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TO: Melody
Eric Post

FAX NUMBER: 520-207-8244

FROM: Sharon

TELEPHONE NUMBER: (602) 926 - 3032

DATE: 6-24-09

NUMBER OF PAGES (INCLUDING COVER SHEET): 10

COMMENTS: Melody-1997 minutes are on line
www.AzLeg.gov - The bill #1009 from 1997
was a complete rewrite of ~~the~~ title 38-
I've included The House Journal Page
for you to go by -

Sharon

Minutes of Meeting
Committee on Education
March 17, 1976

H.B. 2183 - School Buses - Warning Devices

Mrs. Lindeman moved, seconded by Mr. Hays, that H.B. 2183 do pass.
Mrs. Lindeman moved, seconded by Mr. Hays, that the printed amendment to H.B. 2183 be adopted. Motion carried. (Attachment B.)

Chairman Sossaman explained that the amendment was drawn from H.B. 2233 and allows inspection of school buses year-round instead of specific months of June, July and August.

Mr. Jim Hill, Highway Safety Coordinator for the Dept. of Transportation, spoke in behalf of the bill.

Discussion ensued regarding insurance coverage, buses carrying students to and from sports activities, and the forty-hour training period required for bus drivers.

Mrs. Lindeman moved, seconded by Mr. Jones, that H.B. 2183 do pass as amended. Mr. Hamilton made a substitution motion, seconded by Mr. Hays, that an additional amendment to the printed bill be adopted as follows:

Page 1, lines 9 and 10, strike ", or until signaled by the driver"

Motion carried.

Mrs. Lindeman moved, seconded by Mr. Hays, that House Bill 2183, as amended, do pass. Motion carried.

H.B. 2212 - Election of School District Trustees

Mr. Wettaw moved, seconded by Mr. Hamilton, that H.B. 2212 do pass. Mr. Wettaw presented an amendment to the bill and also suggested that the emergency clause be deleted.

Mr. Skelly made a substitute motion, seconded by Mr. Everett, that H.B. 2212 be held indefinitely.

Mrs. Lou Ella Kleinz, Executive Secretary, Arizona School Boards Assn., spoke in behalf of the bill, as did Mr. Mike McCormick, Executive Director, Arizona School Administrators.

Mr. Pat Turner, Board member of Glendale District #40, representing himself, spoke in opposition to the bill, as did Mr. Eugene M. Hunt, Yavapai County School Superintendent, representing himself.

Vote was then taken on Mr. Skelly's substitute motion to hold the bill. A division was called and the substitute motion to hold House Bill 2212 carried by a vote of 8-6.

Minutes of Meeting
Committee on Transportation
February 18, 1976

House Bill 2152 - Transportation - Traffic Controls.

Mr. Roger Hatton, Traffic Engineer, DoT, said this bill simply deletes inadequacies in the law. Mr. Jones moved, seconded by Mr. Holman, that House Bill 2152 do pass.

Mrs. Cauthorn moved, seconded by Mr. Buehl, to amend House Bill 2152 as follows:

Page 1, between lines 17 and 18 insert "DECREASE THE SPEED LIMITS IN ANY DESIGNATED SCHOOL ZONES TO 10 MILES PER HOUR."

Mr. Hatton indicated this amendment would be very difficult to enforce. He stated that another section of the law would have to be changed to accomplish this. Mr. Charles Haley, City of Phoenix Traffic Engineer, and Mr. Jim Hill, DoT, spoke in opposition to Mrs. Cauthorn's amendment.

Mr. Carvalho moved a substitute motion to hold House Bill 2152 one week. Mr. Hubbard seconded. The motion carried.

House Bill 2183 - School Busses - Warning Devices.

Representative Carlson explained her bill. Mr. Carvalho moved, seconded by Mr. Stewart, that House Bill 2183 do pass.

Mr. Charles Haley, Traffic Engineer for the City of Phoenix, offered an amendment as follows:

Page 2, line 33, strike "THREE" and insert "ONE".

Mr. Carvalho moved, seconded by Mr. Stewart, the amendment. The motion carried. After statements by Mr. Jim Hill, Mr. Sossaman moved, seconded by Mr. Vukceвич, that the committee reconsider their action. The motion carried.

Mr. Jerry Shumway, Manager, Pupil Transportation, DoT, testified against the bill. He said that due to the operating functions of the bus, it is impossible to get the arm out while the vehicle is moving.

Mr. Sossaman moved, seconded by Mr. Holman, that the bill be amended as follows:

Page 1, lines 23 and 24, strike "~~only~~ BEGINNING THREE HUNDRED FEET PRIOR TO AND DURING A STOP" and insert "only". Page 2, line 33, strike "THREE" and insert "ONE".

Mrs. Cauthorn made a substitute motion to make the amendment read 200 feet in lieu of 100 feet on page 2, line 33. After discussion, Mrs. Cauthorn withdrew her substitute motion. Vote was taken on Mr. Sossaman's motion to amend. Motion carried.

Mr. Sossaman moved, seconded by Mr. Holman, that House Bill 2183 as amended do pass. The motion carried.

Minutes of Meeting

COMMITTEE ON TRANSPORTATION

March 18, 1986

The regular meeting of the House of Representatives Committee on Transportation of the Second Regular Session of the Thirty-seventh Legislature was held in Hearing Room 2 of the House Wing at 3:20 p.m., Tuesday, March 18, 1986 with Chairman Doug Todd presiding.

Members Present

Mr. Aldridge	Mr. Hudson	Mr. Ridge
Mr. Evans	Mr. Jewett	Ms Walker
Mr. Goudinoff	Mr. Kelley	Mr. Haws
Mr. Hartdegen	Mr. Killian	Mr. Todd
Mr. Herstam		

Members Absent

Mr. Jackson
Mr. Ruiz

Speakers Present

Jessica Hogan, Senate Transportation Committee Intern
Yvonne Morrison, Bicycle USA
Eugene Berlatsky, Arizona Bicycle Club, and Bicycle Institute
Margot Garcia, Arizona State University
Senator Pete Rios
Jerry Ward, Deputy Division Director, Motor Vehicle Division, Arizona
Department of Transportation (ADOT)
Clem Ligocki, Senate Transportation Analyst
Terry Smalley, Managing Director, Arizona Motor Transport Association

S.B. 1218, bicycle traffic laws. Jessica Hogan, Senate Transportation Committee Intern, explained that the bill updates Arizona bicycle laws and conforms them to the Uniform Vehicle Code. The specific changes it would make are to allow a bicycle operator to make a right turn by extending his arm to the right side of the bicycle, and to allow a bicycle to depart from the extreme right side of the road in four instances: (1) when passing another bicycle traveling in the same direction; (2) when preparing for a left turn at an intersection or the entrance to a private road; (3) when reasonably necessary to avoid hazards or other vehicles; and (4) when the lane is too narrow for a bicycle and motor vehicle to travel side by side.

Mr. Haws moved, seconded by Mr. Killian, that S.B. 1218 do pass.

Mrs. Yvonne Morrison, representing Bicycle USA, a volunteer group of bicyclists since 1880 who are concerned with bicycle rights and responsibilities, urged passage of the bill.

Minutes of Meeting
Committee on Transportation
March 18, 1986

Mr. Eugene Berlatsky, representing the Arizona Bicycle Club and the Bicycle Institute, urged that the bill be passed because it will help improve law enforcement as well as safety for bicyclists.

Dr. Margot Garcia said that she teaches a class in Environmental Planning at Arizona State University, which includes bicycle safety. She pointed out that people are confused as to what rules should be followed by bicyclists and this bill will clarify those rules. She urged passage of the bill.

Vote was taken on Mr. Haws' motion that S.B. 1218 do pass. By a roll call vote of 10-0-0-5, the motion carried. (Attachment A)

S.B. 1098, gross weight fees; exemption. Senator Pete Rios, sponsor, explained that the bill exempts vans weighing one-half ton or less from gross weight fees when not used for commercial purposes. This exemption currently applies to noncommercial trucks weighing one-half ton or less.

Mr. Evans moved, seconded by Mr. Hudson, that S.B. 1098 do pass.

Mr. Jerry Ward, Motor Vehicle Division, ADOT, responding to questions from the Committee, said the decision not to exempt three-quarter ton vans and trucks used for noncommercial purposes from the gross weight fees was made because it was impossible to determine how this would affect HURF monies.

Vote was taken on Mr. Evans' motion that S.B. 1098 do pass. By a roll call vote of 11-0-0-4, the motion carried. (Attachment B)

S.B. 1076, interstate carriers; reports; penalty. Mr. Clem Ligocki, Senate Transportation Analyst, explained that this bill splits the motor vehicle fuel penalties statute into separate sections of law. A licensed distributor who fails to maintain required paperwork is assessed a flat \$25 fine instead of \$25 plus 10 cents per gallon of fuel not reported. A person who acts as a distributor, but is not licensed, and fails to pay the motor vehicle fuel tax is subject to a penalty equal to the fuel tax plus 12 percent interest.

Mr. Haws moved; seconded by Mr. Kelley, that S.B. 1076 do pass.

Mr. Jerry Ward, Motor Vehicle Division, ADOT, said that because of higher fuel costs, it is becoming economically viable for distributors to avoid paying the tax on fuel coming into the state, and it is feared organized crime will become involved. This bill is an attempt to control this.

Mr. Terry Smalley, Managing Director, Arizona Motor Transport Association, said his organization also supports the bill.

Mr. Haws moved, seconded by Mr. Evans, that S.B. 1076 be amended by the addition of the emergency clause. The motion carried.

TRANS

S.B. 1160 - Chapter 267 airport land leases; technical correction (NOW: illegally stopped vehicles; removal; payment of costs)

The owner, or the owner's agent, of a vehicle which is towed by a law enforcement officer must pay, or make arrangements to pay, for towing and storage costs prior to the release of the vehicle by the towing service.

S.B. 1163 - Chapter 211 airports; public purpose, technical correction (NOW: vehicle transfer tax; repeal)

S.B. 1163 repeals the 4 percent tax on the title transfer of ownership of any vehicle, boat or plane between private parties. The repeal will become effective November 1, 1986.

S.B. 1170 - Chapter 405 insurance; school districts; pooling (NOW: off-street parking site improvements)

S.B. 1170 provides a two-year extension for cities which have a population of 85,000 or more persons according to the 1980 decennial census to acquire property for off-street parking site improvements.

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Summary
Book*

S.B. 1218 - Chapter 81 (bicycle traffic laws)

In order to conform with the Uniform Vehicle Code, S.B. 1218 allows a person operating a bicycle to give a right turn signal by extending the right hand and arm horizontally to the right, and allows an operator of a bicycle to depart from the most extreme right position of the road in four specific situations:

1. when passing another bicycle or vehicle proceeding in the same direction;
2. when preparing for a left turn at an intersection or into a private road or driveway;
3. when reasonably necessary to avoid certain hazards or other vehicles;
4. when the lane is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

The legislation also provides that a person riding on a shoulder adjacent to a road is granted all the rights and is subject to all the duties applicable to the driver of a motor vehicle. A person who is driving a vehicle at a speed slower than the normal traffic flow where passing is unsafe, and where five or more vehicles are behind the vehicle, must turn off the roadway.

H.B. 2454, combination of vehicles; definition - HELD

Chairman Jewett stated that the bill will not be heard today.

H.B. 2051, right-of-way acquisition; time payment - DO PASS AMENDED

Mrs. Nagel moved, seconded by Mrs. Noland, that the Committee reconsider its action whereby it failed to pass House Bill 2051 at its last meeting and that the bill be brought before the Committee for action today. The motion carried.

Mrs. Noland moved, seconded by Mr. Goudinoff, that H.B. 2051 do pass.

Mrs. Noland moved, seconded by Mrs. Nagel, that the two-page Jewett amendment dated March 7, 1989 be adopted (Attachment 2).

Chairman Jewett stated that the amendment clarifies that not only are the monies in the Regional Area Road Fund for advanced acquisitions, but it also sets forth that specific financing methods may be utilized.

David Schmitt, Executive Assistant to the State Engineer, Arizona Department of Transportation (ADOT), pointed out that page two, lines two and three of the Jewett amendment clarify that the Department shall not initiate financing as prescribed in subsections C, D and E after the filing of a condemnation action.

Question was called for on the adoption of the two-page Jewett amendment dated March 7, 1989. The motion carried.

Mrs. Noland moved, seconded by Mr. Goudinoff, that H.B. 2051 as amended do pass. The motion carried by a roll call vote of 9-0-2-4 (Attachment 3).

H.B. 2302, bicycle paths; roadway - DO PASS

Bill Scott, representing the Greater Arizona Bicycling Association and the League of American Wheelmen, spoke in favor of the bill. He said that the bill will give the cyclist freedom of choice of the roadway on which he rides even when a bicycle path is adjacent to the roadway. He added that this legislation will bring Arizona closer to the National Uniform Bicycling Code.

David R. Furrey, representing himself, spoke in favor of the bill. He pointed out that there are many different bike paths and routes throughout Arizona and this bill will install uniformity for the bikerider and it will allow him to make the choice of moving out from a path without creating an unsafe condition.

Mr. Hartdegen moved, seconded by Mrs. Nagel, that H.B. 2302 do pass.

Yvonne Morrison, Director, League of American Wheelmen, spoke in favor of the bill. She stated that the bill would enable cyclists to have the choice of where they want to ride, depending upon the type of cycling they prefer.

Bob Dally, Greater Arizona Bicycling Association, spoke in support of the bill. He stated that there is no money involved with this legislation which should "make a lot of people happy."

Clemenc Ligocki, Planner, Arizona Department of Transportation, stated that the Department is in favor of the bill.

Question was called for on Mr. Hartdegen's motion that H.B. 2302 do pass. The motion carried by a roll call vote of 11-0-0-4 (Attachment 4).

H.B. 2303, classified driver's license - DO PASS AMENDED

Representative Nagel reported that her subcommittee had met, but because they did not have a quorum, no action was taken; they did, however, take testimony. Mrs. Nagel said that, as a result of the hearing, six amendments were prepared and these were now before the committee for consideration.

Mrs. Nagel moved, seconded by Mr. Goudinoff, that H.B. 2303 do pass.

Beverley Cook, Executive Assistant, Motor Vehicle Division (MVD), Arizona Department of Transportation (ADOT), explained the Nagel amendment #2303HCN1 dated 2/28/89 (Attachment 5). She stated that it is a technical amendment which updates the old language in the state Code to conform with the federal code. She said the amendment is supported by MVD.

Mrs. Nagel moved, seconded by Mr. Goudinoff, that the Nagel amendment #2303HCN1 dated 2/28/89 be adopted (Attachment 5). The motion carried.

Beverley Cook, MVD, explained the Nagel amendment #2303HCN2 dated 2/28/89 (Attachment 6). She stated that this amendment removes the provision that requires a special endorsement on the license of a recreational vehicle driver. Ms Cook reported that the MVD does not support this amendment.

P. Robert Fannin, Attorney, representing the Recreational Vehicle Association, stated that there is nothing in the numerous accident statistics to indicate that recreational vehicle (RV) drivers need to get a special license. He continued that if the endorsement is left in the bill, RV visitors to Arizona will decrease. Mr. Fannin said that other states do not have this endorsement requirement and that Arizona would lose revenue from RV sales.

Mrs. Nagel moved, seconded by Mr. Goudinoff, that the Nagel amendment #2303HCN2 dated 2/28/89 be adopted (Attachment 6). The motion carried.

Beverley Cook, MVD, explained the Nagel amendment #2303HCN3 dated 2/28/89 (Attachment 7). She stated that the definition of a "farm vehicle" (Section 28-402) is expanded to include a vehicle combination designed for transporting unprocessed agricultural products not owned by the owner or operator of the vehicle. She said that this provision will be repealed on April 1, 1992, and that the MVD supports the amendment.

Mr. Hartdegen moved, seconded by Mr. Carson, that the Nagel Amendment #2303HCN3 be adopted (Attachment 7). The motion carried.

Beverley Cook, MVD, explained the Nagel amendment #2303HCN4 dated 3/7/89 (Attachment 8). She stated that the amendment addresses the problems that the utilities have with H.B. 2303. The amendment grants an exemption from a Commercial Driver's License requirement to public utility employees whose work

HB 2248 - Chapter 75 (public roadway; disposition)

HB 2248 defines "abutting owner" as the original owner of a vacated roadway or his heirs, who have previously had a portion of the property acquired for roadway purposes and thereafter have been left with an abutting remainder of property over which they still retain direct ownership.

HB 2300 - Chapter 225 (vehicles emissions inspection)

HB 2300 exempts constant four-wheel drive vehicles and motorcycles from the cruise test. Constant four-wheel drive vehicles and motorcycles comprise less than 3 percent of all vehicles on the road, and DEQ estimates that this action will not affect air quality.

Effective January 1, 1991, the fee cap per vehicle inspected is raised from \$7.50 to \$10.00.

Previously, independent contractors were authorized to administer emission inspections for a period of five years. HB 2300 would extend this contract period to seven and one-half years in order to ensure maximum competition by making the program more attractive to potential bidders.

HB 2301 - Chapter 54 (vehicle combination; weight)

Under current law, the director of ADOT or a local authority may issue a permit to transport a load by means of one full trailer combination, if the combination does not exceed 111,000 pounds gross vehicle weight.

HB 2301 provides for the issuance of a permit if the total weight on any group of axles does not exceed that permitted in ARS 28-1009, and the gross combination weight does not exceed that produced by the application of the federal bridge formula.

Permits may be issued only if the conditions of ARS 28-1011, subsection M, are met.

HB 2302 - Chapter 269 (bicycle paths; roadway)

HB 2302 provides that wherever a usable path for bicycles has been provided, a bicycle rider may choose to use either the roadway or the bike path.

*from
summary
Book*

*1997
Journal of
The House*

3-12	Rules-amend c&p	273
3-17	Committee of Whole-dpa	287
3-19	Third Reading-passed amended, 58-0-2	297
4-1	Senate concurred-Final Passage, 29-0-1	344
4-8	Governor signed	379
	CHAPTER 60	

SENATE BILL 1009, by Senator Bee -- title 28 rewrite; conforming legislation, see HB 2390, SB 1445, Ch 125, amended by HB 2083, Ch 58, SB 1017, Ch 138, SB 1125, Ch 214, SB 1446, Ch 220

1-27	Received from Senate, 29-0-1	73
1-28	First Reading-referred to Rules, Trans	73
1-29	Second Reading	81
2-4	Trans-dp	89
2-4	Rules-c&p	94
2-7	Committee of Whole-dp	104
2-10	Third Reading-passed, 52-7-1	113
2-12	Governor signed	138
	CHAPTER 1	

SENATE BILL 1011, by Senator Huppenthal -- interscholastic competition; other schooling

2-25	Received from Senate, amended, 25-5-0	174
3-6	First Reading-referred to Rules, Ed	228
3-7	Second Reading	238
3-31	Ed-dpa	339
	Held in Rules	

SENATE BILL 1012, by Senator Huppenthal -- charter schools board; members

1-29	Received from Senate, amended, 30-0-0	84
2-3	First Reading-referred to Rules, Ed	86
2-4	Second Reading	92
	Held in Committees	

SENATE BILL 1013, by Senator Huppenthal -- school construction; local fees; prohibition (now: enrollment policies) includes HB 2411

2-25	Received from Senate, amended, 16-14-0	174
2-28	First Reading-referred to Rules, Ed	192
3-3	Second Reading	205
3-31	Ed-dpa	328
4-3	Rules-c&p	359
4-11	Committee of Whole-dpa	398
4-14	Third Reading-passed amended, 35-24-1	419
4-18	Senate concurred--failed to pass on Final Passage, 0-30-0	493
	Failed in Senate on Final Passage	

SENATE BILL 1016, by Senator Conner -- prisoners; property; disposal (now: travel reimbursement; legislators) includes HB 2313

2-3	Received from Senate, amended, 24-6-0	89
2-5	First Reading-referred to Rules, PIU	95
2-6	Second Reading	100
3-27	Withdrawn from PIU; referred to GovOp	324
4-1	GovOp-dpa	344
4-9	Rules-c&p	380
4-11	Committee of Whole-dpa	399
	Held awaiting Third Reading	

ARIZONA STATE SENATE
1700 WEST WASHINGTON
(602)926-3550

FACSIMILE TRANSMITTAL SHEET

TO: <i>Eric Fack</i>	FROM: <i>Senate</i>
COMPANY:	DATE: <i>4/24/09</i>
FAX NUMBER: <i>520-207-8244</i>	TOTAL NO. OF PAGES INCLUDING COVER: <i>27</i>
PHONE NUMBER: <i>520-207-9601</i>	SENDER'S REFERENCE NUMBER: <i>(602) 926-3550</i>
RE: <i>Legislative History</i>	YOUR REFERENCE NUMBER:

176-2183 no fact sheet available
186-1218
189-2302
197-1009

PLEASE NOTE: this information is from the Senate only—the House may have additional information available. Chief Clerk's Office (602) 926-3032

Assigned to TRANS

FOR COMMITTEE

ARIZONA STATE SENATE
Phoenix, Arizona

FACT SHEET FOR S.B. 1009

title 28 rewrite: conforming legislation

Purpose:

Incorporates all amendments made to Title 28 in the 1996 legislative session, includes recommended technical changes and makes internal reference and other conforming changes throughout Arizona Revised Statutes as required by the Title 28 Rewrite.

Background:

Under A.R.S. 41-1304.01, subsection B, Legislative Council has the authority to submit to the Arizona Legislature statutory revisions to simplify style, phraseology and order of a particular title. The last time the Title 28 Transportation statutes were recodified was in 1956.

The following are some of the primary objectives of the Title 28 Rewrite Project: 1) reorganize title 28 in a more logical manner, 2) renumber current sections in title 28 to allow for the addition of new statutes, 3) split up lengthy sections into smaller single subject sections, 4) delete outdated and archaic language and provisions and 5) conform title 28 to current bill drafting style. In 1995, the Title 28 Rewrite was introduced as Senate Bill 1364. Senate Bill 1364 repealed titles 2, 18 and 28 and reenacted provisions contained in these titles in a new title 28, effective January 1, 1997.

In September 1995, a 12-member Legislative Analysis Subcommittee was formed to review the Title 28 Rewrite to ensure that only technical changes have been made by the Title 28 Rewrite bills and to recommend further technical changes to be included in the 1997 Title 28 Rewrite conforming legislation. Attached is a list of the Subcommittee members and other agency personnel who have participated in the line-by-line review of the Title 28 Rewrite Project.

Governmental entities have incurred or will incur some costs in changing forms and computer data banks to conform to the new section numbers contained in the Title 28 Rewrite project. These costs have been significantly reduced with the passage of Senate Bill 1076 during the 1996 session. Senate Bill 1076 restored existing section numbers pertaining to civil traffic code violations and delayed the implementation of the Title 28 Rewrite Project from January 1 to October 1, 1997.

FACT SHEET**S.B. 1009****Page 2****Provisions:**

1. Incorporates all amendments made to title 28 during the 1996 legislative session.
2. Makes technical and conforming changes to title 28 as recommended by the Legislative Analysis Subcommittee.
3. Makes internal reference and technical changes throughout the Arizona Revised Statutes to conform with the Title 28 Rewrite.
4. Contains a delayed effective date of October 1, 1997 for the Title 28 Rewrite, except for Section 450 of the bill which becomes effective July 1, 1998.

Prepared by Senate Staff/jcs**1/10/97**

**LEGISLATIVE ANALYSIS SUBCOMMITTEE
TITLE 28 REWRITE IMPLEMENTATION PLANNING COMMITTEE**

**The Honorable Jerry Adams
Phoenix Municipal Court**

**Brad Lundahl
House Research Analyst**

**Lorraine Ansley
Motor Vehicle Division**

**Chris McBride
City of Phoenix Public Defender's Office**

**John Carlson
Senate Research Analyst**

**Kent McCarthy
City of Phoenix Prosecutor's Office**

**Holly Hunnicutt, Transportation Attorney
Legislative Council**

**Brian Perry
Attorney General's Office**

**Judy Lenz
Phoenix City Court**

**Sgt. Dan Sanders
Department of Public Safety**

**Nancy LaPlaca
Administrative Office of the Courts**

**John Szczepanski
City of Mesa Police Department**

Other participants:

**Jim Douglas
Motor Vehicle Division**

**Kathy Morley
AZ Department of Transportation**

**Bob Gustafson
AZ Department of Transportation**

**Charles Ramsey
Motor Vehicle Division**

**Lisa Mackey
Motor Vehicle Division**

**Brad Steen
AZ Department of Transportation**

**Penny Martucci
Motor Vehicle Division**

**Karen Strickland
Motor Vehicle Division**

**John McGee
AZ Department of Transportation**

ARIZONA STATE SENATE

43RD LEGISLATURE FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON TRANSPORTATION

DATE: Thurs., January 16, 1997 TIME: 9:00 a.m. ROOM: SHR 2

CHAIRMAN: Senator Bee VICE CHAIRMAN: Senator Freestone

ANALYST: John Carlson COMMITTEE SECY: Karen Neuberg

INTERN: Kimberly McElwain

<u>ATTENDANCE</u>				<u>BILLS</u>	
<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Arzberger	X			S.B. 1009	DP
Senator Cirillo	X				
Senator Day			X		
Senator Freestone	X				
Senator Henderson	X				
Senator Kaites	X				
Senator Kennedy	X				
Senator E. Richardson	X				
Senator Bee, Ch.	X				

SPECIAL PRESENTATIONS

GOVERNOR'S APPOINTMENTS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
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January 16,

Minutes of Senate Committee on
Transportation

The meeting was called to order at 9:09 a.m., and roll was taken. Senator Day was excused.

INTRODUCTION OF STAFF

Senator Bee introduced the staff members:

John Carlson, Committee Analyst
Kim McElwain, Committee Intern
Karen Neuberg, Committee Secretary
Meg Burton-Cahill, Page
Tanner Pew, Page
Heather Klotz, Majority Intern
Guadalupe Valencia, Minority Staff Analyst
Jacquelyn Davoli, Minority Staff Intern

ADOPTION OF COMMITTEE RULES

Senator Bee announced that adoption of the committee rules would be held until the Senate had adopted its rules.

APPOINTMENT OF COMMITTEES

Senator Bee appointed the following to the Committee of Reference:

Senator Bee, Chair
Senator Arzberger
Senator Cirillo
Senator Freestone
Senator Henderson

The following were appointed to the Subcommittee on Maricopa County:

Senator Cirillo, Chair
Senator Freestone
Senator Kennedy

The following were appointed to the Subcommittee on Maricopa Oversight and Input on Transportation (MOVIT):

Senator Freestone, Chair
Senator Cirillo
Senator Kennedy

PRESENTATION ON THE TITLE 28 REWRITE PROJECT

Hunnicuttt

Holly Hunnicutt, Arizona Legislative Council, stated she would present background on the Title 28 Rewrite Project, and other bills under Title 28. She noted the project began in 1991. Members of the Legislative Council suggested the rewrite, which was to be totally technical. The rewrite was introduced as S.B. 1364 in 1995, which repealed current Titles 2, 18 and 28.

correction
per
01/23/07
minutes

Minutes of Senate Committee on
TransportationPage 3
January 16, 1997

The new Title 28 was reenacted with a delayed effective date of January, 1997. It included a provision that Legislative Council prepare any conforming legislation which would be introduced the next year. In the summer of 1995, the courts put together a Title 28 implementation planning committee, which realized that all the sections in Title 28 had been renumbered. As the renumbering of the civil traffic violations could be very burdensome, it was decided the civil traffic violations codes would be renumbered to the original numbering, thus lowering the impact on the courts and law enforcement. That renumbering was done in 1996, and presented as S.B. 1076, which became Chapter 76. All the changes that occurred in the current statutes in 1995 were included and some technical changes were made. Current Title 28 and rewrite Title 28 were compared line by line to ensure no inadvertent substantive changes were made. S.B. 1009, as presented today, includes changes that were made to current Title 28 Sections in 1996, the technical recommendations from the Legislative Analysis Subcommittee, as well as internal references throughout the Arizona Revised Statutes.

Senator Kaites had read the summary of substantive issues which he said told him very little. He did not know what the problems were section by section and how the changes solved the problems. He wondered if the list could be reviewed as to how the changes applied. Ms. Honeycutt said the list was prepared as the Legislative Analysis Subcommittee went through the rewrite. Those changes were not included in the rewrite bill, but were issues that were raised as the title was reviewed. Since a title is rarely scrutinized line by line, it was felt the issues should be noted in writing for future reference. Senator Kaites clarified the changes were purely technical, and this list was not included. Senator Bee affirmed that.

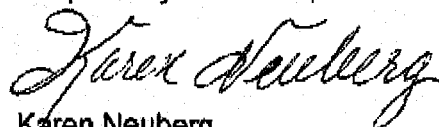
Ms. Honeycutt noted some other bills under Title 28 were modified because of the rewrite. They will have either: 1) a delayed effective date, as they will amend the rewrite section, and are not effective until October 1, 1997; or 2) if the Section is included in the rewrite bill, that version is used in all other Title 28 bills. Therefore, the current law (passed in 1996) is shown, and conflict is avoided between the rewrite bill and what will be amended into the law this year.

Senator Bee presented Ms. Honeycutt a plaque to thank her for her time spent on the rewrite. Certificates were also prepared for the other members of the Legislative Analysis Subcommittee: Judge Jerry Adams, Lorraine Ansley, Brian Perry, Kent McCarthy, Judy Lenz, Nancy La Placa, Sgt. Dan Sanders and John Szczepanski.

Senator Kaites moved S.B. 1009 be returned to the full Senate with a DO PASS recommendation. The motion CARRIED by a roll call vote of 8-0-1. (Attachment #1)

There being no further business, the meeting was adjourned at 9:20 a.m.

Respectfully submitted,



Karen Neuberg
Committee Secretary

(Attachments and tape on file in the Secretary of the Senate's office)

For Committee on t TRANS For Caucus &
Floor Action As passed by
the Senate

ARIZONA STATE SENATE

Phoenix, Arizona

FACT SHEET FOR H.B. 2302

bicycle paths: roadwayPurpose

To allow a bicycle rider to choose either a roadway or a bicycle path, wherever both are provided.

Background

Currently, wherever a usable path has been provided, bicycle riders must use the path and shall not use the roadway.

Provisions

Strikes the provision of law which mandates the use of a bicycle path which is adjacent to a roadway.

Prepared by Senate Staff
April 3, 1989

ARIZONA STATE SENATE

39TH LEGISLATURE
FIRST REGULAR SESSION

MINUTES OF COMMITTEE ON TRANSPORTATION

DATE April 6, 1989 TIME 8:00 A.M. ROOM SHR 3

CHAIRMAN Pete Corpstein VICE CHAIRMAN Doug Todd

ANALYST Bill McCullough COMMITTEE SECY Kathy Miller

INTERN Kelly Campbell

ATTENDANCE				BILLS	
COMMITTEE MEMBERS	Pr	Ab	Ex	Number	Disposition
Senator Arzberger	X			H.B. 2011	DP
Senator De Long	X			H.B. 2051	DPA
Senator Gillespie	X			H.B. 2128	DPA
Senator Henderson	X			H.B. 2169	DP
Senator Hill	X			H.B. 2202	DP
Senator Rios	X			H.B. 2248	DP
Senator Todd	X			H.B. 2302	DP
Senator Walker	X			H.B. 2303	DPA
Senator Corpstein, Ch.	X			H.B. 2321	HELD
				H.B. 2359	DP
				H.B. 2428	DP
				H.B. 2457	HELD
				H.B. 2615	DPA

SPECIAL PRESENTATIONS

None

APPOINTMENTS

NAME	POSITION	DISPOSITION
None		

MINUTES OF THE COMMITTEE ON TRANSPORTATION**Thursday, April 6, 1989****Page 8**

transportation excise tax not to exceed ten percent of the current transaction privilege tax rate for a period of not more than twenty years. The election could be held anytime after September 1 of this year, but not later than the next general election on November 6, 1990. The revenues collected under this act would be deposited to the Regional Area Road Fund (RARF) for authorized purposes. He encouraged the Committee's favorable consideration of the amendment so that the bill could be placed in a conference committee with the House.

Senator De Long moved H.B. 2128 with a DO PASS recommendation. Senator De Long moved the 4-page amendment dated 4/3/89, 5:00 p.m. Motion carried by voice vote. Senator Todd moved H.B. 2128 with a DO PASS AMENDED recommendation. Motion carried by roll call vote of 7-1-1. (Attachment #7) Senator De Long explained that by placing the bill into a conference committee, there could be no public debate. Although he was disappointed in the process, he voted in favor of the bill. Senator Hill agreed with Senator De Long. Further, he has not heard from anyone from Pima County. He voted against the bill.

H.B. 2302 - bicycle paths; roadway - DP

Representative Jewett explained the purpose of the bill is to allow a bicycle rider to choose either a roadway or a bicycle path, wherever both are provided. Currently, wherever a usable path has been provided, bicycle riders must use the path and shall not use the roadway.

Dr. Margot W. Garcia, representing herself, speaking in support of the bill, stated that where some bicyclists were actually commuters and were more experienced riders, they should be allowed to ride in the road instead of on a path with slower, less experienced riders. She believed the bicycle path in Tucson was paid for by a bond.

Ms. Yvonne Morrison, Regional Director, League of American Wheelmen, speaking in support of the bill, stated she believes the City of Tempe is going to be putting in bicycle paths, which are really nothing more than widened sidewalks. However, that still does not alleviate the problem of more experienced riders capable of handling riding in traffic.

Mr. Jon Schwartz, Assistant Attorney General, Attorney General's Office (AG), stated the AG does not take an official position on the bill. His presence was requested to answer questions from the Committee regarding the liability of the state in negligence actions. If a bicyclist were riding on the roadway and alleged in a liability lawsuit that the state (or municipality) was responsible for his accident on the roadway, it would be a debate before the jury as to whether or not he was negligent in not riding on a bike path.

MINUTES OF THE COMMITTEE ON TRANSPORTATION**Thursday, April 6, 1989****Page 9**

Mr. David Gage, attorney representing himself, stated he does not have a position on the bill. He is a personal injury lawyer in Phoenix and agrees with the testimony that Mr. Schwartz provided. He added that after the issue of negligence is decided by the jury, the jury still has to determine whether that bicyclist's conduct was a cause of that accident or not. There is also a constitutional provision that allows the jury in their discretion based upon all the facts of the case to disregard any negligence of the injured party if they feel that is just under the circumstances of the case. He did not feel the inclusion or exclusion of this provision would prevent or have any other effect upon the bringing of cases or the resolution of those cases in court.

Mr. Bob Dally, Greater Arizona Bicycling Association, speaking in support of the bill, stated that most paths are no wider than a sidewalk and if a bicyclist meets either a pedestrian or another bicyclist, one of them is going to have to move. Most properties adjacent to the path have fences or some sort of barrier so that direction is closed. The bicyclist has no other choice but to move into the street.

Mr. Bill Scott, State Legislative Representative, League of American Wheelmen, speaking in support of the bill, stated that allowing bicyclists to choose the roadway would alleviate the situation Mr. Dally just outlined.

Mr. David Furrey, representing himself, wanted to go on record as being in support of the bill.

Senator Todd moved H.B. 2302 with a DO PASS recommendation. Motion carried by roll call vote of 8-0-1. (Attachment #8) Senator Todd explained that he was not totally convinced that they are not excusing the responsible actions that they have been lead up to with the bicyclists in producing lanes and bicycle paths. He voted in favor of the bill.

H.B. 2169 - use fuel tax; collection; payment - DP

Mr. Terry Smalley, Managing Director, AMTA, speaking in support of the bill, explained the purpose of the bill is to assure collection of use fuel tax by providing for the sale of use fuel to an operator only if he holds a valid use fuel tax license, a valid single trip use fuel permit or is exempt from payment of use fuel tax. A bill passed last year provided a condition enactment which implemented collection of use fuel tax at the pump contingent on the passage of similar legislation by New Mexico. Similar legislation has not been passed by New Mexico. Some estimates indicate that revenues in the range of \$1 to \$2 million per year are lost because the tax is not collected at the time of sale. There is concern that fuel sales will be lost if

For Committee on TRANS For Caucus & Floor Action As passed by the Senate

Arizona State Senate

Phoenix, Arizona

REVISED FACT SHEET FOR S.B. 1218

Bicycle traffic laws

Summary:

S.B. 1218 makes two changes in order to conform with the uniform vehicle code (UVC). The first change allows a person operating a bicycle to give a right turn signal by extending the right hand and arm horizontally to the right. Second, it allows an operator of a bicycle to depart from the most extreme right position of the road in four specific situations:

1. When passing another bicycle or vehicle proceeding in the same direction.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to avoid certain hazards or other vehicles.
4. When the lane is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

The bill also changes the article heading of title 28, chapter 6, article 11, from "operation of bicycles and play vehicles" to "operation of bicycles," to assert that operating a bicycle on a street is a serious matter. Another provision on the bill is that a person riding on a shoulder adjacent to a road is granted all the rights and is subject to all the duties applicable to the driver of a motor vehicle.

This legislation also states that if a person is driving a vehicle at a speed slower than the normal traffic flow on a highway where passing is unsafe, and where five or more vehicles are behind the vehicle, the person must turn off the roadway.

Background:

S.B. 1218 updates Arizona bicycle laws in an attempt to promote uniformity among the states and increase driver familiarity regarding the actions of bicyclists.

In 1982 a similar bill was heard by the Senate Transportation Committee. That bill changed the heading of title 28, chapter 6, article 11 from "operation of bicycles and play vehicles" to "operation of bicycles," prescribed certain traffic laws applicable to bicycle equipment and to persons operating bicycles and provided for local regulation of bicycles. S.B. 1359 failed in committee.

Prepared by Senate Staff
March 10, 1986

Thirty-seventh Legislature
Second Regular Session

A. GUTIERREZ FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1218
(Reference to printed bill)

- 1 Page 2, line 27 after the period insert "THIS PARAGRAPH APPLIES ONLY TO
- 2 A PERSON WHO HAS EYES IN THE BACK OF HIS HEAD OR IS USING A PERI-
- 3 SCOPE TO DETERMINE IF HE IS IMPEDING THE FLOW OF TRAFFIC."
- 4 Amend title to conform

3:45 p.m.
2/19/86
dis

(
Thirty-seventh Legislature
Second Regular Session

A. GUTIERREZ FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1218
(Reference to printed bill)

- 1 Page 2, strike lines 44 through 48
- 2 Strike page 3
- 3 Amend title to conform

(
11:20 a.m.
2/19/86
dls
)

Thirty-seventh Legislature
Second Regular Session

KUNASEK FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1218
(Reference to printed bill)

1 Page 1, between lines 5 and 6 insert:

2 "Sec. 2. Section 28-704, Arizona Revised Statutes, is amended to
3 read:

4 28-704. Minimum speed regulation

5 A. No person shall drive a motor vehicle at such a slow speed as
6 to impede or block the normal and reasonable movement of traffic
7 except when reduced speed is necessary for safe operation or in
8 compliance with law.

9 B. Whenever the director or local authorities within their
10 respective jurisdictions determine on the basis of an engineering and
11 traffic investigation that slow speeds on any part of a highway con-
12 sistently impede the normal and reasonable movement of traffic, the
13 director or such local authority may determine and declare a minimum
14 speed limit below which no person shall drive a vehicle except when
15 necessary for safe operation or in compliance with law.

16 C. IF A PERSON IS DRIVING A VEHICLE AT A SPEED LESS THAN THE
17 NORMAL FLOW OF TRAFFIC AT THE PARTICULAR TIME AND PLACE ON A TWO-LANE
18 HIGHWAY WHERE PASSING IS UNSAFE, AND IF FIVE OR MORE VEHICLES ARE
19 FORMED IN A LINE BEHIND THE VEHICLE, THE PERSON SHALL TURN THE VEHICLE
20 OFF THE ROADWAY AT THE NEAREST PLACE DESIGNATED AS A TURNOUT BY SIGNS
21 ERECTED BY THE DIRECTOR OR A LOCAL AUTHORITY, OR WHEREVER SUFFICIENT

Senate Amendments to S.B. 1218

- 1 AREA FOR A SAFE TURNOUT EXISTS, IN ORDER TO PERMIT THE VEHICLES
- 2 FOLLOWING TO PROCEED."
- 3 Renumber following sections to conform
- 4 Amend title to conform

2/19/86
1:20 p.m.
nah

RECEIVED

ARIZONA STATE SENATE

FEB 17 1986

37TH LEGISLATURESECOND REGULAR SESSION

ARIZONA STATE SENATE

MINUTES OF COMMITTEE ON TRANSPORTATIONDATE February 13, 1986 TIME 9:00 A.M. ROOM SHR-3

Senator Taylor called the meeting to order at 9:02 a.m. and roll call was taken.

MEMBERS PRESENT

Senator Corpstein
Senator De Long
Senator Hays
Senator Henderson
Senator Kunasek
Senator Rios
Senator Sawyer
Senator Hill
Senator Taylor, Chairman

OTHERS PRESENT - See attached list.APPROVAL OF MINUTES

The minutes of the previous meeting were approved and adopted without objection as distributed.

S. B. 1144 - transportation finance; corrections; amendments-Amended, Do Pass

Clemenc Ligocki, Analyst, explained the bill.

Senator Sawyer moved S. B. 1144 with a Do Pass recommendation.

Senator Sawyer moved the first proposed amendment dated February 12, 1986, 1:20 p.m. The motion carried by a voice vote.

Senator Osborn introduced Mr. Pat Conner, Yuma Board of Supervisor, Yuma Metropolitan Planning Organization, and Mr. Robert A. Vaughan, Executive Director.

Pat Conner, Yuma Board of Supervisors, stated that he was in support of the bill and the amendment. Mr. Conner commented on the Regional Area Road Fund(RARF).

MINUTES OF COMMITTEE ON TRANSPORTATION
February 13, 1986
Page 2

Robert Vaughn, Executive Director, Metropolitan Planning Organization, explained why the proposed amendment was needed.

Senator De Long asked Clemenc Ligocki for clarification of regional planning.

Sam Lewis, Director, Arizona Department of Corrections, stated that presently there are four prisons under construction that require road construction. Mr. Lewis further remarked that construction of these roads was greatly needed due to all the travel that was done on road either by administration, vendors, contractors, inmates from one facility to another, inmate's family, etc.

Senator Corpstein asked Mr. Lewis if he knew where the money had come from to build Perryville Prison.

Mr. Lewis responded that he did not know. He then asked that Harry A. Reed, Assistant Director, Arizona Department of Transportation, respond to Senator Corpstein's question.

Mr. Reed responded that he did not know either, but that he would check into this matter.

Senator Corpstein wanted to know if the money being used for road repairs would be coming out of the county fund.

Clemenc Ligocki responded that the money being used for road repairs comes from the state highway fund.

There was further discussion on language of amendment pertaining to authorized uses of funds for the purpose of construction and improvement of entry roads to state prisons.

Senator Sawyer moved the second proposed amendment, dated February 12, 1986, 9:00 a.m. The motion carried by a voice vote.

Senator Sawyer moved the third proposed amendment, dated February 12, 1986. The motion carried by a voice vote.

Senator Sawyer moved S. B. 1144 as amended, Do Pass. The motion carried by a roll call vote of 9-0-0. (See Attachment #1).

S. B. 1218 - bicycle traffic laws - Do Pass

Jessica Hogan, Intern, explained the bill.

Senator Hill asked Clemenc Ligocki for explanation of play vehicle.

MINUTES OF COMMITTEE ON TRANSPORTATION
February 13, 1986
Page 3

Mr. Ligocki defined a play vehicle.

Frances Chubinski, Greater Arizona Bicyclist Association, stated that she represents 250 people. Ms. Chubinski commented as to a biker riding on the shoulder of the road. She further mentioned that she was in support the bill and its clarity of the law.

Senator Corpstein asked for an explanation pertaining to when a lane is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

There was further discussion as to the language of the bill.

Senator Corpstein wanted to know if there was a law that would allow a slow vehicle to hold up traffic.

Juan Martin, Jr., Assistant Director, Arizona Department of Transportation, representing the Motor Vehicle Division, responded that according to his knowledge he knew of no present law in existence.

Mr. Ligocki further commented that there is an Arizona Revised Statute 28-704 which states that no person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law.

Mr. Harry Reed, Arizona Department of Transportation, commented that when legislation was being drafted that this department, the Department of Public Safety and other interest groups were all present and were in agreement with the language of the bill.

Senator De Long asked for clarification of bill which pertains to riding a bicycle upon a shoulder.

Mr. Martin referred to page 2, lines 1 through 7 and explained that language.

Yvonne Morrison, representing Bicycle USA, a national organization of bicyclists spoke in support of the bill.

At this point Senator Hill assumed the chair.

Eugene Berlatsky, Executive Vice President, Bicycle Institute of Arizona, stated that this organization represented one million bicyclists in the state of Arizona. Mr. Berlatsky stated that he was in support of the bill.

Dr. Margot W. Garcia indicated that she was in support of the bill. She further stated that this bill would clarify and make bike riding safer.

MINUTES OF COMMITTEE ON TRANSPORTATION
February 13, 1986
Page 4

Senator Hays moved S. B. 1218 with a Do Pass recommendation.
The motion carried by a roll call vote of 9-0-0. (See Attachment #2).

S. B. 1103 - vehicle registration; notice by employer - Amended, Do Pass

Senator De Long commented on the bill and explained why he felt it was imperative that it pass this committee.

Senator De Long moved S. B. 1103 with a Do Pass recommendation.

Senator Rios did not agree with the bill.

Senator De Long commented that they were using the same guidelines as the Department of Economic Security uses in posting their notices to the public, and has proven to be very successful for them.

There was further discussion on the language of the bill.

Jerry Ward, Deputy Division Director, representing Arizona Department of Transportation and Motor Vehicle Division, commented on vehicle registration costs.

Richard Verrick representing himself spoke against people coming into the state who did not buy license plates for their vehicles. Mr. Verrick was in support of the bill.

Mickey Dorsett, State Director, Government and Community Relations, Motorola and American Electronics Association, was in opposition of language of the bill.

Senator De Long moved the proposed amendment dated February 6, 1986.

Senator Kunasek moved a substitute amendment. The motion failed by 4-5-0.

The vote on the proposed amendment, dated February 6, 1986, carried by a voice vote.

Senator De Long moved S. B. 1103 as amended, Do Pass. The motion carried by a roll call vote of 5-4-0. (See Attachment #3).

S. B. 1081 - transportation; medical advisory board - Amended, Do Pass

Clemenc Ligocki explained the bill.

Juan Martin, Jr. Assistant Director, Arizona Department of Transportation, representing the Motor Vehicle Division, stated that the department was in support of the bill.

Senator Kunasek moved S. B. 1081 with a Do Pass recommendation.

RECEIVED *MB*

MAY 26 1976

ARIZONA STATE SENATE
 THIRTY-SECOND LEGISLATURE
 SECOND REGULAR SESSION

ARIZONA STATE SENATE

MINUTES OF COMMITTEE ON TRANSPORTATIONDATE May 26, 1976 TIME 8:30 AM ROOM 3

The meeting was called to order at 8:43 AM by Vice Chairman Moore and roll call was taken.

MEMBERS PRESENT

Senator Corbet
 Senator Davis
 Senator Gabaldon
 Senator Moore
 Senator Sawyer
 Senator Turley

MEMBERS ABSENT

Senator Swink (excused)
 Senator Walsh
 Senator Hubbard (excused)

OTHERS PRESENT - See attached list

APPROVAL OF MINUTES

The minutes of the previous meetings were approved as distributed.

CONSIDERATION OF BILLS

Senator Moore explained that H.B. 2150 will be held for one week.

H.B. 2411 - passenger car rental fleet -- DO PASS

Alex Rossell briefed the committee on the intent of the bill and noted that this bill is similar to H.B. 2149 except that it deals with passenger cars rather than trucks and trailers.

Terry Smalley, representing the Arizona Motor Transport Association, noted that this legislation will generate \$18,000 additional revenue into the highway fund.

Senator Turley asked if this legislation will mean that a rental car must be rented out of the state. Phil Thorneycroft, representing the Motor Vehicle Department, explained that the car would have to be rented to someone going out of state and not traveling intrastate. Senator Turley asked if this would be a convenience to the Motor Vehicle Department, to which Mr. Thorneycroft replied that it would.

MINUTES OF TRANSPORTATION COMMITTEE
May 26, 1976
Page 2

Senator Corbet moved the bill with a Do Pass recommendation. The motion carried.

H.B. 2183 - school busses - warning devices -- AMEND, DO PASS

Bill Moore explained that this bill calls for increased penalties for passing school busses and also provides for inspections of school busses.

Jim Hill, representing the Arizona Department of Transportation, said that the bill, with the exception of the first page, addresses the school bus program. There is a change in the definition of school bus which is identical to the definition change already passed by the Senate. He further explained that there are 2800 school busses that have to be inspected during a three-month period and this bill will allow the inspections to be done throughout the twelve-month period.

Senator Turley moved the bill with a Do Pass recommendation.

Senator Corbet questioned the need for the change in regard to the fine. Mr. Hill responded that two studies done in Mesa this year showed that the violation rate during a thirty-day period is 700 per week.

Senator Corbet asked if there are any other provisions in law presently where the justice of the peace hears the suspensions. He said that he is wondering if this is inconsistent and would like to pursue this area before the bill gets to the floor.

Senator Gabaldon referred to a previous bill passed by the Senate wherein a change was made in the definition of a bus, changing it from a vehicle designed to carry more than 10 passengers to one designed for more than 15. He said that if that bill doesn't pass, he would like that change to be made in this bill. For that reason, Senator Gabaldon moved to hold the bill for one week in order to work out amendments.

Mr. Hill suggested that an amendment to page 1, line 16, changing the "ten" to "FIFTEEN" would be sufficient.

Senator Gabaldon withdrew his substitute motion and moved the following amendment: Page 1, line 16, strike "ten" insert "FIFTEEN". The motion carried.

Senator Gabaldon moved the bill as amended with a Do Pass recommendation.

Mr. Hill explained that there is another amendment before the committee which would change some of the regulations pertaining to the inspection program, the design of the school bus and the licensing of school bus operators. These amendments will correct problems that have developed following a ruling by the Attorney General.

Senator Davis moved the proposed amendment. (See Attachment #1)
The motion carried.

MINUTES OF TRANSPORTATION COMMITTEE
May 26, 1976
Page 3

Senator Davis questioned whether the bicycle definition is the same as in S.B. 1087. Bill Moore said that he isn't sure. Senator Davis moved the following amendment: Page 1, line 12, strike "OR HAVING THREE WHEELS IN CONTACT" and strike line 13. The motion carried.

Senator Turley moved the bill as amended with a Do Pass recommendation.

Discussion followed on whether the change in the school bus definition on page 4 would open it up to interpretations other than what was intended. Discussion also arose on what the effect of this would be from the insurance standpoint. Mr. Hill assured the committee that there would be no problems.

The motion for a Do Pass recommendation carried.

H.B. 2306 - transportation board - meetings -- DO PASS

Senator Gabaldon assumed the chair for discussion of this bill.

Senator Moore moved the bill with a Do Pass recommendation and then moved the proposed amendments. (See Attachment #2)

Senator Turley expressed opposition to the amendment.

Senator Corbet said that he thinks this is the wrong bill and the wrong form in which to adjust these things. He remarked that he would also like to see the gas tax formula adjusted at the same time these other things are adjusted, and suggested that something could be drafted next session that would be better.

Mr. Bill Sheldon explained why the metropolitan area of Tucson feels so strongly about modification of the board. He stressed that we should be talking about transportation needs and fair representation. He pointed out that Pima County is not now represented on the board, and won't be until 1979. He said that he feels this is unfair and a look should be taken at amending the composition of the board.

Senator Davis noted the possibility that Maricopa and Pima counties could control the board and wondered if any thought had been given to some protection for this. Mr. Sheldon stated that another amendment that could be considered would specify that either Maricopa or Pima County would be on the board, not both, and this would protect against the possibility that Senator Davis mentioned.

Senator Turley emphasized that when this board was structured, this was one of the big concerns. He said that he thinks it would be unfortunate if Maricopa and Pima counties took over the Department of Transportation.

Senator Corbet questioned what instances there have been of problems that Pima or Maricopa counties have had because of this structure.

Thirty-second Legislature
Second Regular Session

TRANSPORTATION

SENATE AMENDMENTS TO H.B. 2183

(Reference to House engrossed bill)

1 Page 1, line 12, after "diameter" insert a period and strike the remainder of the line

2 Strike line 13

3 Line 16, strike "ten" insert "FIFTEEN"

4 Page 6, between lines 22 and 23 insert:

5 "Sec. 3. Section 28-900, Arizona Revised Statutes, is
6 amended to read:

7 28-900. Regulations relative to school buses

8 A. The director by and with the advice of the state
9 board of education shall adopt and enforce SUCH regulations
10 ~~not-incosistent-with-this-chapter-to-govern-the-design-and~~
11 ~~operation-of-all-school-busses-used-for-the-transportation~~
12 ~~of-school-children-when-owned-and-operated-by-any-school~~
13 ~~district-or-institution,-or-privately-owned-and-operated~~
14 ~~under-contract-with-any-school-district-in-this-state-and-the~~
15 ~~regulations-shall-by-reference-be-made-a-part-of-any-such~~
16 ~~contract-with-a-school-district.-Every-school-district,-its~~
17 ~~officers-and-employees,-and-every-person-employed-under-contract~~
18 ~~by-a-school-district-shall-be-subject-to-such-regulations:~~

19 AS ARE NECESSARY TO IMPROVE THE SAFETY AND WELFARE OF SCHOOL
20 BUS PASSENGERS BY MINIMIZING THE PROBABILITY OF ACCIDENTS
21 INVOLVING SCHOOL BUSES AND SCHOOL BUS PASSENGERS, AND BY
22 MINIMIZING THE RISK OF SERIOUS BODILY INJURY TO SCHOOL BUS
23 PASSENGERS IN THE EVENT OF AN ACCIDENT. SUCH REGULATIONS

Senate Amendments to H.B. 2183

1 MAY INCLUDE, BUT ARE NOT LIMITED TO, MINIMUM STANDARDS FOR
2 THE DESIGN AND EQUIPMENT OF SCHOOL BUSES, MINIMUM STANDARDS
3 FOR THE PERIODIC INSPECTION AND MAINTENANCE OF SCHOOL BUSES,
4 PROCEDURES FOR THE OPERATION OF SCHOOL BUSES, AND SUCH OTHER
5 CRITERIA AS ARE DEEMED BY THE DIRECTOR TO BE NECESSARY AND
6 APPROPRIATE TO INSURE THE SAFE OPERATION OF SCHOOL BUSES.
7 SUCH REGULATIONS SHALL PROVIDE, WHERE APPLICABLE, MINIMUM
8 STANDARDS EQUAL TO OR MORE RESTRICTIVE THAN THOSE ADOPTED
9 BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION IN ACCORD-
10 ANCE WITH TITLE 23, UNITED STATES CODE, AMENDMENTS THERETO
11 AND RULES AND REGULATIONS ADOPTED PURSUANT THERETO.

12 B. Any officer or employee of any school district who
13 violates any of the regulations or fails to include obligation
14 to comply with the regulations in any contract executed by
15 him on behalf of a school district shall be guilty of misconduct
16 and subject to removal from office or employment. Any person
17 operating a school bus under contract with a school district
18 who fails to comply with any of the regulations shall be guilty
19 of breach of contract and the contract shall be canceled after
20 notice and hearing by the responsible officers of the school
21 district."

22 Renumber following sections to conform

23 Amend title to conform

5/26/76
CF

Thirty-second Legislature
Second Regular Session

FARR FLOOR AMENDMENT

SENATE AMENDMENTS TO H. B. 2183

(Reference to House Engrossed Bill)

1 Page 5, between lines 29 and 30 insert:

2 "Sec. 2. Section 28-815, Arizona Revised Statutes, is
3 amended to read:

4 28-815. Riding on roadways and bicycle paths;
5 prohibition of motor vehicle traffic
6 on bike paths

7 A. Every person operating a bicycle upon a roadway shall
8 ride as near to the right side of the roadway as practicable,
9 exercising due care when passing a standing vehicle or one
10 proceeding in the same direction.

11 B. Persons riding bicycles upon a roadway shall not ride
12 more than two abreast except on paths or parts of roadways set
13 aside for the exclusive use of bicycles.

14 C. Wherever a usable path for bicycles has been provided
15 adjacent to a roadway, bicycle riders shall use the path and
16 shall not use the roadway.

17 D. A BICYCLE PATH OR LANE WHEN DESIGNATED AS SUCH BY
18 STATE OR LOCAL AUTHORITIES SHALL BE DEEMED TO BE FOR THE
19 EXCLUSIVE USE OF BICYCLES EVEN THOUGH OTHER USES ARE PERMITTED
20 PURSUANT TO SUBSECTION E OR OTHERWISE PERMITTED BY STATE OR
21 LOCAL AUTHORITIES.

22 E. NO PERSON SHALL OPERATE, STOP, PARK OR LEAVE STANDING
23 A VEHICLE IN A BICYCLE PATH OR LANE DESIGNATED BY STATE OR

Senate Amendments to H. B. 2183

- 1 LOCAL AUTHORITIES EXCEPT FOR USE IN THE CASE OF EMERGENCY OR
- 2 FOR USE IN CROSSING SUCH PATH OR LANE TO GAIN ACCESS TO ANY
- 3 PUBLIC OR PRIVATE ROAD OR DRIVEWAY. NOTHING IN THIS SUBSECTION
- 4 SHALL PROHIBIT THE USE IN SUCH PATH OR LANE BY THE APPROPRIATE
- 5 LOCAL AUTHORITY."
- 6 Renumber to conform
- 7 Amend title to conform

6/2/16
kb