



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

Senate: JUD DPA 6-1-0-0

SB 1025: DUI threshold; drivers

Sponsor: Senator Kavanagh, LD 3

Committee on Military Affairs & Public Safety

Overview

Makes it unlawful to operate a vehicle with a blood alcohol concentration (BAC) of 0.04 or more when operating a vehicle for hire or providing transportation network services (Network Services) as a transportation network company driver (Network Driver).

History

In a trial for a violation of laws regarding driving under the influence, except if the violation involved the operation of a commercial vehicle, a defendant's BAC must be 0.05 or less within two hours of driving to presume him to have not been under the influence. If BAC is measured between 0.05 and 0.08 within two hours of driving, the defendant is not presumed to have or have not been under the influence. If the BAC is 0.08 or more, the defendant is presumed to have been under the influence ([A.R.S. § 28-1381](#)).

Driving a commercial vehicle is unlawful in Arizona if the person doing so has a BAC of 0.04 or more, rather than 0.08 or more ([A.R.S. § 28-1381](#)).

Transportation network company services are defined as the transportation of a passenger between points chosen by the passenger and arranged with a Network Driver through the use of a transportation network company's (Network Company) digital network or software application beginning when a Network Driver accepts a request for Network Services received through the Network Company's digital network or software application, continuing while the Network Driver provides Network Services in a Network Company vehicle and ending when the passenger exits the Network Company vehicle or when the trip is canceled. A *vehicle for hire* is defined as a taxi, livery vehicle or limousine (A.R.S. §§ [28-9551](#); [28-9501](#)).

Provisions

1. Deems it unlawful to operate a vehicle with a BAC of 0.04 or more while operating a vehicle for hire or providing Network Services as a Network Driver. (Sec. 1)
2. Stipulates that the presumptions arising from the standard rules regarding BAC and being under the influence do not apply to drivers operating a vehicle for hire or providing Network Services as a Network Driver. (Sec. 1)
3. Makes a technical change. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note