



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1025

transportation network drivers; DUI

Purpose

Makes it unlawful for a person to drive or be in actual physical control of a vehicle with a blood alcohol concentration of 0.04 or more while the person is operating a vehicle for hire or providing transportation network company services as a transportation network company driver.

Background

A person commits DUI while driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor, any drug, vapor releasing substances containing toxic substances, or any combination of these substances, while the person is impaired to the slightest degree. A person also commits DUI if they have an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of a vehicle. If the vehicle is a commercial motor vehicle that requires a person to obtain a commercial driver license to operate, the person commits DUI by having a blood alcohol concentration of 0.04 or more.

In a trial, action or proceeding for a DUI or aggravated DUI violation, except if the violation involved the operation of a commercial vehicle, a defendant's blood alcohol concentration within two hours of the time of driving, as shown by an analysis, gives rise to certain presumptions. If a defendant's blood alcohol concentration is 0.05 or less within two hours of driving, it may be presumed that the defendant was not under the influence. If blood alcohol concentration is measured between 0.05 and 0.08 within two hours of driving, that fact does not give rise to a DUI presumption itself, but it can be considered with other competent evidence in determining guilt or innocence ([A.R.S. § 28-1381](#)).

Transportation network company services is defined as the transportation of a passenger between points chosen by the passenger and arranged with a transportation network company driver through the use of a transportation network company's digital network or software application, beginning when a transportation network company driver accepts a request for transportation network services received through the transportation network company's digital network or software application, continuing while the transportation network company driver provides transportation network services in a transportation network company vehicle, and ending when the passenger exits the transportation network company vehicle or when the trip is canceled ([A.R.S. § 28-9551](#)).

A *vehicle for hire* is defined as a taxi, livery vehicle or a limousine ([A.R.S. § 28-9501](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Makes it unlawful for a person to drive or be in actual physical control of a vehicle with a blood alcohol concentration of 0.04 or more while the person is operating a vehicle for hire or providing transportation network company services as a transportation network company driver.
2. Stipulates that transportation network company drivers are not subject to the presumptions that arise from an analysis of blood alcohol concentration within two hours of the time of driving or being in actual physical control of a vehicle.
3. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- Adds drivers operating vehicles for hire, which include taxis, livery vehicles and limousines, to the 0.04 DUI threshold.

Senate Action

JUD 2/1/24 DPA/SE 6-1-0

Prepared by Senate Research

February 15, 2024

ZD/cs