

REFERENCE TITLE: **taxi, limousines, livery vehicles**

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SB 1492

Introduced by
Senators Worsley, Bradley; Representatives Cobb, Finchem, Larkin; Senators
Borges, Hobbs; Representatives Gray, Livingston

AN ACT

AMENDING SECTIONS 28-101 AND 28-2401, ARIZONA REVISED STATUTES; REPEALING SECTION 28-2515, ARIZONA REVISED STATUTES; AMENDING SECTIONS 28-9501, 28-9502, 28-9503, 28-9506, 28-9521, 28-9523, 28-9524 AND 28-9525, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 30, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-9527; AMENDING SECTIONS 28-9551 AND 42-5062, ARIZONA REVISED STATUTES; RELATING TO FOR-HIRE TRANSPORTATION.

(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. "Autocycle" means a three-wheeled motorcycle on which the driver
40 and passengers ride in a completely enclosed seating area that is equipped
41 with a roll cage, safety belts for each occupant and antilock brakes and that
42 is designed to be controlled with a steering wheel and pedals.
43 6. "Aviation fuel" means all flammable liquids composed of a mixture
44 of selected hydrocarbons expressly manufactured and blended for the purpose
45 of effectively and efficiently operating an internal combustion engine for

1 use in an aircraft but does not include fuel for jet or turbine powered
2 aircraft.

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

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

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

9 8. "Board" means the transportation board.

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

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

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

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

26 13. "Conviction" means:

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

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

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

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

34 14. "County highway" means a public road that is constructed and
35 maintained by a county.

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

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

41 17. "Digital network or software application" has the same meaning
42 prescribed in section 28-9551.

43 18. "Director" means the director of the department of transportation.

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

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

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

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

9 23. "Farm" means any lands primarily used for agriculture production.

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

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

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

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

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

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

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

40 29. "Limousine" means a motor vehicle providing prearranged ground
41 transportation service for an individual passenger, or a group of passengers,
42 that is arranged in advance or is operated on a regular route or between
43 specified points and includes ground transportation under a contract or
44 agreement for services that includes a fixed rate or time and is provided in

1 a motor vehicle with a seating capacity not exceeding fifteen passengers
2 including the driver.

3 30. "Livery vehicle" means a motor vehicle that:

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

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

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

9 (d) May do any of the following:

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

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

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

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

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

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

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

27 35. "Motor vehicle":

28 (a) Means either:

29 (i) A self-propelled vehicle.

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

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

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

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

41 36. "Motor vehicle fuel" includes all products that are commonly or
42 commercially known or sold as gasoline, including casinghead gasoline,
43 natural gasoline and all flammable liquids, and that are composed of a
44 mixture of selected hydrocarbons expressly manufactured and blended for the
45 purpose of effectively and efficiently operating internal combustion engines.

1 Motor vehicle fuel does not include inflammable liquids that are specifically
2 manufactured for racing motor vehicles and that are distributed for and used
3 by racing motor vehicles at a racetrack, use fuel as defined in section
4 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or the
5 mixture created at the interface of two different substances being
6 transported through a pipeline, commonly known as transmix.

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

10 38. "Motorized quadricycle" means a self-propelled motor vehicle to
11 which all of the following apply:

12 (a) The vehicle is self-propelled by an emission-free electric motor
13 and may include pedals operated by the passengers.

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

15 (c) The vehicle seats at least eight passengers, including the driver.

16 (d) The vehicle is operable on a flat surface using solely the
17 electric motor without assistance from the pedals or passengers.

18 (e) The vehicle is a commercial motor vehicle as defined in section
19 28-5201.

20 (f) The vehicle is licensed by the department ~~of weights and measures~~
21 to operate as a limousine pursuant to section 28-9503.

22 (g) The vehicle is manufactured by a motor vehicle manufacturer that
23 is licensed pursuant to chapter 10 of this title.

24 (h) The vehicle complies with the definition and standards for
25 low-speed vehicles set forth in federal motor vehicle safety standard 500 and
26 49 Code of Federal Regulations ~~section~~ SECTIONS 571.3(b) and 571.500,
27 respectively.

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

30 (a) The vehicle is emission free.

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

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

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

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

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

1 43. "Owner" means:

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

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

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

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

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

20 46. "Public transit" means the transportation of passengers on
21 scheduled routes by means of a conveyance on an individual passenger
22 fare-paying basis excluding transportation by a sightseeing bus, school bus
23 or taxi or a vehicle not operated on a scheduled route basis.

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

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

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

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

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

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

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

13 52. "State" means a state of the United States and the District of
14 Columbia.

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

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

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

24 56. "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.

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

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

44 59. "Transportation network company" has the same meaning prescribed
45 in section 28-9551.

1 60. "Transportation network company vehicle" has the same meaning
2 prescribed in section 28-9551.

3 61. "Transportation network service" has the same meaning prescribed
4 in section 28-9551.

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

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

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

15 65. "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 28-2401, Arizona Revised Statutes, is amended to read:

23 28-2401. Definitions

24 In this article, unless the context otherwise requires:

25 1. "Immediate family member" means a spouse or a parent, child,
26 brother or sister whether by adoption or blood.

27 2. "Special plates" means plates issued pursuant to this article ~~or~~
28 ~~pursuant to section 28-2515.~~

29 Sec. 3. Repeal

30 Section 28-2515, Arizona Revised Statutes, is repealed.

31 Sec. 4. Section 28-9501, Arizona Revised Statutes, is amended to read:

32 28-9501. Definition of taxi meter

33 In this chapter, unless the context otherwise requires:-

34 ~~1. "Commercial device" means any measuring device that is used to~~
35 ~~determine the direct cost of things or used to establish a fee for service if~~
36 ~~the cost is based on measure.~~

37 ~~2. "taxi meter" means a commercial device that meets the requirements~~
38 ~~of the national institute of standards and technology handbook 44 as~~
39 ~~prescribed by section 3-3413~~ **AUTOMATICALLY CALCULATES AT A PREDETERMINED RATE**
40 **THE CHARGE FOR THE HIRE OF A VEHICLE AND THAT INDICATES THE CHARGE.**

41 Sec. 5. Section 28-9502, Arizona Revised Statutes, is amended to read:

42 28-9502. Powers and duties

43 A. The department shall ~~+~~

44 ~~+~~ adopt any rules necessary to carry out this chapter and adopt
45 reasonable rules for the enforcement of this chapter. These rules have the

1 force and effect of law and shall be adopted pursuant to title 41, chapter 6.
2 ~~In adopting these rules, the director shall consider, as far as is~~
3 ~~practicable, the requirements established by other states and by authority of~~
4 ~~the United States, except that rules may not be made in conflict with this~~
5 ~~chapter.~~

6 B. THE DEPARTMENT MAY:

7 ~~2.~~ 1. Investigate complaints made to the department concerning
8 violations of this chapter and, on its own initiative, conduct investigations
9 it deems appropriate in order to develop information relating to prevailing
10 procedures ~~in commercial quantity~~ FOR TAXI METER RATE determination and
11 possible violations of this chapter and to promote accuracy in the
12 determination and representation of quantity in ~~commercial transactions~~ TAXI
13 METER RATES.

14 ~~3.~~ 2. Inspect and test taxi meters BY A RANDOM SYSTEMATIC METHOD
15 DETERMINED BY THE DIRECTOR OR IN RESPONSE TO A COMPLAINT BY THE PUBLIC to
16 determine whether the taxi meters meet the requirements ~~of the national~~
17 ~~institute of standards and technology handbook 44~~ as prescribed by ~~section~~
18 ~~3-3413~~ THE DEPARTMENT BY RULE.

19 ~~4.~~ 3. Apply to any court of competent jurisdiction for a temporary or
20 permanent injunction restraining any person from violating this chapter.

21 ~~5. Report to the governor on or before August 1 of each year and at~~
22 ~~such other times as may be required on the work accomplished under this~~
23 ~~chapter.~~

24 ~~6.~~ 4. Subject to title 41, chapter 4, article 4, employ such
25 personnel as needed to assist in administering this chapter.

26 ~~B. Testing and inspection conducted pursuant to this chapter shall be~~
27 ~~done, to the extent practicable, without prior notice, by a random systematic~~
28 ~~method determined by the director or in response to a complaint by the~~
29 ~~public.~~

30 C. During the course of an investigation or an enforcement action by
31 the department, information regarding the complainant is confidential and is
32 exempt from title 39, chapter 1 unless the complainant authorizes the
33 information to be public.

34 Sec. 6. Section 28-9503, Arizona Revised Statutes, is amended to read:

35 28-9503. Taxi meter permits; fees; violation; classification

36 ~~A. A person may not use a commercial device unless the device is~~
37 ~~licensed as provided in this chapter.~~

38 ~~B. A license shall be obtained annually from the department on forms~~
39 ~~prescribed and furnished by the department. The fee, as determined by the~~
40 ~~director by rule, shall be submitted with the prescribed form. A license~~
41 ~~shall be obtained not later than thirty days following the first day of~~
42 ~~commercial use for original installations. If the ownership of a licensed~~
43 ~~device is transferred, the ownership of the license may be transferred. On~~
44 ~~transfer of a license, new licensees shall notify the department of the~~
45 ~~licensee's name and address and the location of the device.~~

1 A. A TAXI, LIVERY VEHICLE OR LIMOUSINE MAY NOT OPERATE IN THIS STATE
2 UNLESS THE OWNER OF THE TAXI, LIVERY VEHICLE OR LIMOUSINE IS ISSUED A PERMIT
3 BY THE DEPARTMENT. THE OWNER MAY APPLY TO THE DEPARTMENT ON FORMS PRESCRIBED
4 BY THE DEPARTMENT. THE DEPARTMENT SHALL CHARGE AND COLLECT AN APPLICATION
5 FEE OF TWENTY-FOUR DOLLARS PER VEHICLE FOR A THREE-YEAR PERMIT, NOT TO EXCEED
6 A TOTAL OF ONE THOUSAND DOLLARS PER APPLICANT.

7 B. THE DEPARTMENT SHALL ISSUE A PERMIT TO AN APPLICANT THAT MEETS THE
8 REQUIREMENTS OF THIS ARTICLE.

9 C. A TAXI, LIVERY VEHICLE OR LIMOUSINE OWNER SHALL MAINTAIN AN AGENT
10 FOR SERVICE OF PROCESS IN THIS STATE.

11 ~~G.~~ D. If a fare is based on time or mileage or both time and mileage,
12 a taxi shall have a ~~commercial device and shall obtain a license as~~
13 ~~prescribed by the department~~ TAXI METER, except that if the service offered
14 by the taxi is a prearranged ground transportation service as prescribed in
15 section 28-141 for a predetermined fare, a taxi is not required to use a
16 ~~commercial device~~ TAXI METER.

17 ~~D.~~ E. The department may not issue a ~~license~~ PERMIT for a taxi,
18 livery vehicle or limousine unless the taxi, livery vehicle or limousine
19 meets the requirements for both of the following:

- 20 1. Motor vehicle licensing as prescribed by the department.
- 21 2. Motor vehicle insurance as prescribed by section 28-4033.

22 ~~E.~~ F. The department shall revoke a ~~license~~ PERMIT if the taxi,
23 livery vehicle or limousine fails to maintain the requirements for either of
24 the following:

- 25 1. Motor vehicle licensing as prescribed by the department.
- 26 2. Motor vehicle insurance as prescribed by section 28-4033.

27 ~~F.~~ G. A taxi, ~~or~~ livery vehicle OR LIMOUSINE shall have a ~~license~~
28 PERMIT issued under this chapter ~~posted on the outside of the rear window as~~
29 ~~required by the department. A limousine shall carry a license issued under~~
30 ~~this chapter~~ inside the vehicle at all times.

31 ~~G.~~ H. A taxi that is ~~licensed~~ ISSUED A PERMIT by the department and
32 that offers local transportation for a fare determined on the basis of the
33 distance traveled or prearranged ground transportation service as prescribed
34 in section 28-141 for a predetermined fare is not required to ~~be additionally~~
35 ~~licensed~~ HAVE AN ADDITIONAL PERMIT as a livery vehicle.

36 ~~H.~~ I. A person or the person's agent who knowingly files with the
37 department any notice, statement or other document required under this
38 section that is false or that contains any material misstatement of fact is
39 guilty of a class 2 misdemeanor.

40 Sec. 7. Section 28-9506, Arizona Revised Statutes, is amended to read:
41 28-9506. Taxi and livery vehicle signage

42 A. A taxi or livery vehicle shall display ~~interior signage that~~
43 ~~contains~~ ALL OF THE FOLLOWING INFORMATION EITHER ON AN INTERIOR SIGN THAT IS
44 READILY VISIBLE AND THAT IS EITHER IN A PRINT OR AN ELECTRONIC FORMAT OR ON A
45 DIGITAL NETWORK OR SOFTWARE APPLICATION:

1 ~~B. 1. The licensee's business name and address. and that is all of~~
2 ~~the following:~~

3 ~~1. Permanent.~~

4 ~~2. In letters at least one half inch in height.~~

5 ~~3. Readily visible.~~

6 ~~4. 2. Accurately representative~~ AN ACCURATE REPRESENTATION of all
7 fares and the fare computation method.

8 ~~B. 3. A taxi or livery vehicle shall display interior signage that~~
9 ~~contains~~ The driver's name ~~and is readily visible to passengers.~~

10 ~~C. B. AT A MINIMUM, a taxi is required to display~~ READILY VISIBLE
11 exterior ~~signage~~ TRADE DRESS AS DEFINED IN SECTION 28-9551 that contains the
12 ~~licensee's business name and telephone number, that contains the~~ word "taxi"
13 or "cab". ~~and that is all of the following:~~

14 ~~1. Permanent.~~

15 ~~2. In letters at least three inches in height.~~

16 ~~3. Readily visible and a minimum of one inch in height for fare~~
17 ~~information.~~

18 ~~4. Accurately representative of all fares and the fare computation~~
19 ~~method.~~

20 Sec. 8. Section 28-9521, Arizona Revised Statutes, is amended to read:

21 28-9521. Unlawful use of taxi meter; authorization to prevent
22 such use; seizure; violation; classification

23 A. When any ~~commercial device~~ TAXI METER specified in this chapter is
24 in commercial use and a valid ~~license for the device~~ PERMIT has not been
25 procured by the owner, the owner's agent or the operator of the ~~device~~ TAXI
26 METER, the department, after giving notice of the ~~licensing~~ PERMIT
27 requirements to the owner, the owner's agent or the operator, shall prohibit
28 the further commercial use of the ~~unlicensed device~~ TAXI METER until the
29 proper ~~license~~ PERMIT has been issued. ~~The department may employ and attach~~
30 ~~to the device such forms, notices or security seals as it considers necessary~~
31 ~~to prevent the continued unauthorized use of the device.~~

32 ~~B. A registered service representative may also:~~

33 ~~1. With approval of the department, remove an official rejection tag~~
34 ~~placed on a commercial device.~~

35 ~~2. Place in service, until an official examination can be made, a~~
36 ~~commercial device that has been officially rejected or placed out of service.~~

37 ~~3. Place in service, until an official examination can be made, a~~
38 ~~commercial device for which a commercial device application has been~~
39 ~~completed and submitted to the department.~~

40 ~~C. B. The owner of any business who has not applied for and has not~~
41 ~~been issued a~~ license PERMIT BY THE DEPARTMENT for the right to do business
42 involving the use of a ~~commercial device by the department~~ TAXI METER and who
43 is found selling or offering for sale or delivering or distributing to a
44 consumer is guilty of a class 2 misdemeanor, and the department shall
45 confiscate and seize the ~~commercial device or any other such measuring device~~

1 TAXI METER used by the business ~~for the sale, delivery or distribution~~ as
2 evidence.

3 ~~D.~~ C. The director and any other authorized personnel are not liable
4 to the owner or any other persons, firms, partnerships, corporations, trusts
5 or agencies for damages, directly or indirectly, caused by or resulting from
6 the seizure.

7 ~~E.~~ D. If a ~~commercial device licensed pursuant to this chapter~~ TAXI
8 METER is used contrary to any provision of this chapter or any rule adopted
9 pursuant to this chapter, the department, in addition to any other penalty
10 imposed by this chapter, shall suspend, revoke or refuse to renew the ~~license~~
11 PERMIT.

12 Sec. 9. Section 28-9523, Arizona Revised Statutes, is amended to read:
13 28-9523. Violations; classification; jurisdiction

14 A. A person is guilty of a class 1 misdemeanor who:

15 1. Knowingly hinders, interferes with or obstructs in any way the
16 director or any of the director's agents or inspectors in entering the
17 premises where a ~~commercial device~~ TAXI METER may be kept for inspecting or
18 testing or in the performance of the ~~director's~~ OFFICIAL DUTIES OF THE
19 DIRECTOR or the director's ~~agent's~~ AGENTS or ~~inspector's official duties~~
20 INSPECTORS.

21 2. Impersonates in any way the director or any of the director's
22 agents or inspectors by the use of the director's seal or a counterfeit of
23 the director's seal or in any other manner.

24 3. Uses, or has in possession for the purpose of using for ~~any~~ A
25 commercial purpose, ~~sells,~~ offers or exposes for sale or hire, or has in
26 possession for the purpose of selling or hiring an incorrect ~~weight or~~
27 ~~measure or any device or instrument~~ TAXI METER used or calculated to falsify
28 ~~any weight or measure~~ THE ACCURACY OF THE TAXI METER.

29 ~~4. Sells, or offers or exposes for sale, less than the quantity the~~
30 ~~person represents of any commodity, thing or service.~~

31 ~~5. Takes more than the quantity the person represents of any~~
32 ~~commodity, thing or service, when, as buyer, the person furnishes the weight~~
33 ~~or measure by means of which the amount of the commodity, thing or service is~~
34 ~~determined.~~

35 B. A person is guilty of a class 2 misdemeanor who:

36 ~~1. Uses, or has in possession for the purpose of current use for any~~
37 ~~commercial purpose, a weight or measure that does not bear a seal or mark of~~
38 ~~approval based on an inspection and test, unless the weight or measure has~~
39 ~~been exempted from testing by order of the department, or unless the device~~
40 ~~has been placed in service as provided in this chapter. Any person or~~
41 ~~persons making use of a commercial device that is subject to this chapter~~
42 ~~shall report to the director or the director's representatives, in writing,~~
43 ~~the number and location of the commercial device and shall promptly report~~
44 ~~the installation of any new commercial device.~~

1 ~~2. Disposes of any rejected or condemned weight or measure in a manner~~
2 ~~contrary to law or rule.~~

3 ~~3. Removes from any weight or measure, contrary to law or rule, any~~
4 ~~tag, seal or mark placed on the weight or measure by the appropriate~~
5 ~~authority pursuant to this chapter.~~

6 ~~4. Keeps for the purpose of selling, advertising or offering or~~
7 ~~exposing for sale or sells any commodity, thing or service in a condition or~~
8 ~~manner contrary to law or rule.~~

9 ~~5. 1. Uses in retail trade, except in the preparation of packages put~~
10 ~~up in advance of sale and of medical prescriptions, a weight or measure A~~
11 ~~TAXI METER that is so positioned that its indications cannot be accurately~~
12 ~~read and the weighing, metering, measuring or counting operation cannot be~~
13 ~~observed from some position that may reasonably be assumed by a customer.~~

14 ~~6. 2. Violates this chapter or rules adopted under this chapter. A~~
15 ~~continuing violation may be deemed to be a separate violation each day during~~
16 ~~which the violation is committed for the purpose of imposing a fine.~~

17 C. The provisions of this section are in addition to and not in
18 limitation of any other provision of law.

19 D. The attorney general and the county attorney ~~shall~~ have concurrent
20 jurisdiction to prosecute violations of this chapter.

21 Sec. 10. Section 28-9524, Arizona Revised Statutes, is amended to
22 read:

23 28-9524. Presumptive evidence of use

24 When a ~~weight, measure, meter, counter or commercial device~~ TAXI METER
25 is in or about any place in which or from which ~~buying or selling~~ A VEHICLE
26 HIRE TRANSACTION is commonly carried on, there ~~shall be~~ IS a rebuttable
27 presumption that the ~~weight, measure, meter, counter or commercial device~~
28 TAXI METER is regularly used for the business purpose of the place.

29 Sec. 11. Section 28-9525, Arizona Revised Statutes, is amended to
30 read:

31 28-9525. Civil penalties

32 A. A person who violates this chapter, any rule of the department or
33 any ~~license~~ PERMIT requirement is subject to a civil penalty imposed by the
34 director. A person who violates this chapter, any rule of the department or
35 any ~~license~~ PERMIT requirement may request a hearing to review a civil
36 penalty imposed under this section. The department shall conduct the hearing
37 in accordance with title 41, chapter 6, article 10. ~~Except as prescribed in~~
38 ~~subsection B of this section,~~ The civil penalty may not exceed one thousand
39 ~~FIVE HUNDRED~~ dollars for each infraction ~~or more than ten thousand dollars~~
40 ~~for any thirty-day period~~ at each business location ~~or for each public~~
41 ~~weighmaster, provided that no person shall be assessed more than fifty~~
42 ~~thousand dollars per thirty-day period.~~

43 ~~B. The director may double the maximum civil penalty if any of the~~
44 ~~following applies:~~

1 ~~1. A commercial device is found to be in violation with results that~~
2 ~~favor the retailer at more than twice the allowable tolerance as stated in~~
3 ~~national institute of standards and technology handbook 44.~~

4 ~~2. A package is found to exceed the maximum allowable variation for~~
5 ~~the labeled quantity allowed in national institute of standards and~~
6 ~~technology handbook 133 or the average error of the lot is twice the sample~~
7 ~~error limit in favor of the retailer.~~

8 ~~3. A maximum civil penalty has been imposed on a retailer for a price~~
9 ~~posting or price verification violation and in a reinspection, if conducted~~
10 ~~within ninety days, the failure rate is ten percent or more and at least one~~
11 ~~error is in favor of the retailer.~~

12 ~~C.~~ B. The attorney general shall bring actions to recover civil
13 penalties pursuant to this section in the superior court in the county in
14 which the violation occurred or in a county where the agency has its
15 office. All monies derived from civil penalties shall be deposited, pursuant
16 to sections 35-146 and 35-147, in the state general fund.

17 Sec. 12. Title 28, chapter 30, article 2, Arizona Revised Statutes, is
18 amended by adding section 28-9527, to read:

19 28-9527. Transaction privilege tax prohibited

20 A TAXI, LIVERY VEHICLE OR LIMOUSINE OWNER OR DRIVER THAT HAS A LICENSE
21 ISSUED PURSUANT TO ARTICLE 1 OF THIS CHAPTER MAY NOT BE REQUIRED TO PAY
22 TRANSACTION PRIVILEGE TAX OR ANY SIMILAR TAX IMPOSED BY ANY TAXING AUTHORITY
23 IN THIS STATE ON TRANSACTIONS IN WHICH A TAXI, LIVERY VEHICLE OR LIMOUSINE IS
24 PROVIDING PASSENGER SERVICES.

25 Sec. 13. Section 28-9551, Arizona Revised Statutes, is amended to
26 read:

27 28-9551. Definitions

28 In this article, unless the context otherwise requires:

29 1. "Digital network or software application" means any online-enabled
30 application, software, website or system that is offered or used by a
31 transportation network company and that enables a potential passenger to
32 arrange a ride with a transportation network company driver.

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

40 ~~3. "Livery vehicle" means a motor vehicle that:~~

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

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

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

- 1 ~~(d) May do any of the following:~~
2 ~~(i) Operate on a regular route or between specified places.~~
3 ~~(ii) Offer prearranged ground transportation service as defined in~~
4 ~~section 28-141.~~
5 ~~(iii) Offer on demand ground transportation service pursuant to a~~
6 ~~contract with a public airport, licensed business entity or organization.~~
7 ~~4. "Person" means both the plural and the singular, as the case~~
8 ~~demand, and includes individuals, partnerships, corporations, companies,~~
9 ~~societies and associations.~~
10 ~~5. "Taxi" means a motor vehicle that has a seating capacity not~~
11 ~~exceeding fifteen passengers, including the driver, that is registered as a~~
12 ~~taxi in this state or any other state, that provides passenger services and~~
13 ~~that:~~
14 ~~(a) Does not primarily operate on a regular route or between specified~~
15 ~~places.~~
16 ~~(b) Offers local transportation for a fare determined on the basis of~~
17 ~~the distance traveled or prearranged ground transportation service as defined~~
18 ~~in section 28-141 for a predetermined fare.~~
19 ~~6.~~ 2. "Trade dress" means a removable and distinct logo, insignia or
20 emblem attached to or visible from the exterior of EITHER OF THE FOLLOWING:
21 (a) A transportation network company vehicle during the performance of
22 transportation network services.
23 (b) A TAXI WHILE PROVIDING PASSENGER SERVICES.
24 ~~7.~~ 3. "Transportation network company" means an entity that has been
25 issued a permit pursuant to this article, that operates in this state, that
26 uses a digital network or software application to connect passengers to
27 transportation network services provided by transportation network company
28 drivers and that may but is not deemed to own, operate or control a personal
29 motor vehicle of a transportation network company driver. Transportation
30 network company does not include the following:
31 (a) This state or a county, city, town or political subdivision of
32 this state and any related entity, a nonprofit agency or any other public
33 body that coordinates, operates, promotes or sponsors public transportation,
34 OR carpool or vanpool services.
35 (b) A program that is in place to meet federal air quality standards
36 pursuant to section 49-404.
37 (c) Any individual, company or activity that meets the requirements of
38 a rental car agent or rental company as defined in section 20-331 if all of
39 the following apply:
40 (i) Transportation is provided to another person or is arranged by the
41 rental company but provided by another person.
42 (ii) The route is predetermined.
43 (iii) Any money exchanged between the provider of the transportation
44 and the recipient does not exceed the cost of providing the transportation.

1 ~~8-~~ 4. "Transportation network company driver" means an individual who
2 receives connections to potential passengers and related services from a
3 transportation network company in exchange for payment of a fee to the
4 transportation network company and who operates a motor vehicle that is both
5 of the following:

- 6 (a) Owned, leased or otherwise authorized for use by the individual.
- 7 (b) Used to provide transportation network services.

8 ~~9-~~ 5. "Transportation network company vehicle" means a motor vehicle
9 that meets all of the following:

- 10 (a) Has a seating capacity not exceeding eight passengers, including
11 the driver.
- 12 (b) Is authorized by a transportation network company.
- 13 (c) Is used by a transportation network company driver to provide
14 transportation network services.

15 ~~10-~~ 6. "Transportation network services" means the transportation of
16 a passenger between points chosen by the passenger and arranged with a
17 transportation network company driver through the use of a transportation
18 network company's digital network or software application beginning when a
19 transportation network company driver accepts a request for transportation
20 network services received through the transportation network company's
21 digital network or software application, continuing while the transportation
22 network company driver provides transportation network services in a
23 transportation network company vehicle and ending when the passenger exits
24 the transportation network company vehicle or when the trip is canceled.

25 Sec. 14. Section 42-5062, Arizona Revised Statutes, is amended to
26 read:

27 42-5062. Transporting classification

28 A. The transporting classification is comprised of the business of
29 transporting for hire persons, freight or property by motor vehicle,
30 railroads or aircraft from one point to another point in this state. The
31 transporting classification does not include:

32 1. Transporting for hire persons, freight or property by:

- 33 (a) Motor carriers subject to a fee prescribed in title 28, chapter
34 16, article 4. ~~or by~~
- 35 (b) Light motor vehicles subject to a fee under title 28, chapter 15,
36 article 4. ~~,~~
- 37 (c) Transportation network companies subject to a fee prescribed ~~by~~
38 PURSUANT TO section 28-9552. ~~or~~
- 39 (d) Transportation network company drivers on transactions involving
40 transportation network services as defined in section 28-9551.

41 OWNERS OR DRIVERS OF TAXIS, LIVERY VEHICLES OR LIMOUSINES THAT ARE
42 ISSUED PERMITS PURSUANT TO SECTION 28-9503.

43 2. The business of transporting for hire persons traveling in air
44 commerce by aircraft if taxation of the business is preempted by federal law.

1 3. Ambulances or ambulance services provided under title 48 or
2 certified pursuant to title 36, chapter 21.1 or provided by a city or town in
3 a county with a population of less than one hundred fifty thousand persons as
4 determined in the most recent United States decennial census.

5 4. Public transportation program services for the dial-a-ride programs
6 and special needs transportation services.

7 5. Transporting freight or property for hire by a railroad operating
8 exclusively in this state if the transportation comprises a portion of a
9 single shipment of freight or property, involving more than one railroad,
10 either from a point in this state to a point outside this state or from a
11 point outside this state to a point in this state. For the purposes of this
12 paragraph, "a single shipment" means the transportation that begins at the
13 point at which one of the railroads first takes possession of the freight or
14 property and continues until the point at which one of the railroads
15 relinquishes possession of the freight or property to a party other than one
16 of the railroads.

17 6. Arranging transportation as a convenience or service to a person's
18 customers if that person is not otherwise engaged in the business of
19 transporting persons, freight or property for hire. This exception does not
20 apply to businesses that dispatch vehicles pursuant to customer orders and
21 send the billings and receive the payments associated with that activity,
22 including when the transportation is performed by third-party independent
23 contractors. For the purposes of this paragraph, "arranging" includes
24 billing for or collecting transportation charges from a person's customers on
25 behalf of the persons providing the transportation.

26 B. The tax base for the transporting classification is the gross
27 proceeds of sales or gross income derived from the business, except that the
28 following shall be deducted from the tax base:

29 1. The gross proceeds of sales or gross income derived from
30 transporting for hire persons, freight or property by a railroad pursuant to
31 a contract with another railroad that is also considered to be engaged in the
32 businesses of transporting persons, freight or property for hire if the other
33 railroad is liable for the tax on gross proceeds of sales or gross income
34 attributable to the transportation.

35 2. The gross proceeds of sales or gross income derived from business
36 activity that is properly included in any other business classification under
37 this article and that is taxable to the person engaged in that
38 classification, but the gross proceeds of sales or gross income to be
39 deducted shall not exceed the consideration paid to the person conducting the
40 activity.

41 3. The gross proceeds of sales or gross income derived from a business
42 activity that is arranged by the person who is subject to tax under this
43 section and that is not taxable to the person conducting the activity due to
44 an exclusion, exemption or deduction under this section or section 42-5073,

1 but the gross proceeds of sales or gross income to be deducted shall not
2 exceed the consideration paid to the person conducting the activity.

3 4. The gross proceeds of sales or gross income derived from business
4 activity that is arranged by a person who is subject to tax under this
5 section and that is taxable to another person under this section who conducts
6 the activity, but the gross proceeds of sales or gross income to be deducted
7 shall not exceed the consideration paid to the person conducting the
8 activity.

9 5. The gross proceeds of sales or gross income derived from
10 transporting fertilizer by a railroad from a point in this state to another
11 point in this state.