

Issue 16 – April 26, 2019

Legislative Overview

This week the legislature surpassed the 100-day mark that has traditionally signaled the end of or nearing the end of the legislative session. Today is day 103 and lawmakers are no closer to inking a deal on the budget, making it entirely possible that rumors of a late May or June sine die is likely. Tax conformity continues to be one of the sticking points and the highway safety fee is also an item of contention between the legislature and the governor as some lawmakers are continuing to pursue a repeal of the \$32 fee on vehicle registrations.

Both chambers have not accomplished much work on bills in the past few weeks. Calendars have contained only a handful of bills to keep lawmakers engaged and working on issues while the slow budget process continues. The number of remaining and active bills in both chambers is 258. The Rules Committees in the House has 49 and Senate Rules has 36. Of the bills that are ready for a floor debate or vote, the House has 99 and the Senate has 71. Three House bills were assigned to a conference committee.

Distracted Driving Bill Signed

Governor Ducey held a signing ceremony on Monday for HB2318 texting while driving; prohibition; enforcement, that enacted a statewide hands-free law banning the use of wireless devices while driving. Arizona



was one of the last states in the nation to enact a ban – Montana and Missouri are the remaining states without a ban. House and Senate lawmakers that supported the bill, including Mayors Christian Price (Maricopa), Greg Mangarelli (Prescott), Cathy Carlat (Peoria) and Mayor Pro Tem Billie Orr (Prescott) attended the ceremony that included the families of distracted driving victims. Also attending was former State Senator Steve Farley who introduced and advocated for legislation to enact a ban during his tenure at the Capitol. This year's legislation was championed by Senator Kate Brophy McGee (R-Phoenix) and Representative Noel Campbell (R-Prescott).

The law took effect immediately after the governor's signature on Monday. Penalties are delayed until January 1, 2021. However, cities and towns that had an ordinance in effect prior to April 22 may continue to levy penalties for distracted driving.

Electric Scooters

Starting prior to session and continuing into the early part of session, the League was engaged in discussions with lobbyists for various companies that provide dockless, electric scooters for rent. The impetus for legislation on this topic, as stated by the scooter interests, was to establish a definition of "electric scooter" in state statute and a baseline of regulations for their operation in areas without any existing regulations. After several rounds of discussions, a bill was finalized earlier this session. SB 1398 miniature scooters; electric standup scooters, sponsored by Sen. Tyler Pace (R-Mesa), received final approval in the House last week and was signed by the governor this week.

The bill establishes a definition of "electric standup scooter" and grants riders the same rights, privileges and duties as bicyclists. In short, this means electric scooters must ride wherever bikes are required to operate pursuant to local regulations and allows them to be ridden on multi-use paths unless restricted by local ordinance. The bill also, consistent with the treatment of bicycles, exempts scooters from vehicle registration, insurance, and driver's license requirements. SB 1398 also excludes electric scooters from the definition of moped, motorized skateboard, motorcycle, motor-driven cycle, motor vehicle and vehicle, and exempts riders from any helmet requirements that may apply to motorcycles and ATVs. Finally, and most importantly, the bill specifies that *local governments can establish additional regulations on electric scooters.*

Now that a baseline of regulations for electric scooters exists, there may be an expansion in where they are staged and operated. If your community has not already begun to discuss the regulation of scooters, now may be the time to start.

Economic Nexus/Wayfair

Last week we commented on how the League had offered an amendment to the Wayfair bill that would've offered certain concessions from cities and town while at the same time receiving some clarifications and assurances regarding future modifications. As recently as yesterday evening, the League received a response from the sponsor and House leadership. While the amendment does not fully satisfy our requests, we continue to engage with all parties to ensure we can come to an amicable solution on this matter.

As you engage with legislators, please reaffirm your support for the League's proposal as outlined in emails over the past two weeks. We continue to make a concerted effort to accomplish the state's objective of implementing Wayfair while also protecting local decision making.

Legislative Bill Monitoring

All bills being actively monitored by the League [can be found here](#).