

House Engrossed Senate Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 209

SENATE BILL 1524

AN ACT

AMENDING TITLE 9, CHAPTER 7, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-841; AMENDING TITLE 11, CHAPTER 11, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-1611; AMENDING SECTION 41-1002, ARIZONA REVISED STATUTES; RELATING TO REGULATORY ACTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 7, article 4, Arizona Revised Statutes, is
3 amended by adding section 9-841, to read:

4 9-841. Limitation on regulatory actions; health, safety and
5 welfare; goods and services; definitions

6 A. UNLESS AUTHORIZED BY FEDERAL, STATE OR LOCAL LAW A CITY OR TOWN MAY
7 NOT TAKE ANY ACTION THAT MATERIALLY INCREASES THE REGULATORY BURDENS ON A
8 BUSINESS UNLESS THERE IS A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE
9 PUBLIC THAT HAS NOT BEEN ADDRESSED BY LEGISLATION OR INDUSTRY REGULATION
10 WITHIN THE PROPOSED REGULATED FIELD.

11 B. UNLESS AUTHORIZED BY FEDERAL, STATE OR LOCAL LAW, A CITY OR TOWN
12 MAY NOT APPLY A REGULATION TO A QUALIFIED MARKETPLACE PLATFORM IF THE PURPOSE
13 OF THAT REGULATION IS TO REGULATE A BUSINESS THAT PROVIDES GOODS OR SERVICES
14 DIRECTLY TO THE CUSTOMER.

15 C. FOR THE PURPOSES OF THIS SECTION:

16 1. "QUALIFIED MARKETPLACE CONTRACTOR" MEANS ANY PERSON OR
17 ORGANIZATION, INCLUDING AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
18 COMPANY, PARTNERSHIP, SOLE PROPRIETOR OR OTHER ENTITY, THAT ENTERS INTO AN
19 AGREEMENT WITH A QUALIFIED MARKETPLACE PLATFORM TO USE THE QUALIFIED
20 MARKETPLACE PLATFORM'S DIGITAL PLATFORM TO PROVIDE GOODS OR SERVICES TO
21 THIRD-PARTY INDIVIDUALS OR ENTITIES SEEKING THOSE SERVICES.

22 2. "QUALIFIED MARKETPLACE PLATFORM" MEANS AN ORGANIZATION, INCLUDING A
23 CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, SOLE PROPRIETOR OR ANY
24 OTHER ENTITY, THAT OPERATES A DIGITAL PLATFORM THAT FACILITATES THE PROVISION
25 OF GOODS OR SERVICES BY QUALIFIED MARKETPLACE CONTRACTORS TO THIRD-PARTY
26 INDIVIDUALS OR ENTITIES SEEKING THOSE GOODS OR SERVICES.

27 Sec. 2. Title 11, chapter 11, article 1, Arizona Revised Statutes, is
28 amended by adding section 11-1611, to read:

29 11-1611. Limitation on regulatory actions; health, safety and
30 welfare; goods and services; definitions

31 A. UNLESS AUTHORIZED BY FEDERAL, STATE OR LOCAL LAW A COUNTY MAY NOT
32 TAKE ANY ACTION THAT MATERIALLY INCREASES THE REGULATORY BURDENS ON A
33 BUSINESS UNLESS THERE IS A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE
34 PUBLIC THAT HAS NOT BEEN ADDRESSED BY LEGISLATION OR INDUSTRY REGULATION
35 WITHIN THE PROPOSED REGULATED FIELD.

36 B. UNLESS AUTHORIZED BY FEDERAL, STATE OR LOCAL LAW, A COUNTY MAY NOT
37 APPLY A REGULATION TO A QUALIFIED MARKETPLACE PLATFORM IF THE PURPOSE OF THAT
38 REGULATION IS TO REGULATE A BUSINESS THAT PROVIDES GOODS OR SERVICES DIRECTLY
39 TO THE CUSTOMER.

40 C. FOR THE PURPOSES OF THIS SECTION:

41 1. "QUALIFIED MARKETPLACE CONTRACTOR" MEANS ANY PERSON OR
42 ORGANIZATION, INCLUDING AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
43 COMPANY, PARTNERSHIP, SOLE PROPRIETOR OR OTHER ENTITY, THAT ENTERS INTO AN
44 AGREEMENT WITH A QUALIFIED MARKETPLACE PLATFORM TO USE THE QUALIFIED

1 MARKETPLACE PLATFORM'S DIGITAL PLATFORM TO PROVIDE GOODS OR SERVICES TO
2 THIRD-PARTY INDIVIDUALS OR ENTITIES SEEKING THOSE SERVICES.

3 2. "QUALIFIED MARKETPLACE PLATFORM" MEANS AN ORGANIZATION, INCLUDING A
4 CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, SOLE PROPRIETOR OR ANY
5 OTHER ENTITY, THAT OPERATES A DIGITAL PLATFORM THAT FACILITATES THE PROVISION
6 OF GOODS OR SERVICES BY QUALIFIED MARKETPLACE CONTRACTORS TO THIRD-PARTY
7 INDIVIDUALS OR ENTITIES SEEKING THOSE GOODS OR SERVICES.

8 Sec. 3. Section 41-1002, Arizona Revised Statutes, is amended to read:
9 41-1002. Applicability and relation to other law; definitions

10 A. This article and articles 2 through 5 of this chapter apply to all
11 agencies and all proceedings not expressly exempted.

12 B. This chapter creates only procedural rights and imposes only
13 procedural duties. They are in addition to those created and imposed by
14 other statutes. To the extent that any other statute would diminish a right
15 created or duty imposed by this chapter, the other statute is superseded by
16 this chapter, unless the other statute expressly provides otherwise.

17 C. An agency may grant procedural rights to persons in addition to
18 those conferred by this chapter so long as rights conferred on other persons
19 by any provision of law are not substantially prejudiced.

20 D. Unless specifically authorized by statute, an agency shall avoid
21 duplication of other laws that do not enhance regulatory clarity and shall
22 avoid dual permitting to the extent practicable.

23 E. UNLESS AUTHORIZED BY FEDERAL OR STATE LAW, AN AGENCY MAY NOT TAKE
24 ANY ACTION THAT MATERIALLY INCREASES THE REGULATORY BURDENS ON A BUSINESS
25 UNLESS THERE IS A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC THAT
26 HAS NOT BEEN ADDRESSED BY LEGISLATION OR INDUSTRY REGULATION WITHIN THE
27 PROPOSED REGULATED FIELD.

28 F. UNLESS AUTHORIZED BY FEDERAL OR STATE LAW, AN AGENCY MAY NOT APPLY
29 A REGULATION TO A QUALIFIED MARKETPLACE PLATFORM IF THE PURPOSE OF THAT
30 REGULATION IS TO REGULATE A BUSINESS THAT PROVIDES GOODS OR SERVICES DIRECTLY
31 TO THE CUSTOMER.

32 G. FOR THE PURPOSES OF THIS SECTION:

33 1. "QUALIFIED MARKETPLACE CONTRACTOR" MEANS ANY PERSON OR
34 ORGANIZATION, INCLUDING AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY
35 COMPANY, PARTNERSHIP, SOLE PROPRIETOR OR OTHER ENTITY, THAT ENTERS INTO AN
36 AGREEMENT WITH A QUALIFIED MARKETPLACE PLATFORM TO USE THE QUALIFIED
37 MARKETPLACE PLATFORM'S DIGITAL PLATFORM TO PROVIDE GOODS OR SERVICES TO
38 THIRD-PARTY INDIVIDUALS OR ENTITIES SEEKING THOSE SERVICES.

39 2. "QUALIFIED MARKETPLACE PLATFORM" MEANS AN ORGANIZATION, INCLUDING A
40 CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, SOLE PROPRIETOR OR ANY
41 OTHER ENTITY, THAT OPERATES A DIGITAL PLATFORM THAT FACILITATES THE PROVISION
42 OF GOODS OR SERVICES BY QUALIFIED MARKETPLACE CONTRACTORS TO THIRD-PARTY
43 INDIVIDUALS OR ENTITIES SEEKING THOSE GOODS OR SERVICES.

APPROVED BY THE GOVERNOR MAY 12, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2016.

Passed the House March 28, 2016,

Passed the Senate February 29, 2016,

by the following vote: 35 Ayes,

by the following vote: 23 Ayes,

23 Nays, 2 Not Voting

7 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

S.B. 1524

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 4, 2016

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

4th day of May, 2016

at 4:26 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

May

at 8:55 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13 day of May, 2016

at 9:05 o'clock A M.

[Signature]
Secretary of State