



LEGISLATIVE BULLETIN

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Legislative Update

Today is the 96th day of session. The bulk of the attention at the legislature this week focused on the measures banning the use of wireless devices while driving and other forms of distracted driving. House Speaker Rusty Bowers (R-Mesa) made an announcement on the House floor on Wednesday that he would bring all three measures up for a vote: SB1165 texting while driving; prohibition, SB1141 distracted driving, and HB2318 texting while driving; prohibition; enforcement. This announcement came one week after a small coalition of Republicans in the House voiced concerns over the measures and attempted to prevent a vote on the bills unless they were amended to make the penalties a secondary offense. House Republicans held a closed caucus meeting on Wednesday to again discuss the measures before Thursday's debate and vote.

The families of those killed in distracted driving accidents, including the family of Salt River Police Officer Clayton Townsend, watched in the gallery as the House brought up each measure for a vote on Thursday. The first bill considered was SB1165 texting while driving; prohibition, sponsored by Senator Kate Brophy McGee (R-Phoenix). It was amended by Speaker Bowers to designate using a cell phone while driving as a secondary offense. The bill was subsequently voted on and failed with a vote of 24-36. In Bowers' explanation he stated he wanted to provide an option to vote on a bill that included the violation as a secondary offense, at the request of some members. During vote explanations, one member voiced concern that none of the wireless device ban bills would allow drivers to use their phone in an emergency to call 9-1-1. This is incorrect as the bills do provide a defense for emergency situations.

The next bill considered was SB1141 distracted driving, sponsored by Senator J.D. Mesnard (R-Chandler), that prohibits drivers from engaging in any activity that interferes with the safe operation of a vehicle. It passed with a vote of 31-29 and will

soon be sent to the governor. The last bill considered, HB2318 texting while driving; prohibition; enforcement, sponsored by Representative Noel Campbell (R-Prescott), designating the act of using a wireless device while driving as a primary offense, passed the House with a vote of 44-16 and was transmitted to the governor, who has indicated publicly that he will sign this measure.

Arizona is only one signature away, and much closer to enacting a texting while driving law than at any other time within the last decade when similar measures have been introduced. Once signed into law, only Montana and Missouri will be the remaining states without a ban on handheld devices or texting while driving.

Economic Nexus/Wayfair

Earlier this session the League was supportive of HB2702 TPT; marketplace facilitators; nexus sponsored by Representative Ben Toma (R-Peoria). However, the original version of the bill was held up in the House Rules Committee and never made it to the Senate. Over the past month and a half, the House has been working on amendments to the economic nexus language related to the Supreme Court decision on *Wayfair*.

Last Friday the League was provided a copy of the amendment which included language placing the retail section of the Model City Tax Code in state statute. Certainly, cities and towns place significant value in maintaining the MCTC as a source of more than \$500M in annual revenue. In recent days, the League has been working with Representative Toma and others to find a compromise solution all parties can agree to.

Please look for additional communication from the League on this issue and how to best engage with your legislators 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](#).