

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2262

AN ACT

AMENDING SECTIONS 28-101, 28-142, 41-2051 AND 41-2052, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8; RELATING TO TRANSPORTATION NETWORKS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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.

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

31 (a) A fire department vehicle.

32 (b) A police vehicle.

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

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

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

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

- 1 (a) Two tandem wheels, either of which is more than sixteen inches in
2 diameter.
- 3 (b) Three wheels in contact with the ground, any of which is more than
4 sixteen inches in diameter.
- 5 7. "Board" means the transportation board.
- 6 8. "Bus" means a motor vehicle designed for carrying sixteen or more
7 passengers, including the driver.
- 8 9. "Business district" means the territory contiguous to and including
9 a highway if there are buildings in use for business or industrial purposes
10 within any six hundred feet along the highway, including hotels, banks or
11 office buildings, railroad stations and public buildings that occupy at least
12 three hundred feet of frontage on one side or three hundred feet collectively
13 on both sides of the highway.
- 14 10. "Combination of vehicles" means a truck or truck tractor and
15 semitrailer and any trailer that it tows but does not include a forklift
16 designed for the purpose of loading or unloading the truck, trailer or
17 semitrailer.
- 18 11. "Controlled substance" means a substance so classified under
19 section 102(6) of the controlled substances act (21 United States Code
20 section 802(6)) and includes all substances listed in schedules I through V
21 of 21 Code of Federal Regulations part 1308.
- 22 12. "Conviction" means:
- 23 (a) An unvacated adjudication of guilt or a determination that a
24 person violated or failed to comply with the law in a court of original
25 jurisdiction or by an authorized administrative tribunal.
- 26 (b) An unvacated forfeiture of bail or collateral deposited to secure
27 the person's appearance in court.
- 28 (c) A plea of guilty or no contest accepted by the court.
- 29 (d) The payment of a fine or court costs.
- 30 13. "County highway" means a public road constructed and maintained by
31 a county.
- 32 14. "Dealer" means a person who is engaged in the business of buying,
33 selling or exchanging motor vehicles, trailers or semitrailers and who has an
34 established place of business.
- 35 15. "Department" means the department of transportation acting directly
36 or through its duly authorized officers and agents.
- 37 16. "Director" means the director of the department of transportation.
- 38 17. "Drive" means to operate or be in actual physical control of a
39 motor vehicle.
- 40 18. "Driver" means a person who drives or is in actual physical control
41 of a vehicle.
- 42 19. "Driver license" means a license that is issued by a state to an
43 individual and that authorizes the individual to drive a motor vehicle.
- 44 20. "Electric personal assistive mobility device" means a
45 self-balancing two nontandem wheeled device with an electric propulsion

1 system that limits the maximum speed of the device to fifteen miles per hour
2 or less and that is designed to transport only one person.

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

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

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

10 24. "Golf cart" means a motor vehicle that has not less than three
11 wheels in contact with the ground, that has an unladen weight of less than
12 one thousand eight hundred pounds, that is designed to be and is operated at
13 not more than twenty-five miles per hour and that is designed to carry not
14 more than four persons including the driver.

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

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

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

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

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

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

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

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

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

2 (d) May do any of the following:

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

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

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

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

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

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

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

20 33. "Motor vehicle":

21 (a) Means either:

22 (i) A self-propelled vehicle.

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

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

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

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

34 34. "Motor vehicle fuel" includes all products that are commonly or
35 commercially known or sold as gasoline, including casinghead gasoline,
36 natural gasoline and all flammable liquids, and that are composed of a
37 mixture of selected hydrocarbons expressly manufactured and blended for the
38 purpose of effectively and efficiently operating internal combustion engines.
39 Motor vehicle fuel does not include inflammable liquids that are specifically
40 manufactured for racing motor vehicles and that are distributed for and used
41 by racing motor vehicles at a racetrack, use fuel as defined in section
42 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
43 mixture created at the interface of two different substances being
44 transported through a pipeline, commonly known as transmix.

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

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

6 (a) The vehicle is emission free.

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

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

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

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

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

21 40. "Owner" means:

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

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

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

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

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

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

44 44. "Reconstructed vehicle" means a vehicle that has been assembled or
45 constructed largely by means of essential parts, new or used, derived from

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

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

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

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

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

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

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

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

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

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

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

43 53. "Taxi" means a motor vehicle that has a seating capacity not
44 exceeding fifteen passengers, including the driver, that is registered as a

1 taxi in this state or any other state, that provides passenger services and
2 that:

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

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

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

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

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

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

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

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

31 (i) TRANSPORTATION IS PROVIDED TO ANOTHER PERSON.

32 (ii) THE ROUTE IS PREDETERMINED.

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

35 57. "TRANSPORTATION NETWORK OPERATOR" MEANS AN INDIVIDUAL WHO USES A
36 TRANSPORTATION NETWORK VEHICLE TO PROVIDE TRANSPORTATION NETWORK TRIPS
37 PURSUANT TO TITLE 41, CHAPTER 15, ARTICLE 8.

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

44 59. "TRANSPORTATION NETWORK VEHICLE" MEANS A VEHICLE THAT IS USED BY A
45 TRANSPORTATION NETWORK OPERATOR TO PROVIDE TRANSPORTATION NETWORK TRIPS, THAT

1 HAS AT LEAST FOUR DOORS, THAT IS DESIGNED TO CARRY NOT MORE THAN EIGHT
2 PASSENGERS, INCLUDING THE DRIVER, AND THAT MEETS THE CRITERIA SET FORTH IN
3 TITLE 41, CHAPTER 15, ARTICLE 8.

4 ~~56-~~ 60. "Truck" means a motor vehicle designed or used primarily for
5 the carrying of property other than the effects of the driver or passengers
6 and includes a motor vehicle to which has been added a box, a platform or
7 other equipment for such carrying.

8 ~~57-~~ 61. "Truck tractor" means a motor vehicle that is designed and
9 used primarily for drawing other vehicles and that is not constructed to
10 carry a load other than a part of the weight of the vehicle and load drawn.

11 ~~58-~~ 62. "Vehicle" means a device in, on or by which a person or
12 property is or may be transported or drawn on a public highway, excluding
13 devices moved by human power or used exclusively on stationary rails or
14 tracks.

15 ~~59-~~ 63. "Vehicle transporter" means either:

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

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

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

23 ~~28-142.~~ Livery vehicle, taxi, transportation network vehicle,
24 transportation network and limousine regulation;
25 state preemption

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

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

39 ~~41-2051.~~ Definitions

40 In this chapter, unless the context otherwise requires:

41 1. "Biodiesel" means a diesel fuel substitute that is produced from
42 nonpetroleum renewable resources as defined by the United States
43 environmental protection agency and that meets the registration requirements
44 for fuels and fuel additives established by the United States environmental

1 protection agency pursuant to section 211 of the clean air act, as defined in
2 section 49-401.01.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 16. "Liquid fuel measuring device" means any meter, pump, tank, gauge
2 or apparatus used for volumetrically determining the quantity of any internal
3 combustion engine fuel, liquefied petroleum gas or low-viscosity heating oil.
- 4 17. "Livery vehicle" means a motor vehicle that:
- 5 (a) Has a seating capacity not exceeding fifteen passengers, including
6 the driver.
- 7 (b) Provides passenger services for a fare determined by a flat rate
8 or flat hourly rate between geographic zones or within a geographic area.
- 9 (c) Is available for hire on an exclusive or shared-ride basis.
- 10 (d) May do any of the following:
- 11 (i) Operate on a regular route or between specified places.
- 12 (ii) Offer prearranged ground transportation service as defined in
13 section 28-141.
- 14 (iii) Offer on demand ground transportation service pursuant to a
15 contract with a public airport, licensed business entity or organization.
- 16 (e) IS NOT A TRANSPORTATION NETWORK VEHICLE.
- 17 18. "Misfuel" means the act of dispensing into the fuel tank of a motor
18 vehicle a motor fuel that was not intended to be used in the engine of that
19 motor vehicle.
- 20 19. "Motor fuel" means a petroleum or a petroleum-based substance that
21 is motor gasoline, aviation gasoline, number one or number two diesel fuel or
22 any grade of oxygenated gasoline typically used in the operation of a motor
23 engine, including biodiesel blends, biofuel blends and the ethanol blend E85
24 as defined in ASTM D5798.
- 25 20. "Package" means any commodity enclosed in a container or wrapped in
26 any manner in advance of sale in units suitable for either wholesale or
27 retail trade.
- 28 21. "Person" means both the plural and the singular, as the case
29 demands, and includes individuals, partnerships, corporations, companies,
30 societies and associations.
- 31 22. "Public weighmaster" means any person who is engaged in any of the
32 following:
- 33 (a) The business of weighing any object or thing for the public
34 generally for hire or for internal use and issuing for that weighing a weight
35 certificate intended to be accepted as an accurate weight ~~upon~~ ON which a
36 purchase or sale is to be based or on which a service fee is to be charged.
- 37 (b) The business of weighing for hire motor vehicles, trailers or
38 semitrailers and issuing weight certificates intended to be accepted as an
39 accurate weight for the purpose of determining the amount of any tax, fee or
40 other assessment on the vehicles.
- 41 23. "Reference standards" means the physical standards of the state
42 that serve as the legal reference from which all other standards and weights
43 and measures are derived.
- 44 24. "Registered service agency" means any agency, firm, company or
45 corporation that for hire, award, commission or any other payment of any kind

1 installs, services, repairs or reconditions a commercial device or tests or
2 repairs vapor recovery systems or vapor recovery components and that has been
3 issued a license by the department.

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

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

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

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

18 29. "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 (c) IS NOT A TRANSPORTATION NETWORK VEHICLE.

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

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

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

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

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

43 (i) TRANSPORTATION IS PROVIDED TO ANOTHER PERSON.

44 (ii) THE ROUTE IS PREDETERMINED.

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

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

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

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

17 ~~31-~~ 35. "Weight" as used in connection with any commodity means net
18 weight.

19 ~~32-~~ 36. "Weights" or "measures", or both, means all weights, measures,
20 meters or counters of every kind, instruments and devices for weighing,
21 measuring, metering or counting and any appliance and accessories associated
22 with any or all such instruments and devices.

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

24 ~~41-2052.~~ Livery vehicle, taxi, transportation network vehicle,
25 transportation network and limousine regulation;
26 state 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
37 airport or may set additional or more restrictive requirements for the
38 conduct of that business at a public airport.

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

41 ARTICLE 8. TRANSPORTATION NETWORKS

42 ~~41-2136.~~ Transportation networks; registration; requirements;
43 operators; civil penalty; exemption

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

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

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

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

13 4. MAINTAIN A COMMERCIAL LIABILITY INSURANCE POLICY WITH UNINSURED AND
14 UNDERINSURED MOTORIST COVERAGE THAT PROVIDES MINIMUM COVERAGE OF ONE MILLION
15 DOLLARS PER INCIDENT FOR CLAIMS FOR AN ACCIDENT INVOLVING A TRANSPORTATION
16 NETWORK VEHICLE AND A TRANSPORTATION NETWORK OPERATOR AND OCCURRING DURING A
17 TRANSPORTATION NETWORK TRIP. THE COMMERCIAL LIABILITY INSURANCE POLICY
18 REQUIRED BY THIS PARAGRAPH IS PRIMARY COVERAGE DURING A TRANSPORTATION
19 NETWORK TRIP TO ANY INSURANCE POLICY CARRIED BY THE TRANSPORTATION NETWORK
20 OPERATOR AND COVERS BODILY INJURY AND PROPERTY DAMAGE LIABILITY CLAIMS OF
21 THIRD PARTIES, CLAIMS INVOLVING UNINSURED AND UNDERINSURED MOTORIST COVERAGE
22 AND ALL DEFENSE COSTS, SUBJECT TO THE POLICY LIMITS, FOR LIABILITY CLAIMS FOR
23 AN ACCIDENT OCCURRING DURING A TRANSPORTATION NETWORK TRIP AND CAUSED BY A
24 TRANSPORTATION NETWORK OPERATOR. NOTWITHSTANDING ANY PROVISION OF TITLE 20
25 OR 28, THE INSURANCE POLICY REQUIRED BY THIS PARAGRAPH MAY BE PLACED WITH AN
26 INSURER AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE PURSUANT TO TITLE 20,
27 CHAPTER 2, ARTICLE 1 OR A SURPLUS LINES INSURER PURSUANT TO TITLE 20, CHAPTER
28 2, ARTICLE 5. A TRANSPORTATION NETWORK OPERATOR'S PERSONAL AUTOMOBILE
29 LIABILITY INSURANCE POLICY THAT COMPLIES WITH THE REQUIREMENTS OF TITLE 28,
30 CHAPTER 9 IS SUFFICIENT TO SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS
31 OF TITLE 28, CHAPTER 9. THE INSURANCE POLICY REQUIRED BY THIS PARAGRAPH IS
32 NOT REQUIRED TO SEPARATELY SATISFY THE REQUIREMENTS OF TITLE 28, CHAPTER 9.

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
38 OPERATOR TO OFFER TRANSPORTATION NETWORK TRIPS ON THE TRANSPORTATION
39 NETWORK'S DIGITAL PLATFORM. A TRANSPORTATION NETWORK MAY NOT ALLOW A PERSON
40 TO BE A TRANSPORTATION NETWORK OPERATOR IF THE PERSON'S CRIMINAL BACKGROUND
41 CHECK REVEALS THAT THE PERSON HAS BEEN CONVICTED AT ANY TIME FOR A VIOLATION
42 OF SECTION 13-706 OR TITLE 13, CHAPTER 14, 19, 22, 23, 34 OR 35.1.

43 7. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A DRIVER LICENSE RECORD
44 CHECK ON EACH POTENTIAL TRANSPORTATION NETWORK OPERATOR BEFORE ALLOWING THE
45 OPERATOR TO OFFER TRANSPORTATION NETWORK TRIPS ON THE TRANSPORTATION

1 NETWORK'S DIGITAL PLATFORM. THE TRANSPORTATION NETWORK MAY NOT ALLOW A
2 PERSON TO BE A TRANSPORTATION NETWORK OPERATOR IF THE PERSON'S DRIVER LICENSE
3 RECORD CHECK REVEALS THAT THE PERSON HAS BEEN CONVICTED OF ANY OF THE
4 FOLLOWING:

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

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

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

10 8. PROHIBIT THE USE OF DRUGS AND ALCOHOL OR THE OPERATION OF A
11 TRANSPORTATION NETWORK VEHICLE BY A TRANSPORTATION NETWORK OPERATOR WHILE
12 UNDER THE INFLUENCE OF DRUGS OR ALCOHOL DURING A TRANSPORTATION NETWORK TRIP.
13 ON RECEIVING A COMPLAINT THAT A TRANSPORTATION NETWORK OPERATOR IS UNDER THE
14 INFLUENCE OF DRUGS OR ALCOHOL WHILE PROVIDING A TRANSPORTATION NETWORK TRIP,
15 THE TRANSPORTATION NETWORK SHALL:

16 (a) IMMEDIATELY REVOKE THE TRANSPORTATION NETWORK OPERATOR'S ACCESS TO
17 ITS DIGITAL PLATFORM.

18 (b) CONDUCT AN INVESTIGATION.

19 (c) REQUIRE THE OPERATOR TO TAKE A DRUG TEST.

20 (d) PERMANENTLY DENY ACCESS TO THE DIGITAL PLATFORM TO ANY OPERATOR
21 WHO VIOLATES THIS PARAGRAPH.

22 9. NOTIFY ANY POTENTIAL TRANSPORTATION NETWORK OPERATOR, BEFORE THE
23 OPERATOR IS ALLOWED TO ACCESS THE TRANSPORTATION NETWORK DIGITAL PLATFORM,
24 THAT:

25 (a) THE OPERATOR'S PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY
26 MIGHT NOT COVER THE OPERATOR WHILE PROVIDING A TRANSPORTATION NETWORK TRIP.

27 (b) USING THE VEHICLE TO PROVIDE TRANSPORTATION NETWORK TRIPS MAY
28 VIOLATE THE TERMS OF THE OPERATOR'S CONTRACT WITH A LIENHOLDER.

29 10. CAUSE ITS INSURER TO ISSUE PAYMENT JOINTLY TO THE TRANSPORTATION
30 NETWORK OPERATOR AND THE PRIMARY LIENHOLDER ON THE COVERED VEHICLE OR THE
31 BUSINESS REPAIRING THE VEHICLE IF THE TRANSPORTATION NETWORK'S INSURER MAKES
32 A PAYMENT FOR A CLAIM COVERED UNDER COMPREHENSIVE OR COLLISION COVERAGE.

33 B. A TRANSPORTATION NETWORK MAY EITHER OFFER TRANSPORTATION NETWORK
34 TRIPS AT NO CHARGE, SUGGEST A DONATION OR CHARGE A FARE. IF A FARE IS
35 CHARGED, THE TRANSPORTATION NETWORK SHALL DISCLOSE ON ITS WEBSITE OR
36 APPLICATION THE FARE CALCULATION METHOD AND THE APPLICABLE RATES CHARGED. IF
37 THE TRANSPORTATION NETWORK TEMPORARILY INCREASES THE RATE CALCULATION METHOD,
38 THE INCREASE MUST BE DISCLOSED AND ACCEPTED BY THE PASSENGER BEFORE BEGINNING
39 THE TRANSPORTATION NETWORK TRIP IN SUCH A MANNER THAT THE PASSENGER'S RIDE
40 REQUEST CANNOT BE COMPLETED UNLESS THE PASSENGER ACCEPTS THE RATE CALCULATION
41 INCREASE THROUGH THE APPLICATION. ON COMPLETION OF A TRANSPORTATION NETWORK
42 TRIP, THE TRANSPORTATION NETWORK SHALL TRANSMIT AN ELECTRONIC RECEIPT TO THE
43 PASSENGER'S E-MAIL ADDRESS OR MOBILE APPLICATION DOCUMENTING:

44 1. THE ORIGINATION AND DESTINATION OF THE TRIP.

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

1 3. THE TOTAL FARE OR DONATION PAID, IF ANY.
2 C. A TRANSPORTATION NETWORK OPERATOR SHALL:
3 1. ACCEPT ONLY RIDES REQUESTED THROUGH A TRANSPORTATION NETWORK'S
4 DIGITAL PLATFORM AND MAY NOT SOLICIT OR ACCEPT STREET HAILS.
5 2. POSSESS A VALID DRIVER LICENSE ISSUED BY THIS STATE, PROOF OF
6 CURRENT VEHICLE REGISTRATION AND PROOF THAT THE VEHICLE IS IN COMPLIANCE WITH
7 THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF SECTION 28-4009.
8 3. BE AT LEAST TWENTY-ONE YEARS OF AGE.
9 4. OPERATE A TRANSPORTATION NETWORK VEHICLE.
10 5. NOTIFY THE OPERATOR'S PERSONAL AUTOMOBILE LIABILITY INSURANCE
11 COMPANY THAT THE OPERATOR INTENDS TO OFFER TRANSPORTATION NETWORK TRIPS ON A
12 PART-TIME BASIS.
13 6. ELECTRONICALLY FILE OR CAUSE TO BE FILED ON A FORM PRESCRIBED BY
14 THE DEPARTMENT ALL OF THE FOLLOWING:
15 (i) INFORMATION REGARDING THE OPERATOR'S CURRENT ARIZONA DRIVER
16 LICENSE.
17 (ii) INFORMATION REGARDING THE OPERATOR'S CURRENT VEHICLE
18 REGISTRATION.
19 (iii) PROOF MEETING THE REQUIREMENTS OF SECTION 28-4077 OF THE
20 OPERATOR'S PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY.
21 (iv) PROOF OF A COMPLETED SAFETY INSPECTION PURSUANT TO SUBSECTION A,
22 PARAGRAPH 3 OF THIS SECTION.
23 7. DISPLAY A COPY OF THE DEPARTMENT'S TRANSPORTATION NETWORK OPERATOR
24 CERTIFICATE ISSUED PURSUANT TO SUBSECTION E OF THIS SECTION DURING A
25 TRANSPORTATION NETWORK TRIP.
26 D. AN INSURER ISSUING A PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY
27 PROVIDING COVERAGE IN THIS STATE:
28 1. HAS NO DUTY TO DEFEND OR INDEMNIFY ON A LIABILITY CLAIM IF THE
29 CLAIM OCCURS DURING A TRANSPORTATION NETWORK TRIP AND THE POLICY CONTAINS ANY
30 SPECIFIC EXCLUSION FOR COMMERCIAL USE OF THE VEHICLE FOR LIVERY OR FOR-HIRE
31 TRANSPORTATION USE.
32 2. MAY INCLUDE IN THE POLICY AN EXCLUSION FOR COVERAGE OR THE DUTY TO
33 DEFEND, OR BOTH, FOR ANY LOSS OR INJURY THAT OCCURS DURING A TRANSPORTATION
34 NETWORK TRIP. A PERSONAL AUTOMOBILE LIABILITY INSURANCE POLICY EXCLUSION
35 THAT REFERS TO COMMERCIAL, FEE OR LIVERY ACTIVITIES IS APPLICABLE TO A
36 TRANSPORTATION NETWORK OPERATOR DURING A TRANSPORTATION NETWORK TRIP.
37 3. MAY UNDERWRITE, RATE OR MAKE OTHER DECISIONS WITH RESPECT TO THE
38 TERMS OR CONTINUATION OF COVERAGE PERMITTED BY TITLE 20, CHAPTERS 2 AND 6 FOR
39 ANY APPLICANT OR INSURED WHO ENTERS INTO AN AGREEMENT TO BECOME A
40 TRANSPORTATION NETWORK OPERATOR WITH ONE OR MORE TRANSPORTATION NETWORKS.
41 E. THE DEPARTMENT SHALL ISSUE AN ELECTRONIC CERTIFICATE IN A FORM
42 PRESCRIBED BY THE DEPARTMENT WITHIN FIVE BUSINESS DAYS AFTER A TRANSPORTATION
43 NETWORK OPERATOR FILES THE INFORMATION REQUIRED BY SUBSECTION C OF THIS
44 SECTION.

1 F. A TRANSPORTATION NETWORK THAT VIOLATES SUBSECTION A OF THIS SECTION
2 IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS FOR EACH
3 VIOLATION AND NOT MORE THAN TEN THOUSAND DOLLARS FOR ANY THIRTY-DAY PERIOD.
4 A TRANSPORTATION NETWORK OPERATOR WHO VIOLATES LICENSING, REGISTRATION AND
5 INSURANCE REQUIREMENTS OF THIS ARTICLE IS SUBJECT TO A CIVIL PENALTY PURSUANT
6 TO TITLE 28. A TRANSPORTATION NETWORK OPERATOR WHO VIOLATES THIS ARTICLE,
7 EXCEPT FOR LICENSING, REGISTRATION AND INSURANCE REQUIREMENTS, IS SUBJECT TO
8 A CIVIL PENALTY NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS FOR EACH VIOLATION
9 AND NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS FOR ANY THIRTY-DAY
10 PERIOD. A TRANSPORTATION NETWORK MAY REQUEST A HEARING TO REVIEW A CIVIL
11 PENALTY IMPOSED UNDER THIS SUBSECTION. THE DEPARTMENT SHALL CONDUCT THE
12 HEARING PURSUANT TO CHAPTER 6, ARTICLE 10 OF THIS TITLE.

13 G. ON RECEIPT OF A COMPLAINT FOR A VIOLATION OF THIS ARTICLE, THE
14 DEPARTMENT MAY REQUEST INFORMATION SPECIFIC TO THE PURPORTED VIOLATION FROM A
15 TRANSPORTATION NETWORK, A THIRD PARTY POSSESSING RELEVANT INFORMATION OR A
16 TRANSPORTATION NETWORK OPERATOR.

17 H. ARTICLE 4 OF THIS CHAPTER DOES NOT APPLY TO TRANSPORTATION
18 NETWORKS, TRANSPORTATION NETWORK OPERATORS OR TRANSPORTATION NETWORK
19 VEHICLES.