

*Sponsorship has changed since the bill was introduced

REFERENCE TITLE: **airport fees prohibited; ride sharing**

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2817

*Introduced by

Representatives Grantham: Allen J, Barto, Biasiucci, Blackman, Bolick, Bowers, Campbell, Carroll, Cobb, Cook, Dunn, Fillmore, Finchem, Griffin, Kavanagh, Kern, Lawrence, Meza, Nutt, Payne, Petersen, Pierce, Rivero, Roberts, Shope, Thorpe, Toma, Udall, Senators Borrelli, Fann, Farnsworth E, Gray, Leach, Mesnard, Pace, Ugenti-Rita

AN ACT

**AMENDING SECTIONS 28-142, 28-9551 AND 28-9557, ARIZONA REVISED STATUTES;
RELATING TO TRANSPORTATION NETWORK COMPANIES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 28-142. Livery vehicle, taxi, transportation network company
5 vehicle, transportation network company and
6 limousine regulation; state preemption

7 A. The regulation OF TRANSPORTATION NETWORK COMPANIES and THE
8 REGULATION AND use of livery vehicles, taxis, transportation network
9 company vehicles, ~~transportation network companies~~ and limousines are of
10 statewide concern. Livery vehicles, taxis, transportation network company
11 vehicles and limousines and their use and transportation network companies
12 that are regulated pursuant to this title are not subject to further
13 regulation by a county, city, town or other political subdivision of this
14 state. ~~, except that~~

15 B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, a public airport
16 operator that operates a public airport pursuant to section 28-8421,
17 28-8423 or 28-8424 or a public body operating a public airport may
18 establish the number of livery vehicles, taxis, transportation network
19 company vehicles, transportation network companies or limousines that may
20 conduct business at a public airport or may set additional or more
21 restrictive requirements for the conduct of that business at a public
22 airport. THE ADDITIONAL OR MORE RESTRICTIVE REQUIREMENTS MAY NOT INCLUDE
23 A TAX, FEE OR ASSESSMENT OF ANY KIND ON TRANSPORTATION NETWORK COMPANIES
24 FOR OPERATING AT A PUBLIC AIRPORT. FOR THE PURPOSES OF THIS SUBSECTION,
25 "PUBLIC BODY" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-9551.

26 Sec. 2. Section 28-9551, Arizona Revised Statutes, is amended to
27 read:

28 28-9551. Definitions

29 In this article, unless the context otherwise requires:

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

34 2. "PUBLIC BODY" MEANS THIS STATE OR A COUNTY, CITY, TOWN OR
35 POLITICAL SUBDIVISION OF THIS STATE AND INCLUDES ANY RELATED ENTITY THAT
36 OPERATES A PUBLIC AIRPORT IN THIS STATE.

37 ~~2.~~ 3. "Trade dress" means a removable and distinct logo, insignia
38 or emblem attached to or visible from the exterior of either of the
39 following:

40 (a) A transportation network company vehicle during the performance
41 of transportation network services.

42 (b) A taxi while providing vehicle for hire services.

43 ~~3.~~ 4. "Transportation network company" means an entity that has
44 been issued a permit pursuant to this article, that operates in this
45 state, that uses a digital network or software application to connect

1 passengers to transportation network services provided by transportation
2 network company drivers and that may but is not deemed to own, operate or
3 control a personal motor vehicle of a transportation network company
4 driver. Transportation network company does not include the following:

5 (a) This state or a county, city, town or political subdivision of
6 this state and any related entity, a nonprofit agency or any other public
7 body that coordinates, operates, promotes or sponsors public
8 transportation or carpool or vanpool services.

9 (b) A program that is in place to meet federal air quality
10 standards pursuant to section 49-404.

11 (c) Any individual, company or activity that meets the requirements
12 of a rental car agent or rental company as defined in section 20-331 if
13 all of the following apply:

14 (i) Transportation is provided to another person or is arranged by
15 the rental company but provided by another person.

16 (ii) The route is predetermined.

17 (iii) Any money exchanged between the provider of the
18 transportation and the recipient does not exceed the cost of providing the
19 transportation.

20 ~~4.~~ 5. "Transportation network company driver" means an individual
21 who receives connections to potential passengers and related services from
22 a transportation network company in exchange for payment of a fee to the
23 transportation network company and who operates a motor vehicle that is
24 both of the following:

25 (a) Owned, leased or otherwise authorized for use by the
26 individual.

27 (b) Used to provide transportation network services.

28 ~~5.~~ 6. "Transportation network company vehicle" means a motor
29 vehicle that meets all of the following:

30 (a) Has a seating capacity not exceeding eight passengers,
31 including the driver.

32 (b) Is authorized by a transportation network company.

33 (c) Is used by a transportation network company driver to provide
34 transportation network services.

35 ~~6.~~ 7. "Transportation network services" means the transportation
36 of a passenger between points chosen by the passenger and arranged with a
37 transportation network company driver through the use of a transportation
38 network company's digital network or software application beginning when a
39 transportation network company driver accepts a request for transportation
40 network services received through the transportation network company's
41 digital network or software application, continuing while the
42 transportation network company driver provides transportation network
43 services in a transportation network company vehicle and ending when the
44 passenger exits the transportation network company vehicle or when the
45 trip is canceled.

1 Sec. 3. Section 28-9557, Arizona Revised Statutes, is amended to
2 read:

3 28-9557. Transportation network companies; drivers;
4 passengers; transaction privilege tax prohibited;
5 taxes, fees, charges, assessments prohibited;
6 public airport

7 A. A transportation network company that has a permit issued
8 pursuant to this article and a transportation network company driver may
9 not be required to pay A transaction privilege tax OR ANY TAX, FEE, CHARGE
10 OR ASSESSMENT OF ANY KIND FOR OPERATING AT A PUBLIC AIRPORT or any similar
11 tax, FEE, CHARGE OR ASSESSMENT imposed by any taxing authority in this
12 state on transactions in which a transportation network company driver is
13 providing transportation network services.

14 B. A PUBLIC BODY MAY NOT ASSESS ANY TAX, FEE, CHARGE OR ASSESSMENT
15 ON A TRANSPORTATION NETWORK COMPANY, A TRANSPORTATION NETWORK COMPANY
16 DRIVER OR A PASSENGER FOR TRANSPORTATION NETWORK SERVICES THAT INVOLVE
17 PICKING UP OR DROPPING OFF PASSENGERS AT A PUBLIC AIRPORT.

18 Sec. 4. Retroactivity

19 This act applies retroactively to from and after December 31, 2017.