



# LEGISLATIVE BULLETIN

**Issue 14 – April 12, 2019**

## Legislative Overview

Today is the 89<sup>th</sup> day of session and to date the legislature has sent 112 bills to the governor's desk; 85 have been signed, three have been vetoed and the remaining await action by the governor. There are 320 bills remaining in the process. House Rules has 55 Senate bills still pending a hearing and Senate Rules has 47 House bills; eight of these have a hearing scheduled for Monday. One House bill is still pending a hearing in conference committee, which is also scheduled on Monday. Of the bills that are ready for a floor debate or vote, the Senate has 107 bills while the House has 110. With the lack of progress on a budget, the legislature will likely work through the remaining bills at a slow pace, with floor calendars containing only a few bills each day for discussion and a vote.

## Action Alert – Distracted Driving

Both substantially identical distracted driving measures, SB1165 texting while driving; prohibition, sponsored by Senator Kate Brophy McGee (R-Phoenix) and HB2318 texting while driving; prohibition; enforcement, sponsored by Rep. Noel Campbell (R-Prescott) are awaiting action in the House. Both bills have stalled as House Republican members have raised concerns over misconceptions of the provisions of both bills and the primary enforcement of the law, rather than secondary.

Unfortunately, there has been a lot of misinformation about these bills being reported, including in the media. On Wednesday's edition of [Arizona Horizon](#), the program's host said the bills prohibit using a cell phone while stopped at a stoplight (at 1:50 and 5:50 in the recording)– this is **incorrect**. In fact, both SB1165 and HB2318 clearly state the law would apply unless the driver is stopped at red light or a railroad crossing – this language can be found in subsection A on page two of both bills, at the beginning of the bill's language.

Also, on the episode there was discussion regarding the bill's impact on drivers using GPS equipment, especially in older cars that do not have wireless or Bluetooth systems installed. However, both bills allow portable wireless devices to be used in hands-free mode for navigation and GPS – this provision can be found on page two of both bills - A.R.S. § 28-914(A)(2)(b) and A.R.S. § 28-963(A)(2). In other words, if a driver does not have a built-in infotainment system with GPS installed in their car, both bills will allow drivers to use their cell phones or portable GPS devices for navigation if operated in hands-free mode. Additionally, the law allows drivers to use their hand to tap or swipe their device, including a cell phone, GPS or Bluetooth system, to activate or deactivate a feature. This language can be found on page 3 in subsection B. The bills **do not** impede the ability to use mobile devices for navigation, even in older cars without an infotainment system.

During the House Republican Caucus meeting on Tuesday, it was suggested law enforcement would be permitted to take possession of a driver's phone during a traffic stop enforcing the law. This is also **incorrect** – the bill clearly states on page four in subsection G that law enforcement is **prohibited** from taking possession of a driver's device unless authorized by already existing laws – the bill does not expand authority to take possession of a device.

Unfortunately, this misinformation is leading legislators to believe the only way for the bills to move forward is if the law is a secondary offense rather than primary. This, however, would complicate and tie the hands of law enforcement to address this distracted driving behavior that has caused many traffic fatalities, including the recent death of Officer Clayton Townsend who was struck and killed by a driver who admitted to texting behind the wheel. It would also preempt city and town ordinances that designate texting while driving as a primary offense.

Please reach out to your House delegation and request they vote **YES** on these measures that ban using handheld cellphones while driving as a primary offense.

## Legislative Bill Monitoring

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