

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2106

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 28, chapter 3, article 6, Arizona Revised Statutes,
3 is amended by adding section 28-711, to read:

4 28-711. Photo enforcement system; limitation on citation
5 issuance; local authority; prohibited use

6 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A LOCAL AUTHORITY THAT
7 HAS JURISDICTION OVER A PHOTO ENFORCEMENT SYSTEM ON A STATE HIGHWAY IN THIS
8 STATE, INCLUDING A STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO
9 SECTION 41-1722, SHALL CAUSE THE PHOTO ENFORCEMENT SYSTEM TO ISSUE A
10 COMPLAINT OR NOTICE OF VIOLATION FOR A VIOLATION OF THIS ARTICLE ONLY IF A
11 VEHICLE IS TRAVELING AT LEAST ELEVEN MILES PER HOUR FASTER THAN THE POSTED
12 SPEED LIMIT.

13 B. A LOCAL AUTHORITY THAT HAS JURISDICTION OVER A PHOTO ENFORCEMENT
14 SYSTEM ON A STATE HIGHWAY IN THIS STATE SHALL ACCEPT FULL LEGAL
15 RESPONSIBILITY FOR THE OWNERSHIP, OPERATION AND MAINTENANCE OF THAT PORTION
16 OF THE STATE HIGHWAY.

17 C. BEGINNING FROM AND AFTER SEPTEMBER 30, 2010, ON A STATE HIGHWAY IN
18 THIS STATE, THIS STATE OR A LOCAL AUTHORITY SHALL NOT USE A PHOTO ENFORCEMENT
19 SYSTEM TO IDENTIFY VIOLATORS OF THIS ARTICLE.

20 Sec. 2. Title 28, chapter 3, Arizona Revised Statutes, is amended by
21 adding article 21, to read:

22 ARTICLE 21. PHOTO ENFORCEMENT SYSTEMS

23 28-1201. Streaming video; prohibition; definition

24 A. ANY STREAMING VIDEO THAT RESULTS FROM A PHOTO ENFORCEMENT SYSTEM
25 MAY NOT BE USED FOR ANY PURPOSE.

26 B. FOR THE PURPOSES OF THIS SECTION, "PHOTO ENFORCEMENT SYSTEM" HAS
27 THE SAME MEANING PRESCRIBED IN SECTION 28-601 AND INCLUDES A STATE PHOTO
28 ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION 41-1722.

1 Sec. 3. Section 28-1304, Arizona Revised Statutes, is amended to read:

2 28-1304. Driving under the influence abatement fund

3 A. The driving under the influence abatement fund is established
4 consisting of monies deposited pursuant to section 4-213, subsection J,
5 section 5-396, subsection I, paragraph 2, section 5-397, subsection D,
6 paragraph 3 and subsection F, paragraph 3, section 28-1382, subsection D,
7 paragraph 3 and subsection E, paragraph 3, ~~and~~ section 28-1383, subsection J,
8 paragraph 2 AND SECTION 41-1722.

9 B. The oversight council on driving or operating under the influence
10 abatement established by section 28-1303 shall administer the fund.

11 C. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, twenty-five per
12 cent of the monies deposited in the fund shall be used for grants for
13 innovative programs pursuant to section 28-1303, subsection H, paragraph 2
14 and seventy per cent of the monies deposited in the fund shall be used for
15 grants to political subdivisions and tribal governments pursuant to section
16 28-1303, subsection H, paragraph 1.

17 D. Not more than five per cent of the monies deposited in the fund
18 shall be used for both of the following:

19 1. Administrative purposes of the oversight council on driving or
20 operating under the influence abatement.

21 2. Payment of the costs of notification prescribed by section 28-1467.

22 E. THE MONIES DEPOSITED IN THE FUND PURSUANT TO SECTION 41-1722 SHALL
23 BE USED FOR PURCHASING DEPARTMENT OF PUBLIC SAFETY OFFICER EQUIPMENT.

24 ~~F.~~ F. Monies in the fund are:

25 1. Continuously appropriated.

26 2. Exempt from the provisions of section 35-190 relating to lapsing of
27 appropriations.

28 ~~F.~~ G. On notice from the oversight council on driving or operating
29 under the influence abatement, the state treasurer shall invest and divest
30 monies in the fund as provided in section 35-313, and monies earned from
31 investments shall be credited to the fund.

1 Sec. 4. Section 28-1593, Arizona Revised Statutes, is amended
2 effective from and after September 30, 2010, to read:

3 28-1593. Service of uniform traffic complaint

4 A. A traffic complaint may be served by delivering a copy of the
5 uniform traffic complaint citation to the person charged with the violation
6 or by any means authorized by the rules of civil procedure. At the
7 discretion of the issuing authority, a complaint for a violation issued after
8 an investigation in conjunction with a traffic accident may be sent by
9 certified mail, return receipt requested and delivered to addressee only, to
10 the address provided by the person charged with the violation. Service of
11 the complaint is complete on filing the receipt in the court having
12 jurisdiction of the violation.

13 B. The original complaint shall be filed in a court having
14 jurisdiction of the violation within ten court days of the time the complaint
15 was issued. A peace officer, or duly authorized agent or someone paid to act
16 on behalf of a traffic enforcement agency, may issue the traffic complaint.

17 ~~C. Notwithstanding subsection B of this section, a civil traffic~~
18 ~~violation issued pursuant to section 41-1722 may be issued pursuant to a~~
19 ~~notice of violation before a citation is filed in court.~~

20 ~~D. If a person fails to respond to the notice of violation or contests~~
21 ~~responsibility, a uniform traffic complaint citation shall be served and~~
22 ~~filed as otherwise provided in this section.~~

23 ~~E. The supreme court shall establish rules governing the issuance,~~
24 ~~service and processing of the notice of violation, including rules allowing a~~
25 ~~person to admit responsibility before a citation is filed in court.~~

26 Sec. 5. Section 41-1722, Arizona Revised Statutes, is amended to read:

27 41-1722. State photo enforcement system; penalties; fund

28 A. Notwithstanding any other law **AND EXCEPT AS PROVIDED IN SECTION**
29 **28-711**, the department shall enter into a contract or contracts with a
30 private vendor or vendors pursuant to chapter 23 of this title to establish a
31 state photo enforcement system consisting of cameras placed throughout this
32 state as determined by the director to enforce the provisions of title 28,

1 chapter 3, articles 3 and 6 relating to vehicle traffic and speed. A
2 CITATION OR A NOTICE OF VIOLATION SHALL NOT BE ISSUED PURSUANT TO THIS
3 SUBSECTION FOR A VIOLATION OF TITLE 28, CHAPTER 3, ARTICLE 6 UNLESS THE
4 VIOLATOR IS DRIVING AT LEAST ELEVEN MILES PER HOUR OVER THE POSTED SPEED
5 LIMIT AND THE STANDARDS AND SPECIFICATIONS PRESCRIBED PURSUANT TO SECTION
6 28-654 ARE IN EFFECT DURING THE OPERATION OF THE PHOTO ENFORCEMENT SYSTEM.

7 B. Notwithstanding any other law, the civil penalty or fine for a
8 citation or a notice of violation issued pursuant to this section is one
9 hundred sixty-five dollars and is not subject to any surcharge except the
10 surcharge imposed by section 16-954. State photo enforcement citations shall
11 not be included in judicial productivity credit calculations ~~for fiscal year~~
12 ~~2008-2009~~ THROUGH SEPTEMBER 30, 2010.

13 C. The photo enforcement fund is established consisting of monies
14 received from citations or notices of violation issued pursuant to this
15 section. The director shall administer the fund. Monies in the fund are
16 subject to legislative appropriation and are appropriated to the department
17 for administrative and personnel costs of the state photo enforcement system,
18 EXCEPT THAT THIRTY-FIVE PER CENT OF THE MONIES IN THE PHOTO ENFORCEMENT FUND
19 SHALL BE DEPOSITED IN THE DRIVING UNDER THE INFLUENCE ABATEMENT FUND
20 ESTABLISHED BY SECTION 28-1304. Monies remaining in the fund in excess of
21 two hundred fifty thousand dollars at the end of each calendar quarter shall
22 be deposited, pursuant to sections 35-146 and 35-147, in the state general
23 fund.

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

1 Sec. 6. Delayed repeal

2 Section 41-1722, Arizona Revised Statutes, is repealed from and after
3 September 30, 2010.

4 Sec. 7. Emergency

5 This act is an emergency measure that is necessary to preserve the
6 public peace, health or safety and is operative immediately as provided by
7 law."

8 Amend title to conform

ANDY BIGGS

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