PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2262

(Reference to House engrossed bill)

Strike everything after the enacting clause and insert:

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

28-101. Definitions

In this title, unless the context otherwise requires:

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

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

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

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

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

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

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

(ii) Is fifty or fewer inches in width.

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

(iv) Travels on three or more nonhighway tires.

(v) Is operated on a public highway.

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

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

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

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

(iv) Travels on four or more nonhighway tires.

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

(a) A fire department vehicle.

(b) A police vehicle.

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

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

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

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

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

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

7. "Board" means the transportation board.

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

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

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

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

12. "Conviction" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) May do any of the following:

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

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

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

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

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

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

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

33. "Motor vehicle":

(a) Means either:

(i) A self-propelled vehicle.

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

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

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

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

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

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

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

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

(a) The vehicle is emission free.

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

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

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

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

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

40. "Owner" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41-2051. Definitions

In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) May do any of the following:

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

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

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

(e) IS NOT A TRANSPORTATION NETWORK VEHICLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) IS NOT A TRANSPORTATION NETWORK VEHICLE.

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

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

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

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

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

(i) TRANSPORTATION IS PROVIDED TO ANOTHER PERSON.

(ii) THE ROUTE IS PREDETERMINED.

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 8. TRANSPORTATION NETWORKS

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

A. A TRANSPORTATION NETWORK OPERATING IN THIS STATE SHALL:

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

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

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

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

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

6. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A CRIMINAL BACKGROUND CHECK 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

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

1. THE ORIGINATION AND DESTINATION OF THE TRIP.

2. THE TOTAL TIME AND DISTANCE OF THE TRIP.

3. THE TOTAL FARE PAID, IF ANY.

C. A TRANSPORTATION NETWORK OPERATOR SHALL:

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

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

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

4. OPERATE A TRANSPORTATION NETWORK VEHICLE.

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

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

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

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

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

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

E. THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE 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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