

House Engrossed

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2528

AN ACT

AMENDING SECTION 9-499.13, ARIZONA REVISED STATUTES; RELATING TO MUNICIPAL
REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-499.13, Arizona Revised Statutes, is amended to
3 read:

4 9-499.13. Sign walkers: regulation: exception: definition

5 A. From and after December 31, 2008, notwithstanding the authority to
6 regulate signs pursuant to section 9-462.01, and as a matter of statewide
7 concern, all municipalities shall allow the posting, display and use of sign
8 walkers. ~~EXCEPT AS PROVIDED BY SUBSECTION B OF THIS SECTION~~, municipalities
9 may adopt reasonable time, place and manner regulations relating to sign
10 walkers.

11 ~~B. A MUNICIPALITY THAT ADOPTS REASONABLE TIME, PLACE AND MANNER~~
12 ~~REGULATIONS RELATING TO SIGN WALKERS MAY NOT RESTRICT A SIGN WALKER FROM~~
13 ~~USING A PUBLIC SIDEWALK, WALKWAY OR PEDESTRIAN THOROUGHFARE.~~

14 ~~C. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF,~~
15 ~~INCLUDING AN INJUNCTION, MAY BE AWARDED AGAINST A MUNICIPALITY. THE COURT~~
16 ~~SHALL AWARD REASONABLE ATTORNEY FEES TO A PARTY THAT PREVAILS IN AN ACTION~~
17 ~~AGAINST A MUNICIPALITY FOR A VIOLATION OF THIS SECTION~~

18 ~~B-~~ D. For the purposes of this section, "sign walker" means a person
19 who wears, holds or balances a sign.

20 Sec. 2. Legislative intent

21 The legislature finds, determines and declares that:

22 1. In a traditional public forum, freedom of speech is a fundamental
23 right that must be protected from unreasonable abridgment by municipal
24 regulation and enforcement.

25 2. Public sidewalks, walkways and pedestrian thoroughfares within a
26 municipality are traditional forums and have immemorially been held in trust
27 for the use of the public, and time out of mind, have been used for the
28 purposes of assembly, communicating thoughts between citizens and discussing
29 public questions.

30 3. It is the public policy of this state that equal access to public
31 sidewalks, walkways and pedestrian thoroughfares is fundamental to the
32 exercise of free speech and expression. Notwithstanding reasonable time,
33 place and manner regulations, the use of public sidewalks, walkways and
34 pedestrian thoroughfares must be uniform as between sign walkers and all
35 other individuals.

36 4. Municipal regulations of time, place and manner that target sign
37 walkers and prevent the equal use of public sidewalks, walkways and
38 pedestrian thoroughfares by sign walkers violate the public policy of this
39 state and are void.

40 5. The legislature intends that section 9-499.13, Arizona Revised
41 Statutes, as amended by this act, be construed in favor of allowing sign
42 walker speech and permitting sign walker access to traditional public forums
43 within a municipality.