

REFERENCE TITLE: photo radar prohibition

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

## **SB 1352**

Introduced by  
Senator Antenori; Representatives Gowan, Smith D, Stevens; Senators Biggs,  
Gould, Klein; Representatives Burges, Kavanagh, Mesnard, Montenegro,  
Ugenti

### AN ACT

AMENDING SECTION 28-1201, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-1202, 28-1203, 28-1204 AND 28-1205, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 28-1202; AMENDING SECTIONS 28-1592 AND 28-1593, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-1602, 28-3323 AND 41-1722, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1201, Arizona Revised Statutes, is amended to  
3 read:

4 28-1201. Definition of photo enforcement system

5 In this article, unless the context otherwise requires, "photo  
6 enforcement system" has the same meaning prescribed in section 28-601 ~~and~~  
7 ~~includes a state photo enforcement system established pursuant to section~~  
8 ~~41-1722.~~

9 Sec. 2. Repeal

10 Sections 28-1202, 28-1203, 28-1204 and 28-1205, Arizona Revised  
11 Statutes, are repealed.

12 Sec. 3. Title 28, chapter 3, article 21, Arizona Revised Statutes, is  
13 amended by adding a new section 28-1202, to read:

14 28-1202. Photo enforcement system; prohibition

15 A PHOTO ENFORCEMENT SYSTEM SHALL NOT BE USED BY A LOCAL AUTHORITY OR  
16 ANY AGENCY OF THIS STATE TO IDENTIFY VIOLATORS OF ARTICLE 3 OR 6 OF THIS  
17 CHAPTER.

18 Sec. 4. Section 28-1592, Arizona Revised Statutes, is amended to read:

19 28-1592. Commencement of action

20 A. A civil traffic violation case is commenced by issuance or filing  
21 of a uniform traffic ticket and complaint as provided in this article.

22 B. A civil traffic violation case shall be commenced as follows:

23 1. If a case is commenced by issuance, it shall be issued within sixty  
24 days of the alleged violation.

25 2. If the case is commenced by filing, it shall be filed within sixty  
26 days of the alleged violation and shall be served within ninety days from the  
27 filing date.

28 3. Except as provided in paragraph 4, within one hundred eighty days  
29 of the alleged violation if the alleged violation is under investigation in  
30 conjunction with a traffic accident.

31 4. Within one year of the alleged violation if the alleged violation  
32 is under investigation in conjunction with a traffic accident resulting in  
33 death.

34 ~~5. If the alleged violation is detected by the state photo enforcement~~  
35 ~~system established pursuant to section 41-1722, the case shall be filed~~  
36 ~~within one hundred twenty days of the alleged violation.~~

37 Sec. 5. Section 28-1593, Arizona Revised Statutes, is amended to read:

38 28-1593. Service of uniform traffic ticket and complaint

39 A. ~~Except as provided in section 28-1602,~~ A traffic complaint may be  
40 served by delivering a copy of the uniform traffic ticket and complaint to  
41 the person charged with the violation or by any means authorized by the rules  
42 of civil procedure. At the discretion of the issuing authority, a complaint  
43 for a violation issued after an investigation in conjunction with a traffic  
44 accident may be sent by certified mail, return receipt requested and  
45 delivered to addressee only, to the address provided by the person charged

1 with the violation. Service of the complaint is complete on filing the  
2 receipt in the court having jurisdiction of the violation.

3 B. ~~Except as provided in section 28-1602, subsection A,~~ The original  
4 complaint shall be filed in a court having jurisdiction of the violation  
5 within ten court days of the time the complaint was issued. A peace officer,  
6 or duly authorized agent or someone paid to act on behalf of a traffic  
7 enforcement agency, may issue the traffic complaint.

8 ~~C. If a person fails to respond to a notice of violation or contests~~  
9 ~~responsibility, a uniform traffic ticket and complaint shall be served and~~  
10 ~~filed as otherwise provided in this section, except that the complaint~~  
11 ~~resulting from the state photo enforcement system as defined in section~~  
12 ~~28-1602 shall not be filed in court before the person is personally served~~  
13 ~~with the complaint.~~

14 ~~D. The supreme court shall establish rules governing the issuance,~~  
15 ~~service and processing of the notice of violation, including rules allowing a~~  
16 ~~person to admit responsibility before a uniform traffic ticket and complaint~~  
17 ~~is filed in court.~~

18 Sec. 6. Repeal

19 Sections 28-1602, 28-3323 and 41-1722, Arizona Revised Statutes, are  
20 repealed.