



LEGISLATIVE SCORECARD

54TH ARIZONA LEGISLATURE



ABATE OF ARIZONA, INC.



www.abateofaz.org

**The primary objectives and purposes of ABATE
of Arizona is to:**

- (a) Promote safety and educational programs and other programs to improve the general image of the motorcycle community.
- (b) Preserve and protect the rights of motorcyclists by informing the membership on all relevant regulations and legislation, and promote political action campaigns in the best interest of the motorcycle community.
- (c) Oppose discrimination that is based upon race, color, creed, religion, national origin, gender, sexual preference, brand of motorcycle ridden, association, membership or non- membership in any club or organization.

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Who We Are

- We will lobby and educate the government and general public to promote motorcycling in a safe and positive image.
- We will endeavor to enlist the cooperation and participation of all organizations and individuals who share a similar interest in preserving our American tradition of freedom.
- We will involve ourselves in fund raising to achieve our goals.

ABATE of Arizona, Inc
7509 N. 12th Street, Suite 200
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Session Analysis

The ABATE of Arizona Legislative Report Card is an annual opportunity to recognize members of the Arizona Legislature who placed making Arizona more motorcycle friendly and our roadways safer above special interests and their attempts to protect the status quo.

After reading through more than 500,000 votes cast during the 54th Legislative Session, data shows:

Average Grades for both legislative chambers was 85.9 percent, compared to 85.9 percent in 2018.

Senate average score was 7.3 or a C grade down from a B+ last session.

House average score was 9.6 or a C grade down from a B- last session.

Unfinished Business:

This was due to the onset of the COVID-19 pandemic and an early Sine Die.

What could have been several wins for Arizona's motorcyclists, lawmakers failed to:

- Pass an extension to the Motorcycle Safety Fund.
- Pass statewide Lane Filtering.
- Pass civil asset forfeiture reform.
- Pass civil traffic violation community service changes.
- Repeal the \$32 VLT fee.

BEST IN THE SENATE



Senator Sine Kerr (LD13) scored highest in the Senate along with being a co-sponsor for HB2055 civil traffic violations; community restitution.

HONORABLE MENTION



Senator Sonny Borrelli (LD5) has been a constant supporter of motorcyclists during his time in the Arizona Legislature. As a motorcyclist himself, he offers first hand knowledge during committee hearing and when debating on the floor. Thank you Senator Borrelli for co-sponsoring two bills this Legislature.

BEST IN THE HOUSE



Co-sponsoring three bills in addition to scoring the highest in the House has earned Representative Walt Blackman the Freedom Fighter Award for the 54th Legislature.

Honorable Mentions



Freshman Representatives Leo Biasiucci (LD5) and Shawanna Bolick (LD20) have made an immediate impact on behalf of motorcyclists in Arizona. They have nine bills sponsored/co-sponsored combined that directly impact motorcyclists in a positive way. Representative Bolick was the primary for HB2630 Motorcycle Safety Fund with Rep. Biasiucci being a co-sponsor. HB2055 Civil Traffic Violations; Community Restitution and HB2442 Highway Safety Fee Repeal were sponsored by Rep. Biasiucci and co-sponsored by Rep. Bolick.

MOST BILLS SPONSORED



Representative Noel Campbell (LD1)

After many years of serving the constituents of LD1, Representative Noel Campbell is not running for re-election. He said he is planning to spend more time riding his motorcycle. Being an avid motorcyclist himself makes perfect sense why he sponsored more bills to help motorcyclists than any other legislator. A total of 10 bills in the last two years. He will be missed as he was the chairman of the House Transportation Committee and aided motorcyclists from that seat.

Thank you Mr. Campbell for being a constant supporter for motorcycle rights and freedoms.
We hope to see you in the wind.

Party Leaders Grades

SENATE

DEMOCRATS SCORE

Bradley (LD-10), Minority Leader C

Contreras (LD-19), Assistant Minority Leader B

Otondo (LD-4), Minority Whip C

Peshlakai (LD-7), Minority Whip B

LEADERSHIP AVERAGE C+

REPUBLICANS SCORE

Fann (LD-1), Senate President B

Grey (LD-21), Majority Leader B

Borrelli (LD-5), Majority Whip A

Farnsworth (LD-12), President Pro Tempore D

LEADERSHIP AVERAGE B

HOUSE

DEMOCRATS SCORE

Fernandez (LD-4), Minority Leader D

Friese (LD-9), Assistant Minority Leader C

Bolding (LD-27), Minority Whip C

Salman (LD-26), Minority Whip C

LEADERSHIP AVERAGE C

REPUBLICANS SCORE

Bowers (LD-25), Speaker of the House B-

Petersen (LD-12), Majority Leader B+

Nutt (LD-14), Majority Whip B+

Shope (LD-8), Speaker Pro Tempore B-

LEADERSHIP AVERAGE B

SENATOR	District	Party	SESSION SCORE	GRADE
Karen Fann	1	R	8	B
Andrea Dalessandro	2	D	8	B
Sally Ann Gonzales	3	D	8	B
Lisa Otondo	4	D	7	C
Sonny Borrelli	5	R	9*	A
Sylvia Allen	6	R	6	D
Jamescita Peshlakai	7	D	8	B
Frank Pratt	8	R	8	B
Victoria Steele	9	D	8	B
David Bradley	10	D	7	C
Vince Leach	11	R	7	C
Eddie Farnsworth	12	R	6	D
Sine Kerr	13	R	9	A+
David Gowen	14	R	6	D
Heather Carter	15	R	8	B
David C. Farnsworth	16	R	6	D
J.D. Mesnard	17	R	7	C
Sean Bowie	18	D	7	C
Lupe Contreras	19	D	8	B
Paul Boyer	20	R	7	C
Rick Grey	21	R	8	B
David Livingston	22	R	8	B
Michelle Ugenti-Rita	23	R	6	D
Lela Alston	24	D	8	B
Tyler Pace	25	R	6	D
Juan Mendez	26	D	7	C
Rebecca Rios	27	D	8	B
Kate Brophy McGee	28	R	7	C
Martin Quezada	29	D	7	C
Tony Navarrate	30	D	7	C

REPRESENTATIVE	District	Party	SESSION SCORE	GRADE
Noel W. Campbell	1	R	10*	A
Steve Pierce	1	R	9	C+
Daniel Hernandez	2	D	9	C+
Rosanna Gabaldon	2	D	8	C
Andres Cano	3	D	8	C
Alma Hernandez	3	D	11	B
Charlene R. Fernandez	4	D	7	D
Garae Peten	4	D	8	C
Regina E. Cobb	5	R	12	B+
Leo Biasiucci	5	R	14*	A+
Walt Blackman	6	R	15*	A+
Bob Thorpe	6	R	10	B-
Arlando Teller	7	D	10	B-
Myron Tsosie	7	D	8	C
David L. Cook	8	R	11	B
Thomas R. Shope	8	R	10	B-
Randall Frieze	9	D	8	C
Pamela Powers Hannley	9	D	8	C
Domingo DeGrazia	10	D	7	D
Kirsten Engel	10	D	7	D
Mark Finchem	11	R	12	B+
Bret Roberts	11	R	12	B+
Travis W. Grantham	12	R	12	B+
Warren Petersen	12	R	12	B+
Tim Dunn	13	R	11	B
Joanne Osborne	13	R	10	B-
Gail Griffin	14	R	11	B
Becky A. Nutt	14	R	12	B+
John M. Allen	15	R	10	B-
Nancy Barto	15	R	10	B-

REPRESENTATIVE	District	Party	SESSION SCORE	GRADE
John Fillmore	16	R	11	B
Kelly Townsend	16	R	8	C
Jennifer Pawlik	17	R	9	C+
Jeff Weninger	17	R	11	B
Mitzi Epstein	18	D	9	C+
Jennifer Jermaine	18	R	9	C+
Diego Espinoza	19	D	8	C
Lorenzo Sierra	19	D	8	C
Shawwna Bolick	20	R	14*	A+
Anthony T. Kern	20	R	11	B
Kevin Payne	21	R	11	B
Tony Rivero	21	R	8	C
Frank Carroll	22	R	13	A-
Ben Toma	22	R	11	B
Jay Lawrence	23	R	11	B
John Kavanaugh	23	R	11	B
Jennifer Longdon	24	D	8	C
Amish Shah	24	D	8	C
Russell Bowers	25	R	10	B-
Michelle Udall	25	R	9	C+
Isela Blanc	26	D	7	C-
Athena Salman	26	D	8	C
Reginald Bolding	27	D	8	C
Diego Rodriguez	27	D	7	C-
Kelli Butler	28	D	8	C
Aaron Lieberman	28	D	8	C
Richard C. Andrade	29	D	8	C
Ceasar Chavez	29	D	8	C
Robert Meza	30	D	9	C+
Raquel Terán	30	D	7	C-

DESCRIPTION OF SCORED LEGISLATION

54th LEGISLATURE – 1st REGULAR SESSION

HM2002 MOTORCYCLE PROFILING; ENCOURAGING PREVENTION

The House of Representatives urges law enforcement agencies in Arizona work to promote increased public awareness of the issue of motorcycle profiling, and to include a statement condemning motorcycle profiling in their written policies and training materials. The Secretary of State is directed to transmit copies of this memorial to the captain of each law enforcement agency in Arizona.

ARS Titles Affected: 99

First sponsor: Rep. Campbell (R - Dist 1)

H2109 (Chapter 50) COUNTY TRANSPORTATION EXCISE TAX

If approved by a majority of the qualified electors, a county transportation excise tax must be levied and collected at a rate that, by itself or together with any tax county transportation excise tax for roads, is not more than 20 percent, increased from 10 percent, of the transaction privilege tax rate in effect on January 1, 1990 (5 percent) or of the jet fuel excise and use tax rate prescribed by statute (currently 3.05 cents per gallon). AS SIGNED BY GOVERNOR.

ARS Titles Affected: 42

First sponsor: Rep. Shope (R - Dist 8)

H2318 (Chapter 112) DRIVING; WIRELESS COMMUNICATION DEVICE; PROHIBITION (ADOT; CONSULTING WITH THIRD PARTIES)

Unless the vehicle is parked or stopped, a person is prohibited from operating a motor vehicle on a street or highway if the person physically holds or supports with any part of the person's body a "portable wireless communication device" or "stand-alone electronic device" (both defined), or if the person writes, sends or reads any text-based communication on a portable wireless communication device or stand-alone electronic device. Some exceptions. Beginning January 1, 2021, violations are subject to a civil penalty of \$75 to \$149 for a first violation, and \$150 to \$250 for a second or subsequent violation. A violation that results in an accident causing the death of or serious physical injury to another person is classified as causing serious physical injury or death by a moving violation, a class 1 (highest) misdemeanor. The Department of Transportation is required to post signs at each point where an interstate highway or U.S. highway enters Arizona that informs vehicle operators of the prohibition on using a portable wireless communication device while operating a motor vehicle. A peace officer who stops a motor vehicle for an alleged violation of this prohibition cannot take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless otherwise authorized by law. Peace officers may issue only a warning beginning on the effective date of this legislation through December 31, 2020, and are prohibited from issuing a citation for a violation of this prohibition before January 1, 2021. Beginning January 1, 2021, the regulation of the use of portable wireless communication devices while operating a motor vehicle is not subject to further regulation by a county, municipality or other political subdivision, and any regulations in violation of this prohibition, whether enacted before or after January 1, 2021, are void. Session law authorizes enforcement of local laws regulating the use of portable wireless communication devices through December 31, 2020. Additionally, while a person is driving a motor vehicle and the motor vehicle is in motion on a public roadway or on an off-highway vehicle trail, the person is prohibited from watching a video or movie on a portable wireless communication device or stand-alone electronic device, and from recording or broadcasting a video on a portable wireless communication device or stand-alone electronic device. Some exceptions. Emergency clause. AS SIGNED

BY GOVERNOR.

ARS Titles Affected: 28

First sponsor: Rep. Campbell (R - Dist 1)

H2319 HURF TRANSFERS; HIGHWAY PATROL; REPEAL

Repeals statute requiring the Department of Transportation to allocate and transfer \$10 million from revenues of the Arizona Highway User Revenue Fund (HURF) to the Department of Public Safety for funding a portion of highway patrol costs.

ARS Titles Affected: 28 41

First sponsor: Rep. Campbell (R - Dist 1)

H2418 (Chapter 52) PROTECTED DATA; MOTOR VEHICLE DEALERS

Establishes a new article in Title 28 (Transportation) regulating protected data for motor vehicle dealers. A manufacturer or "third party" (defined) is prohibited from requiring a motor vehicle dealer to grant the manufacturer or third party direct or indirect access to the dealer's "dealer data system" (defined). A motor vehicle dealer is permitted to submit or push data or information to a manufacturer or third party through any widely acceptable electronic file format or protocol that complies with the "star standards" (defined) or other generally accepted standards that are at least as comprehensive. A third party is prohibited from accessing, sharing, selling, copying, using or transmitting "protected dealer data" (defined) without prior express written consent, from engaging in any act of cyber ransom, and from taking any action by contract, technical means or otherwise to prohibit or limit a dealer's ability to protect, store, copy, share or use protected dealer data. Also establishes requirements for "dealer data vendors" (defined). AS SIGNED BY GOVERNOR.

ARS Titles Affected: 28

First sponsor: Rep. Campbell (R - Dist 1)

S1001 HIGHWAY SAFETY FEE; REPEAL; VLT

Repeals the highway safety fee that was previously required to be in an amount established by the Director of the Department of Transportation annually in order to fund 110 percent of the Department of Public Safety Highway Patrol budget for each fiscal year. If monies in the Arizona Highway Patrol Fund are insufficient to fully fund the Highway Patrol in a FY, the Legislature is required to appropriate monies from the general fund to eliminate the insufficiency. AS PASSED SENATE.

ARS Titles Affected: 28 41

First sponsor: Sen. Ugenti-Rita (R - Dist 23)

S1087 (Chapter 301) VEHICLE LIABILITY INSURANCE; MINIMUM LIMITS

For motor vehicle liability insurance policies issued or renewed beginning on July 1, 2020, the minimum amounts of coverage required are increased to \$25,000 for bodily injury to or death of one person in any one accident, from \$15,000, to \$50,000 for bodily injury to or death of two or more persons in any one accident, from \$30,000, and to \$15,000 because of injury to or destruction of property of others in any one accident, from \$10,000. Does not apply to a policy issued to a person with a valid certificate of self-insurance or partial self-insurance. Also, an offer of liability limits on an automobile liability insurance policy is required to be made at the time of application for insurance. AS SIGNED BY GOVERNOR.

ARS Titles Affected: 20 28

First sponsor: Sen. Brophy McGee (R - Dist 28)

S1165 WIRELESS COMMUNICATION DEVICE; DRIVING; PROHIBITION (PROHIBITION; TEXTING WHILE DRIVING)

Unless the vehicle is parked or stopped, a person is prohibited from operating a motor vehicle on a street or highway while physically holding or supporting with any part of the person's body a portable wireless communication device or stand-alone electronic device, and while writing, sending or reading any text-based communication on a portable wireless communication device or stand-alone electronic device. Some exceptions. Beginning January 1, 2021, Violations are subject to a civil penalty of \$75 to \$149 for a first violation, and \$150 to \$250 for a second or subsequent violation. A violation that results in an accident causing the death of or serious physical injury to another person is classified as causing serious physical injury or death by a moving violation, a class 1 (highest) misdemeanor. The Department of Transportation is required to post signs at each point where an interstate highway or U.S. highway enters Arizona that informs vehicle operators of the prohibition on using a portable wireless communication device while operating a motor vehicle. A peace officer who stops a motor vehicle for an alleged violation of this prohibition cannot take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless otherwise authorized by law. Peace officers may issue only a warning beginning on the effective date of this legislation through December 31, 2020, and are prohibited from issuing a citation for a violation of this prohibition before January 1, 2021. Beginning January 1, 2021, the regulation of the use of portable wireless communication devices while operating a motor vehicle is not subject to further regulation by a county, municipality or other political subdivision, and any regulations in violation of this prohibition, whether enacted before or after January 1, 2021, are void. Session law authorizes enforcement of local laws regulating the use of portable wireless communication devices through December 31, 2020. Additionally, while a person is driving a motor vehicle and the motor vehicle is in motion on a public roadway or on an off-highway vehicle trail, the person is prohibited from watching a video or movie on a portable wireless communication device or stand-alone electronic device, and from recording or broadcasting a video on a portable wireless communication device or stand-alone electronic device. Some exceptions. Emergency clause. AS PASSED SENATE.

ARS Titles Affected: 28

First sponsor: Sen. Brophy McGee (R - Dist 28)

S1258 (Chapter 59) CLASS M DRIVER LICENSES; APPLICABILITY

A class M driver license is not necessary for operating a motorcycle that has at least three wheels and a three-point safety belt and bucket or bench seats and that is fully enclosed or uses a roll cage frame. AS SIGNED BY GOVERNOR.

ARS Titles Affected: 28

First sponsor: Sen. Pratt (R - Dist 8)

S1332 (Chapter 313) ALTERNATIVE FUEL VEHICLES; VLT

For the separate vehicle license tax classification for motor vehicles powered by alternative fuels, the motor vehicle value for the first 12 months of the life of a motor vehicle registered in Arizona before January 1, 2022 is 1 percent of the manufacturer's base retail price, and the motor vehicle value for the first 12 months of the life of a motor vehicle initially registered in Arizona between January 1, 2022 and December 31, 2022 is 20 percent of the manufacturer's base retail price. For motor vehicles powered by alternative fuel that are purchased beginning January 1, 2023, the vehicle license tax is the same as the tax for motor vehicles powered by non-alternative fuel.

Previously, the value for motor vehicles powered by alternative fuels that were purchased before January 1, 2020 was a percentage of the manufacturer's base retail price as set by the Director of the Department of Transportation, and the value for motor vehicles powered by alternative fuels that were purchased on or after January 1, 2020 was 30 percent of the manufacturer's base retail price. Effective January 1, 2020. AS SIGNED BY GOVERNOR.

ARS Titles Affected: 28

First sponsor: Sen. Livingston (R - Dist 22)

54th LEGISLATURE—2nd REGULAR SESSION

H2055 CIVIL TRAFFIC VIOLATIONS; COMMUNITY RESTITUTION

If a "monetary obligation" (defined) is imposed on a person at sentencing, the court is authorized to order the person to perform community restitution in lieu of the payment of the monetary obligation. The court is required to credit any community restitution performed at a rate of \$10 per hour. A judge is authorized to mitigate any civil penalty that is required by statute regulating driver licenses if the person who is ordered to pay the penalty demonstrates that the payment would be a hardship on the person or on the person's immediate family. AS PASSED HOUSE.

ARS Titles Affected: [28](#)

First sponsor: Rep. Biasiucci (R - Dist 5)

H2285 MOTORCYCLE OPERATION; PASSING VEHICLES

The operator of a two-wheeled motorcycle is permitted to overtake and pass another vehicle that is stopped in the same direction of travel in the same lane and to operate the motorcycle between the lanes of traffic on a street that is divided into at least two adjacent traffic lanes in the same direction of travel with a speed limit that does not exceed 45 miles per hour, if the motorcycle is traveling at a speed that does not exceed 15 miles per hour.

ARS Titles Affected: [28](#)

First sponsor: Rep. Campbell (R - Dist 1)

H2442 HIGHWAY SAFETY FEE REPEAL

Repeals the highway safety fee that was previously required to be in an amount established by the Director of the Department of Transportation annually in order to fund 110 percent of the Department of Public Safety Highway Patrol budget for each fiscal year. AS PASSED HOUSE.

ARS Titles Affected: [28](#) [41](#)

First sponsor: Rep. Biasiucci (R - Dist 5)

H2630 MOTORCYCLE SAFETY FUND

The Director of the Department of Transportation is required to deposit \$1 of each motorcycle registration fee collected in the Motorcycle Safety Fund through June 30, 2025, extended four years from June 30, 2021.

ARS Titles Affected: [28](#)

First sponsor: Rep. Bolick (R - Dist 20)

S1556 CIVIL ASSET FORFEITURE; CONVICTION; PROCEDURES

The list of property subject to seizure and forfeiture is modified to require the proceeds to be traceable to an offense that resulted in a criminal conviction. Property is subject to forfeiture only if the owner is convicted of an offense to which forfeiture applies and the state establishes by clear and convincing evidence that the property is subject to forfeiture. The state is prohibited from initiating forfeiture proceedings before a criminal conviction for an offense to which forfeiture applies unless no claims for the seized property were timely filed or the court waived the conviction requirement. After a person is convicted of an offense for which forfeiture applies, the court may order the person to forfeit property acquired through the commission of the offense, property directly traceable to property acquired through the commission of the offense, and property the person used in the commission of the offense or to facilitate the offense. Establishes circumstances under which the court is allowed to waive the conviction requirement. Does not prevent property from being forfeited by the terms of a plea agreement. A person who claims to be an innocent owner has the burden of production to show that the person either held a legal right, title or interest in the property seized at the time the illegal conduct occurred, or acquired as a bona fide purchaser a legal right, title or interest in the property after the commission of the crime. All property seized by a law enforcement agency at any time must be returned to the owner, if known, within ten business days after the property's seizure unless the owner has been arrested and charged with a criminal offense subject to forfeiture, the property is sought to be used as evidence, it is illegal for the owner to possess the property, or the property was seized for forfeiture. Within 60 days after making a seizure for forfeiture, the state is required to file a notice of pending forfeiture proceeding or return the property to the person from whom it was seized. Establishes requirements for serving the notice of pending forfeiture. Allows an owner of the property to file a claim against the property at any time within 60 days after the notice or 60 days before a criminal trial, whichever is later. Beginning August 28, 2020, the Attorney General is prohibited from using monies from the Anti-Racketeering Revolving Fund to pay salaries for full-time equivalent positions. Statutes governing various forfeiture proceedings are repealed and replaced. Much more. AS PASSED SENATE.

ARS Titles Affected: [13](#)

First sponsor: Sen. E. Farnsworth (R - Dist 12)

RESOURCES

For more information on the legislation contained in this report card or on other bills, please go to <http://www.azleg.gov/Bills.asp>.

The Arizona Legislature's main website is <http://www.azleg.gov>. For a complete list of Arizona legislators, go to <http://www.azleg.gov/MemberRoster.asp>.

If you do not have access to the Internet and would like more information, you can call the House and Senate information desks. Outside the Phoenix area, you can call toll free at 1-800-352-8404. In the Phoenix area, call 602-542-3559 (Senate) or 602-542-4221 (House). All correspondence should be sent to 1700 W. Washington Street, Phoenix, AZ 85007-2890.

The governor's website is <http://azgovernor.gov>. You can call his office at 602-542-4331 or toll free at 1-800-253-0883. To email him, go to <http://azgovernor.gov/governor/form/contact-governor-ducey> and type or paste in your message.

For more information on ABATE of Arizona and our motorcycle awareness and legislative programs, please visit our website at <http://www.abateofaz.org>

For information on how to get involved in ABATE's legislative work in Arizona, please contact Mike Infanzon, State Legislative Director at 602-456-BIKE or lobbyist@abateofaz.org

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ABATE OF ARIZONA



WE'VE GOT YOUR BACK
ABATE is a volunteer organization that fights discriminatory legislation aimed toward the motorcycling community.

RIGHTS
We watch Federal and Arizona Motorcycle-related legislation and issue action alerts.

SAFETY
We're the "white bandanna" people. We distribute safety bandannas for road-side assistance.

AWARENESS
Our volunteers teach a Motorcycle Awareness Program to driver education students, to help them be more aware of motorcycles on the road and our unique challenges.



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