

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2273

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-142, Arizona Revised Statutes, is amended to
3 read:

4 28-142. Livery vehicle, taxi, ride-sharing and limousine
5 regulation: state preemption

6 The regulation and use of livery vehicles, taxis, **RIDE-SHARING**
7 **VEHICLES, RIDE-SHARING NETWORKS** and limousines are of statewide concern.
8 Livery vehicles, taxis, **RIDE-SHARING VEHICLES, RIDE-SHARING NETWORKS** and
9 limousines and their use that are regulated pursuant to this title are not
10 subject to further regulation by a county, city, town or other political
11 subdivision of this state, except that a public airport operator that
12 operates a public airport pursuant to section 28-8421, 28-8423 or 28-8424 or
13 a public body operating a public airport may establish the number of livery
14 vehicles, taxis, **RIDE-SHARING VEHICLES, RIDE-SHARING NETWORKS** or limousines
15 that may conduct business at a public airport or may set additional or more
16 restrictive requirements for the conduct of that business at a public
17 airport.

18 Sec. 2. Section 41-2051, Arizona Revised Statutes, is amended to read:

19 41-2051. Definitions

20 In this chapter, unless the context otherwise requires:

21 1. "Biodiesel" means a diesel fuel substitute that is produced from
22 nonpetroleum renewable resources as defined by the United States
23 environmental protection agency and that meets the registration requirements
24 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.

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

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

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

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

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

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

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

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

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

23 (d) May do any of the following:

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

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

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

29 (e) IS NOT A RIDE-SHARING VEHICLE.

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

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

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

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

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

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

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

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

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

30 25. "Registered service representative" means any individual who for
31 hire, award, commission or any other payment of any kind installs, services,
32 repairs or reconditions a commercial device or tests or repairs vapor

1 recovery systems or vapor recovery components and who has been issued a
2 license by the department.

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

6 27. "RIDE-SHARING NETWORK" MEANS A COMPANY THAT USES A DIGITAL PLATFORM
7 TO MATCH PASSENGERS TO RIDE-SHARING OPERATORS.

8 28. "RIDE-SHARING OPERATOR" MEANS AN INDIVIDUAL WHO USES A RIDE-SHARING
9 VEHICLE TO PROVIDE RIDE-SHARING SERVICES PURSUANT TO ARTICLE 8 OF THIS
10 CHAPTER.

11 29. "RIDE-SHARING SERVICE" MEANS THE PROVISION OF A TRANSPORTATION
12 SERVICE BY A RIDE-SHARING OPERATOR THROUGH A RIDE-SHARING NETWORK.

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

18 ~~27.~~ 31. "Sale from bulk" means the sale of commodities when the
19 quantity is determined at the time of sale.

20 ~~28.~~ 32. "Secondary standards" means the physical standards that are
21 traceable to the reference standards through comparisons, using acceptable
22 laboratory procedures, and that are used in the enforcement of weights and
23 measures laws and rules.

24 ~~29.~~ 33. "Taxi" means a motor vehicle that has a seating capacity not
25 exceeding fifteen passengers, including the driver, that is registered as a
26 taxi in this state or any other state, that provides passenger services and
27 that:

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

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

1 (c) IS NOT A RIDE-SHARING VEHICLE.

2 ~~30.~~ 34. "Taxi meter" means a commercial device that meets the
3 requirements of the national institute of standards and technology handbook
4 44 as prescribed by section 41-2064.

5 ~~31.~~ 35. "Weight" as used in connection with any commodity means net
6 weight.

7 ~~32.~~ 36. "Weights" or "measures", or both, means all weights, measures,
8 meters or counters of every kind, instruments and devices for weighing,
9 measuring, metering or counting and any appliance and accessories associated
10 with any or all such instruments and devices.

11 Sec. 3. Section 41-2052, Arizona Revised Statutes, is amended to read:

12 ~~41-2052.~~ Livery vehicle, taxi, ride-sharing and limousine
13 regulation; state preemption

14 The regulation and use of livery vehicles, taxis, RIDE-SHARING
15 VEHICLES, RIDE-SHARING NETWORKS and limousines are of statewide concern.
16 Livery vehicles, taxis, RIDE-SHARING VEHICLES, RIDE-SHARING NETWORKS and
17 limousines and their use that are regulated pursuant to this title are not
18 subject to further regulation by a county, city, town or other political
19 subdivision of this state, except that a public airport operator that
20 operates a public airport pursuant to section 28-8421, 28-8423 or 28-8424 or
21 a public body operating a public airport may establish the number of livery
22 vehicles, taxis, RIDE-SHARING VEHICLES, RIDE-SHARING NETWORKS or limousines
23 that may conduct business at a public airport or may set additional or more
24 restrictive requirements for the conduct of that business at a public
25 airport.

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

28 ARTICLE 8. RIDE-SHARING NETWORKS

29 ~~41-2136.~~ Ride-sharing networks; registration; requirements;
30 operators; civil penalty; exemption

31 A. A RIDE-SHARING NETWORK OPERATING IN THIS STATE SHALL:

1 1. REGISTER WITH THE ARIZONA CORPORATION COMMISSION PURSUANT TO TITLE
2 10, CHAPTER 15.

3 2. ALLOW A RIDE-SHARING OPERATOR TO OPERATE A MOTOR VEHICLE THAT HAS
4 AT LEAST FOUR DOORS AND IS DESIGNED TO CARRY NOT MORE THAN EIGHT PASSENGERS,
5 INCLUDING THE DRIVER.

6 3. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A SAFETY INSPECTION OF EACH
7 MOTOR VEHICLE TO BE USED BY A RIDE-SHARING OPERATOR BEFORE THE RIDE-SHARING
8 OPERATOR USES THE MOTOR VEHICLE TO PROVIDE A RIDE-SHARING SERVICE.
9 INSPECTIONS PURSUANT TO THIS PARAGRAPH MUST BE CONDUCTED ANNUALLY.

10 4. MAINTAIN AN EXCESS COMMERCIAL LIABILITY INSURANCE POLICY, UNINSURED
11 MOTORIST COVERAGE AND UNDERINSURED MOTORIST COVERAGE THAT PROVIDE MINIMUM
12 COVERAGE OF ONE MILLION DOLLARS PER INCIDENT FOR ACCIDENTS INVOLVING A
13 RIDE-SHARING VEHICLE AND A RIDE-SHARING OPERATOR WHILE PROVIDING RIDE-SHARING
14 SERVICES.

15 5. ON AN ANNUAL BASIS, PROVIDE PROOF TO THE DEPARTMENT OF THE EXCESS
16 COMMERCIAL LIABILITY INSURANCE COVERAGE, UNINSURED MOTORIST COVERAGE AND
17 UNDERINSURED MOTORIST COVERAGE PURSUANT TO SECTION 28-4077.

18 6. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A CRIMINAL BACKGROUND CHECK
19 ON EACH POTENTIAL RIDE-SHARING OPERATOR BEFORE ALLOWING THE OPERATOR TO OFFER
20 RIDE-SHARING SERVICES ON THE RIDE-SHARING NETWORK'S DIGITAL PLATFORM. A
21 RIDE-SHARING NETWORK MAY NOT ALLOW A PERSON TO BE A RIDE-SHARING OPERATOR IF
22 THE PERSON'S CRIMINAL BACKGROUND CHECK REVEALS THAT THE PERSON HAS BEEN
23 CONVICTED AT ANY TIME FOR A VIOLATION OF SECTION 13-706 OR TITLE 13, CHAPTER
24 14, 19, 22, 23 OR 35.1.

25 7. CONDUCT, OR HAVE A THIRD PARTY CONDUCT, A DRIVER LICENSE RECORD
26 CHECK ON EACH POTENTIAL RIDE-SHARING OPERATOR BEFORE ALLOWING THE OPERATOR TO
27 OFFER RIDE-SHARING SERVICES ON THE RIDE-SHARING NETWORK'S DIGITAL PLATFORM.
28 THE RIDE-SHARING NETWORK OR THE THIRD PARTY MUST MAKE THE DRIVER LICENSE
29 CHECK AVAILABLE TO THE DEPARTMENT ON REQUEST. THE RIDE-SHARING NETWORK MAY
30 NOT ALLOW A PERSON TO BE A RIDE-SHARING OPERATOR IF THE PERSON'S DRIVER
31 LICENSE RECORD CHECK REVEALS THAT THE PERSON HAS BEEN CONVICTED OF ANY OF THE
32 FOLLOWING:

1 (a) MORE THAN THREE MOVING VIOLATIONS PURSUANT TO TITLE 28 IN THE
2 PRECEDING THREE YEARS, INCLUDING A VIOLATION OF SECTION 28-622.01, 28-693,
3 28-1381, 28-1382 OR 28-1383.

4 (b) DRIVING WITH A SUSPENDED OR REVOKED LICENSE DUE TO A VIOLATION OF
5 TITLE 28 IN THE PRECEDING THREE YEARS.

6 8. PROHIBIT THE USE OF DRUGS AND ALCOHOL WHILE A RIDE-SHARING OPERATOR
7 PROVIDES RIDE-SHARING SERVICES. ON RECEIVING A COMPLAINT THAT A RIDE-SHARING
8 OPERATOR IS USING DRUGS OR ALCOHOL WHILE PROVIDING RIDE-SHARING SERVICES, THE
9 RIDE-SHARING NETWORK SHALL:

10 (a) IMMEDIATELY REVOKE THE RIDE-SHARING OPERATOR'S ACCESS TO ITS
11 DIGITAL PLATFORM. THE REVOCATION CONTINUES FOR THE DURATION OF THE
12 INVESTIGATION.

13 (b) CONDUCT AN INVESTIGATION.

14 B. A RIDE-SHARING NETWORK MAY EITHER OFFER RIDE-SHARING SERVICES AT NO
15 CHARGE, SUGGEST A DONATION OR CHARGE A FARE. IF A FARE IS CHARGED, THE
16 RIDE-SHARING NETWORK SHALL DISCLOSE ON ITS WEBSITE OR APPLICATION THE FARE
17 CALCULATION METHOD AND THE APPLICABLE RATES CHARGED. ON COMPLETION OF A
18 TRIP, THE RIDE-SHARING NETWORK SHALL TRANSMIT AN ELECTRONIC RECEIPT TO THE
19 PASSENGER'S E-MAIL ADDRESS OR MOBILE APPLICATION DOCUMENTING:

20 1. THE ORIGINATION AND DESTINATION OF THE TRIP.

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

22 3. THE TOTAL FARE PAID, IF ANY.

23 C. A RIDE-SHARING OPERATOR SHALL:

24 1. ACCEPT ONLY RIDES REQUESTED THROUGH A RIDE-SHARING NETWORK'S
25 DIGITAL PLATFORM AND MAY NOT SOLICIT OR ACCEPT STREET HAILS.

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

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

30 4. OPERATE A RIDE-SHARING VEHICLE.

1 5. MAKE AVAILABLE FOR INSPECTION BY THE DEPARTMENT WRITTEN OR
2 ELECTRONIC EVIDENCE OF A CRIMINAL BACKGROUND CHECK OF THE RIDE-SHARING
3 OPERATOR.

4 D. THE DEPARTMENT MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN ONE
5 THOUSAND DOLLARS AGAINST A PERSON WHO VIOLATES THIS SECTION.

6 E. A SEPARATE LICENSE OR PERMIT IS NOT REQUIRED FOR A RIDE-SHARING
7 OPERATOR WHO IS APPROVED TO PROVIDE RIDE-SHARING SERVICES THROUGH A
8 RIDE-SHARING NETWORK REGISTERED PURSUANT TO THIS SECTION.

9 F. ARTICLE 4 OF THIS CHAPTER DOES NOT APPLY TO RIDE-SHARING NETWORKS,
10 RIDE-SHARING OPERATORS OR RIDE-SHARING VEHICLES."

11 Amend title to conform

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