

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1354

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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. Title 28, chapter 3, article 21, Arizona Revised Statutes, is
10 amended by adding section 28-1206, to read:

11 28-1206. Photo enforcement system: prohibition

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

14 Sec. 3. Section 28-1592, Arizona Revised Statutes, is amended to read:

15 28-1592. Commencement of action

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

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

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

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

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

27 4. Within one year of the alleged violation if the alleged violation
28 is under investigation in conjunction with a traffic accident resulting in
29 death.

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

1 Sec. 4. Section 28-1593, Arizona Revised Statutes, is amended to read:
2 28-1593. Service of uniform traffic ticket and complaint

3 A. ~~Except as provided in section 28-1602,~~ A traffic complaint may be
4 served by delivering a copy of the uniform traffic ticket and complaint to
5 the person charged with the violation or by any means authorized by the rules
6 of civil procedure. At the discretion of the issuing authority, a complaint
7 for a violation issued after an investigation in conjunction with a traffic
8 accident may be sent by certified mail, return receipt requested and
9 delivered to addressee only, to the address provided by the person charged
10 with the violation. Service of the complaint is complete on filing the
11 receipt in the court having jurisdiction of the violation.

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

17 C. ~~If a person fails to respond to a notice of violation or contests~~
18 ~~responsibility, a uniform traffic ticket and complaint shall be served and~~
19 ~~filed as otherwise provided in this section, except that the complaint~~
20 ~~resulting from the state photo enforcement system as defined in section~~
21 ~~28-1602 shall not be filed in court before the person is personally served~~
22 ~~with the complaint.~~

23 D. ~~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 uniform traffic ticket and complaint~~
26 ~~is filed in court.~~

27 Sec. 5. Repeal

28 Sections 28-1602, 28-3323 and 41-1722, Arizona Revised Statutes, are
29 repealed."

30 Amend title to conform

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