



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: COM DPA 9-0-0-1

HB 2585: motor carrier; safety improvement
Sponsor: Representative Weninger, LD 17
Caucus & COW

Overview

Prevents the consideration of a motor carrier's use of safety improvement in evaluating employee or independent contractor status.

History

An *employee* is any person who performs services for an employer and who is subject to the direction, rule or control of the employer as to both the method of performing the services and the result to be accomplished. Statute describes control as setting the employee's work hours, work location, right to perform services for other employers, use of certain tools, equipment, materials, expenses and using other workers. Statute also lists individuals that do not fall into the category of *employee*, such as independent contractors, agents or consultants, or those working in an independent trade, skill or occupation ([A.R.S. § 23-613.01](#)).

A *motor carrier* is a person who operates a commercial motor vehicle on the highway. These vehicles are designed or used to transport passengers or property by a commercial enterprise, such as a bus, a vehicle that transports eight or more passengers for hire or a vehicle that has a gross weight rating over 10 thousand pounds ([A.R.S. 28-5201](#)).

Provisions

1. Asserts a motor carrier's use of safety improvement may not be considered when evaluating a person's status as an employee or independent contractor. (Sec. 1)
2. Defines *safety improvement* as any device, equipment, software, technology, procedure, training, policy, program or operational practice intended and primarily used to improve or facilitate any of the following:
 - a) Compliance with traffic safety or motor carrier safety laws;
 - b) Safety of a motor vehicle;
 - c) Safety of the operation of a motor vehicle; or
 - d) Safety of third-party users of a public highway. (Sec. 1)
3. Defines *motor carrier* as a person who operates or causes to be operated a commercial motor vehicle on a public highway. (Sec. 1)

Amendments

Committee on Commerce

1. Clarifies the *deployment, implementation or use* of safety improvement by a motor carrier may not be considered when evaluating employment status.
2. Includes the employment status of jointly employed employee under any state law.

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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