



LEGISLATIVE BULLETIN

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Legislative Overview

Today marks the 12th day of the legislative session. To date, 749 bills and 44 memorials have been introduced. The focus of the coming week will likely be approving the Drought Contingency Plan prior to the deadline of Jan 31 established by the Bureau of Reclamation. No agendas for hearings on the package of bills have been posted, but there are rumors of a special meeting to act on the bills that may take place early next week.

Distracted Driving Bills

Senator Kate Brophy McGee (R-Phoenix) held a press conference this week with the family of Officer Clayton Townsend, the Salt River police officer that was struck and killed by a distracted driver while using a cell phone, to introduce SB1165 prohibition; texting while driving, that enacts a statewide ban on using cell phones while driving. For years the state legislature has resisted efforts to enact a ban for fear of creating a “nanny state” and instead cited existing distracted driving laws they believed already addressed the issue. Cities and towns in Arizona have taken the lead on this issue by adopting their own local hands-free ordinances and texting bans due to the lack of a statewide ban. It wasn’t until two years the legislature took the first step to enact a ban with the adoption of SB1080 teenage drivers; communication devices prohibited, prohibiting young drivers from using a cellphone while driving. However, the recent death of Officer Townsend has re-energized the discussion on this issue, leading to a total of five proposed measures, including SB1165, that lawmakers have introduced that may lead to the passage of a statewide ban this legislative session.

SB 1165 prohibits driving while holding, typing, or manually operating a portable device unless the driver is stopped at a red light, a railroad crossing, or is parked. The bill will take the place of already existing local hands-free ordinances or texting while driving bans. Drivers may operate their device that is attached to a windshield, center console or dashboard so long as it does not hinder the driver’s view of the road and it is operated with a single tap or a swipe of their hand. Exceptions are provided for

emergency situations (calling 911) and using a device fixed to the vehicle for occupational duties, such as contacting a dispatcher or communicating through a software application. The bill exempts emergency and law enforcement personnel from the provisions and associated penalties if acting in their official capacity.

Fines range between \$75 to \$149 for the first offense and \$150 to \$250 for subsequent offenses. The Arizona Department of Transportation must post signage on highways to notify the public of the law and must include in driver education courses the effects of using portable devices while driving.

Other measures that have been introduced include:

HB2069 text messaging while driving; prohibition - Representative John Kavanagh, R-Fountain Hills

The bill makes it a civil traffic violation to use a wireless communication device to manually write or send a written message while driving on a highway. Violations are subject to a penalty of \$100 for a first violation; \$300 for a second or subsequent violation; \$500 for causing an accident; and \$10,000 if the accident results in a death. HB2165 distracted driving; reckless driving – Representative Kelly Townsend, R-Mesa
The act of participating in an activity that willfully distracts a driver from safely operating a vehicle is a class 2 misdemeanor, which is a presumptive 4-month jail sentence and up to \$750 in fines plus surcharges and possible revocation of driving privileges.

HB2537 hands-free wireless communication devices; driving – Representative César Chávez, D-Phoenix

Prohibits the use of wireless communication devices (device) while driving unless the device is equipped and is operated with hands-free or voice operated features. Drivers may use their hand to activate and deactivate a feature with a single swipe or tap of the device if it is mounted to a windshield, dashboard or center console in a manner that does not block a driver's view of the road. The bill provides certain exemptions, including for emergency or law enforcement personnel acting in an official capacity. Violations may only be prosecuted if committed in the presence of or within view of a peace officer or established by other evidence. Violators may be subject to a petty offense with fines between \$25 and \$99 for the first offense, and \$100 to \$200 for subsequent offenses. Violations that cause serious bodily injury or death is a Class 2 misdemeanor, subject to a fine of not more than \$4,000 plus applicable surcharges and up to 4-months in jail.

SB1141 distracted driving – Senator J.D. Mesnard R-Chandler

Proscribes and defines distracted driving as operating a vehicle within the view of a peace officer while engaged in an activity unrelated to and that interferes with the safe operation of the vehicle, creating an immediate hazard to another person or property. The bill does not stipulate a penalty for violation.

Highway Safety Fee

During the 2018 legislative session HB2166 vehicle fees; alternative fuel VLT was passed allowing the director of the Arizona Department of Administration to set a highway safety fee that would cover 110% of the costs to fund the state's highway patrol budget. The League supported last year's bill viewing it, once and for all, as an opportunity to have a dedicated funding source that resulted in an end to HURF sweeps. The governor's 2019 proposed budget was the first to end the HURF sweeps. However, there are multiple bills in the legislature attempting to repeal the fee because oppose the process by which it passed, they were told by JLBC the fee would be \$18 per vehicle as opposed to the ultimate fee of \$32 per vehicle, or because they feel the fee is a regressive tax.

This week, in the Senate Appropriations Committee, the League testified in opposition to SB1001 highway safety fee; repeal; VLT, sponsored by Senator Ugenti-Rita (R-Scottsdale). We see the highway safety fee as an end to HURF sweeps returning much-needed funds to our cities and towns to address essential road projects. The Senate was appreciative of our comments and willing to include language in statute indicating that the Highway Patrol would be funded through the state general fund but ultimately the bill passed the committee 9-0.

Election Issues

There are many bills regarding elections that have dropped this year. We are working closely with the county elections personnel and our city clerks to make sure that we are well versed on how these bills affect local elections.