment 6) be adopted. The motion carried.**

**Vice-Chairman Borrelli moved that HB2430 as amended do pass. The motion carried by a roll call vote of 6-0-0-0 (Attachment 9).**

**HB2545 – bicyclists; public ways – HELD FOR ONE WEEK**

**Chairman Fann announced that HB2545 will be held for one week.**

Without objection, the meeting adjourned at 9:59 a.m.

---

Abby Selvey, Committee Secretary  
March 26, 2014

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)