



ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

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Special Notice

Legislative Changes Effective July 20, 2011

There were two major changes to statute that affected business and industries as regulated by the Department of Weights and Measures. These changes will take effect on July 20th of this year. The first law change affects the Taxi Livery and Limousine regulations, while the second deals with retail store shelf pricing practices.

1. **Livery Vehicle, Taxi and Limousine regulation: state preemption.**

Laws 2011, Chapter 104 (SB 1375)

- States that the regulation and use of livery vehicles, taxis, and limousines are of statewide concern.
- Specifies that livery vehicles, taxis and limousines and their use that are regulated pursuant to statute are not subject to further regulation by a county, city, town or other political subdivision of this state.
- Allows a public airport operator that operates a public airport pursuant to statute or a public body operating a public airport to establish the number of livery vehicles, taxis or limousines that may conduct business at a public airport or to set additional or more restrictive requirements for the conduct of that business at a public airport.
- Requires a taxi or livery vehicle to display interior signage that contains the driver's name and is readily visible to passengers.
- Stipulates that a driver of a livery vehicle, taxi or limousine must complete a criminal background check prior to being engaged as an employee or lessee of the vehicle owner.
- Directs an owner of a livery vehicle, taxi or limousine licensed through the Department of Weights and Measures (Department) to have written evidence of criminal background checks of any drivers operating a vehicle for the owner, whether as an employee or lessee, available for inspection at all times by the Department.
- Requires an owner of a livery vehicle, taxi or limousine licensed through the Department to have all vehicle maintenance records of all the owner's livery

vehicles, taxis or limousines available for inspection at all times by the Department and specifies that these records must be updated at least annually.

- Makes technical and conforming changes
- Be it enacted by the Legislature of the State of Arizona:

Amended Statutes:

- Section 1. **Repeal**
- Section 28-142, Arizona Revised Statutes, is repealed.
- Sec. 2. Title 28, chapter 1, article 3, Arizona Revised Statutes, is amended by adding a new section 28-142, to read:
- 28-142. **Livery vehicle, taxi and limousine regulation; state preemption**
- The regulation and use of livery vehicles, taxis and limousines are of statewide concern. Livery vehicles, taxis and limousines and their use that are regulated pursuant to this title are not subject to further regulation by a county, city, town or other political subdivision of this state, except that a public airport operator that operates a public airport pursuant to section 28-8421, 28-8423 or 28-8424 or a public body operating a public airport may establish the number of livery vehicles, taxis or limousines that may conduct business at a public airport or may set additional or more restrictive requirements for the conduct of that business at a public airport.
- Sec. 3. **Repeal**
- Section 41-2052, Arizona Revised Statutes, is repealed.
- Sec. 4. Title 41, chapter 15, article 1, Arizona Revised Statutes, is amended by adding a new section 41-2052, to read:
- 41-2052. **Livery vehicle, taxi and limousine regulation; state preemption**
- The regulation and use of livery vehicles, taxis and limousines are of statewide concern. Livery vehicles, taxis and limousines and their use that are regulated pursuant to this title are not subject to further regulation by a county, city, town or other political subdivision of this state, except that a public airport operator that operates a public airport pursuant to section 28-8421, 28-8423 or 28-8424 or a public body operating a public airport may establish the number of livery vehicles, taxis or limousines that may conduct business at a public airport or may set additional or more restrictive requirements for the conduct of that business at a public airport.
- Sec. 5. Section 41-2096, Arizona Revised Statutes, is amended to read:
- 41-2096. **Signage**
- A. A taxi or livery vehicle shall display interior signage that contains the licensee's business name and address and that is all of the following:
 - 1. Permanent.
 - 2. In letters at least one-half inch in height.
 - 3. Readily visible.
 - 4. Accurately representative of all fares and the fare computation method.
- b. **A TAXI OR LIVERY VEHICLE SHALL DISPLAY INTERIOR SIGNAGE THAT CONTAINS THE DRIVER'S NAME AND IS READILY VISIBLE TO PASSENGERS.**

- **B. c.** A taxi is required to display exterior signage that contains the licensee's business name and telephone number, that contains the word "taxi" or "cab" and that is all of the following:
 - 1. Permanent.
 - 2. In letters at least three inches in height.
 - 3. Readily visible and a minimum of one inch in height for fare information.
 - 4. Accurately representative of all fares and the fare computation method.
- **C. d.** For purposes of this section, a livery vehicle shall display exterior signage that is readily visible while the livery vehicle is not occupied by a paying passenger. The signage must contain the business name and the words "livery car" in letters at least three inches in height and shall include fare information at least one inch in height. When a livery vehicle has accepted a passenger and a fare has been determined, a livery vehicle may remove the exterior signage.
- Sec. 6. Title 41, chapter 15, article 4, Arizona Revised Statutes, is amended by adding section 41-2097, to read:
 - **41-2097. Livery vehicle, taxi and limousine, criminal background checks; vehicle maintenance records**
 - **A.** An owner of a livery vehicle, taxi or limousine licensed through the department shall have available for inspection at all times by the department written evidence of criminal background checks of any drivers operating a livery vehicle, taxi or limousine for the owner, whether as an employee or lessee. The criminal background check shall be completed prior to the driver being engaged as an employee or lessee.
 - **B.** An owner of a livery vehicle, taxi or limousine licensed through the department shall have available for inspection at all times by the department all vehicle maintenance records of all the owner's livery vehicles, taxis or limousines. Such maintenance records shall be updated at least annually.
- APPROVED BY THE GOVERNOR APRIL 13, 2011.
- FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2011.

2. **Store Display Shelf Pricing.** Laws 2011, Chapter 104 (SB 1375)

- Removes some of the specific pricing and shelf display requirements to permit the seller to post the package price on the shelf or at the point of display.
- Makes a conforming date change to Laws 2010, Chapter 250, Section 1.

Amended Statutes:

41-2081. **Sale of commodities**

A. A person shall not sell or offer or expose for sale less than the quantity the person represents.

B. As a buyer, a person shall not take any more than the quantity the person represents when the person furnishes the weight or measure by means of which the quantity is determined.

C. A person shall not misrepresent the price of any commodity or service sold or offered, exposed or advertised for sale by weight, measure or count or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

D. Except as otherwise provided by the director, commodities in liquid form shall be sold by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by measure or by count, as long as the method of sale provides accurate quantity information.

E. If the quantity is determined by the seller, bulk sales shall be accompanied by a delivery ticket containing the following information unless exempted by rule:

1. The name and address of the vendor and purchaser.
2. The date delivered.
3. The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity.
4. The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale.
5. The count of individually wrapped packages, if more than one.

F. Except as otherwise provided in this chapter or by rules adopted pursuant to this chapter, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain and conspicuous declaration of:

1. The identity of the commodity in the package, unless the commodity can easily be identified through the wrapper or container.
2. The quantity of contents in terms of weight, measure or count.
3. The name and place of business of the manufacturer, packer or distributor, in the case of any package kept, offered or exposed for sale or sold in any place other than on the premises where packed.
4. The price, except as provided in subsections **K and L and M**.

G. In addition to the declarations required by subsection F, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

H. If a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a

declaration of quantity as is required by law or rule to appear on the package. If a dual declaration is required, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

I. The packager of a short weighted item offered for sale is liable under this chapter.

J. If a retail seller engaging in the sale of motor fuel posts the selling price of the fuel on the premises, the seller shall post the selling price only by the price per gallon, except that if the fuel is dispensed by a measure other than whole gallons the seller shall represent the selling price for each unit of such other measure on the individual pump or other dispensing device. If a retail seller engaging in the sale of motor fuel advertises the price of the fuel off the premises, the retail seller shall advertise the price only by the price per gallon.

K. The owner or operator of a motor fuel dispensing site shall ensure that a sticker provided by the department of transportation that is three inches by five inches and that depicts the amount of federal and state taxes imposed on one gallon of gasoline, is displayed on one side of each motor fuel dispenser. The sticker required by this subsection shall contain white lettering on a black background or black lettering on a white background to ensure a contrasting color to the motor fuel dispenser and shall be placed on the upper sixty per cent of the dispenser. The department of weights and measures shall use stickers provided by the department of transportation. A template of the sticker shall be placed on the department of weights and measures' website for use by retailers. During the course of its normal random inspections, the department of weights and measures shall apply the stickers with a compliance schedule of four years after **the effective date of the amendment to this section July 29, 2010.**

L. Instead of each package bearing the price as required under subsection F, paragraph 4, the seller may post the price of the package **in bold type that measures no less than three-eighths of an inch** on the shelf or display at the point of display of the product. **If the price on the shelf or display is less than eighteen inches from floor level, the price shall be angled upward from vertical at least fifteen degrees.**

M. If the package is offered for sale at a price reduced by a percentage or a fixed amount from a previously offered price, the reduction shall be displayed at the point of display of the package in the manner required by this section.

N. On the request of a consumer, a retail seller shall provide:

1. A means of recording prices such as grease pencils, felt markers, scanners or other similar instruments for recording the price.
2. A written statement of the retail seller's policies regarding errors in pricing.

APPROVED BY THE GOVERNOR APRIL 26, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2011.

Should you have any questions, please contact the Department of Weights and Measures at (602) 771-4920.