

REFERENCE TITLE: state photo enforcement system

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1291

Introduced by
Senator Nelson

AN ACT

AMENDING SECTION 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 41-1722, Arizona Revised Statutes, is amended to
3 read:

4 41-1722. State photo enforcement system; penalties; fund

5 A. Notwithstanding any other law, the department shall enter into a
6 contract or contracts with a private vendor or vendors pursuant to chapter 23
7 of this title to establish a state photo enforcement system consisting of
8 cameras placed throughout this state as determined by the director to enforce
9 the provisions of title 28, chapter 3, articles 3 and 6 relating to vehicle
10 traffic and speed.

11 B. Notwithstanding any other law, the civil penalty or fine for a
12 citation or a notice of violation issued pursuant to this section is one
13 hundred sixty-five dollars and is not subject to any surcharge except the
14 surcharge imposed by section 16-954. State photo enforcement citations shall
15 not be included in judicial productivity credit calculations for fiscal year
16 2008-2009.

17 C. The photo enforcement fund is established consisting of monies
18 received from citations or notices of violation issued pursuant to this
19 section. The director shall administer the fund. Monies in the fund are
20 subject to legislative appropriation and are appropriated to the department
21 for administrative and personnel costs of the state photo enforcement system.
22 Monies remaining in the fund in excess of two hundred fifty thousand dollars
23 at the end of each calendar quarter shall be deposited, pursuant to sections
24 35-146 and 35-147, in the state general fund.

25 ~~D. Notwithstanding any other law, if a person is found responsible for~~
26 ~~a civil traffic violation or a notice of violation pursuant to a citation~~
27 ~~issued pursuant to this section, the department of transportation shall not~~
28 ~~consider the violation for the purpose of determining whether the person's~~
29 ~~driver license should be suspended or revoked. A court shall not transmit~~
30 ~~abstracts of records of these violations to the department of transportation.~~

PROPOSED AMENDMENT
SENATE AMENDMENTS TO S.B. 1291
(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 28-654, Arizona Revised Statutes, is amended to
3 read:

4 28-654. Photo enforcement zones; signage; standards; citation
5 dismissal

6 A. Except as provided in subsection F of this section, every local
7 authority or agency of this state using a photo enforcement system shall
8 adopt standards and specifications that indicate to a person operating a
9 motor vehicle that a photo enforcement system is present and operational.

10 B. The standards and specifications adopted pursuant to subsection A
11 of this section shall include ~~both of~~ the following:

12 1. At least two signs shall be placed in a location before a photo
13 enforcement system. One sign shall be in a location that is approximately
14 three hundred feet before the photo enforcement system. Placement of
15 additional signs shall be more than three hundred feet before a photo
16 enforcement system to provide reasonable notice to a person that a photo
17 enforcement system is present and operational.

18 2. SIGNS PLACED PURSUANT TO THIS SECTION SHALL CLEARLY STATE THE
19 POSTED SPEED LIMIT.

20 ~~2.~~ 3. Signs indicating a photo enforcement system shall be removed or
21 covered when the photo enforcement system is no longer present or not
22 operating.

23 C. Signs erected by a local authority or agency of this state as
24 prescribed in this section shall contain a yellow warning notice and
25 correlate with and as far as possible conform to the system set forth in the
26 most recent edition of the manual on uniform traffic control devices for
27 streets and highways adopted by the director pursuant to section 28-641.

1 D. If the standards and specifications prescribed pursuant to this
2 section are not in effect during the operation of a photo enforcement system,
3 the court may dismiss any citation issued to a person who is identified by
4 the use of the photo enforcement system.

5 E. During the time a vehicle containing photo enforcement equipment is
6 being used to identify violators of this article and article 6 of this
7 chapter, the rear of the vehicle shall be clearly marked to indicate that the
8 vehicle is functioning as a photo enforcement vehicle. This subsection does
9 not apply to a vehicle that does not contain a photo enforcement system and
10 that is used by a law enforcement officer.

11 F. Subsection B of this section does not apply to a mobile photo
12 enforcement vehicle during the time a mobile photo enforcement vehicle is
13 deployed on streets with a posted speed limit of forty miles per hour or
14 less.

15 Sec. 2. Title 28, chapter 3, article 6, Arizona Revised Statutes, is
16 amended by adding section 28-711, to read:

17 28-711. Photo enforcement systems; limitation on citation
18 issuance

19 NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A LOCAL AUTHORITY THAT HAS
20 JURISDICTION OVER A PHOTO ENFORCEMENT SYSTEM, INCLUDING A STATE PHOTO
21 ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION 41-1722, SHALL CAUSE THE
22 PHOTO ENFORCEMENT SYSTEM TO ISSUE A COMPLAINT OR NOTICE OF VIOLATION FOR A
23 VIOLATION OF THIS ARTICLE ONLY IF A VEHICLE IS TRAVELING AT LEAST ELEVEN
24 MILES PER HOUR FASTER THAN THE POSTED SPEED LIMIT.

25 Sec. 3. Title 28, chapter 3, Arizona Revised Statutes, is amended by
26 adding article 21, to read:

27 ARTICLE 21. PHOTO ENFORCEMENT SYSTEMS

28 28-1201. Definition of photo enforcement system

29 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PHOTO
30 ENFORCEMENT SYSTEM" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-601 AND
31 INCLUDES A STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION
32 41-1722.

1 28-1202. Prohibition within two hundred yards of speed limit
2 change

3 A PHOTO ENFORCEMENT SYSTEM SHALL NOT BE PLACED ON A STREET OR HIGHWAY
4 WITHIN TWO HUNDRED YARDS OF A POSTED SPEED LIMIT CHANGE.

5 28-1203. Streaming video; use

6 ANY STREAMING VIDEO THAT RESULTS FROM A PHOTO ENFORCEMENT SYSTEM MAY BE
7 USED ONLY FOR CRIMINAL INVESTIGATIONS AND CRIMINAL PROSECUTIONS.

8 Renumber to conform

9 Page 1, line 4, after "fund" insert "; calibration tests; reports"

10 Line 21, after "system" insert ", EXCEPT THAT:

11 1. THIRTY-FIVE PER CENT OF THE MONIES IN THE FUND ARE APPROPRIATED
12 EACH FISCAL YEAR TO THE DEPARTMENT FOR THE DEPARTMENT'S CRIME LABORATORY, FOR
13 THE PURPOSE OF FILLING LAW ENFORCEMENT OFFICER VACANCIES AND TO MAKE
14 COMPENSATION OF DEPARTMENT LAW ENFORCEMENT OFFICERS COMPARABLE TO THOSE OF
15 OTHER LAW ENFORCEMENT AGENCIES.

16 2."

17 After line 30, insert:

18 "D. THE DEPARTMENT SHALL CONDUCT PERIODIC TESTS ON THE STATE PHOTO
19 ENFORCEMENT SYSTEM TO ENSURE THE STATE PHOTO ENFORCEMENT SYSTEM IS ACCURATELY
20 CALIBRATED.

21 E. ON MARCH 1, 2010 AND EVERY SIX MONTHS THEREAFTER, THE DEPARTMENT
22 SHALL SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE
23 SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THIS
24 REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE
25 LIBRARY, ARCHIVES AND PUBLIC RECORDS. THIS REPORT SHALL INCLUDE TRAFFIC
26 STATISTICS RELATING TO THE STATE PHOTO ENFORCEMENT SYSTEM AND SHALL INCLUDE
27 THE TOTAL MONIES RECEIVED FROM CITATIONS OR NOTICES OF VIOLATION RESULTING
28 FROM THE STATE PHOTO ENFORCEMENT SYSTEM.

29 F. ON SEPTEMBER 1, 2011 AND EVERY EIGHTEEN MONTHS THEREAFTER, THE
30 DEPARTMENT SHALL SUBMIT A REPORT INCLUDING COMPREHENSIVE INFORMATION ON THE
31 STATE PHOTO ENFORCEMENT SYSTEM TO THE GOVERNOR, THE PRESIDENT OF THE SENATE
32 AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF

1 THIS REPORT TO THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE
2 LIBRARY, ARCHIVES AND PUBLIC RECORDS.

3 Sec. 5. State photo enforcement system penalties; public safety
4 equipment fund

5 Notwithstanding section 41-1722, Arizona Revised Statutes, as amended
6 by this act, in fiscal year 2009-2010, forty per cent of the monies in the
7 photo enforcement fund after expenses, but not to exceed seven million
8 dollars, shall be deposited, pursuant to sections 35-146 and 35-147, Arizona
9 Revised Statutes, in the public safety equipment fund established by section
10 41-1723, Arizona Revised Statutes."

11 Amend title to conform

LINDA GRAY

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