

REFERENCE TITLE: **automated traffic safety devices**

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2366

Introduced by
Representatives Thorpe, Cardenas, Cobb: Barton, Boyer, Carter, Finchem,
Leach, Mesnard, Otondo, Townsend

AN ACT

**AMENDING SECTIONS 28-601, 28-627 AND 28-857.01, ARIZONA REVISED STATUTES;
REPEALING TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES; AMENDING
TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING A NEW ARTICLE 21;
AMENDING SECTION 28-1601, ARIZONA REVISED STATUTES; REPEALING SECTION
28-1602, ARIZONA REVISED STATUTES; RELATING TO TRAFFIC VIOLATIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section. 1. Section 28-601, Arizona Revised Statutes, is amended to
3 read:

4 28-601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Commercial motor vehicle" means a motor vehicle or combination of
7 vehicles that is designed, used or maintained to transport passengers or
8 property in the furtherance of a commercial enterprise, that is a commercial
9 motor vehicle as defined in section 28-5201 and that is not exempt from gross
10 weight fees as prescribed in section 28-5432, subsection B.

11 2. "Controlled access highway" means a highway, street or roadway to
12 or from which owners or occupants of abutting lands and other persons have no
13 legal right of access except at such points only and in the manner determined
14 by the public authority that has jurisdiction over the highway, street or
15 roadway.

16 3. "Crosswalk" means:

17 (a) That part of a roadway at an intersection included within the
18 prolongations or connections of the lateral lines of the sidewalks on
19 opposite sides of the highway measured from the curbs or, in absence of
20 curbs, from the edges of the traversable roadway.

21 (b) Any portion of a roadway at an intersection or elsewhere that is
22 distinctly indicated for pedestrian crossing by lines or other markings on
23 the surface.

24 4. "Escort vehicle" means a vehicle that is required pursuant to rules
25 adopted by the department to escort motor vehicles or combinations of
26 vehicles that require issuance of a permit pursuant to article 18 or 19 of
27 this chapter for operation on the highways of this state.

28 5. "Explosives" means any chemical compound, mixture or device that is
29 commonly used or intended for the purpose of producing an explosion and that
30 is defined in 49 Code of Federal Regulations part 173.

31 6. "Flammable liquid" means any liquid that has a flash point of less
32 than one hundred degrees Fahrenheit and that is defined in 49 Code of Federal
33 Regulations section 173.120.

34 7. "Gross weight" means the weight of a vehicle without a load plus
35 the weight of any load on the vehicle.

36 8. "Intersection" means the area embraced within the prolongation or
37 connection of the lateral curb lines, or if none, the lateral boundary lines
38 of the roadways of two highways that join one another at, or approximately
39 at, right angles, or the area within which vehicles traveling on different
40 highways joining at any other angle may come in conflict. If a highway
41 includes two roadways thirty or more feet apart, each crossing of each
42 roadway of the divided highway by an intersecting highway is a separate
43 intersection. If the intersecting highway also includes two roadways thirty
44 or more feet apart, each crossing of two roadways of the highways is a
45 separate intersection.

1 9. "License" means any license, temporary instruction permit or
2 temporary license issued under the laws of this state or any other state that
3 pertain to the licensing of persons to operate motor vehicles.

4 10. "Low emission and energy efficient vehicle" means a vehicle that
5 has been certified by the United States environmental protection agency
6 administrator in accordance with 23 United States Code section 166 or that is
7 part of a federally approved pilot program.

8 11. "Motorized wheelchair" means any self-propelled wheelchair that is
9 used by a person for mobility.

10 12. "Official traffic control device" means any sign, signal, marking
11 or device that is not inconsistent with this chapter and that is placed or
12 erected by authority of a public body or official having jurisdiction for the
13 purpose of regulating, warning or guiding traffic.

14 13. "Park", if prohibited, means the standing of a vehicle, whether
15 occupied or not, otherwise than temporarily for the purpose of and while
16 actually engaged in loading or unloading.

17 ~~14. "Photo enforcement system" means a device substantially consisting~~
18 ~~of a radar unit or sensor linked to a camera or other recording device that~~
19 ~~produces one or more photographs, microphotographs, videotapes or digital or~~
20 ~~other recorded images of a vehicle's license plate for the purpose of~~
21 ~~identifying violators of articles 3 and 6 of this chapter.~~

22 ~~15.~~ 14. "Pneumatic tire" means a tire in which compressed air is
23 designed to support the load.

24 ~~16.~~ 15. "Pole trailer" means a vehicle that is all of the following:

25 (a) Without motive power.

26 (b) Designed to be drawn by another vehicle and attached to the towing
27 vehicle by means of a reach or pole or by being boomed or otherwise secured
28 to the towing vehicle.

29 (c) Used ordinarily for transporting long or irregularly shaped loads
30 such as poles, pipes or structural members capable generally of sustaining
31 themselves as beams between the supporting connections.

32 ~~17.~~ 16. "Police officer" means an officer authorized to direct or
33 regulate traffic or make arrests for violations of traffic rules or other
34 offenses.

35 ~~18.~~ 17. "Private road or driveway" means a way or place that is in
36 private ownership and that is used for vehicular travel by the owner and
37 those persons who have express or implied permission from the owner but not
38 by other persons.

39 ~~19.~~ 18. "Railroad" means a carrier of persons or property on cars
40 operated on stationary rails.

41 ~~20.~~ 19. "Railroad sign or signal" means a sign, signal or device
42 erected by authority of a public body or official or by a railroad and
43 intended to give notice of the presence of railroad tracks or the approach of
44 a railroad train.

1 ~~21.~~ 20. "Railroad train" means a steam engine or any electric or other
2 motor that is with or without cars coupled to the steam engine or electric or
3 other motor and that is operated on rails.

4 ~~22.~~ 21. "Roadway" means that portion of a highway that is improved,
5 designed or ordinarily used for vehicular travel, exclusive of the berm or
6 shoulder. If a highway includes two or more separate roadways, roadway
7 refers to any such roadway separately but not to all such roadways
8 collectively.

9 ~~23.~~ 22. "Safety zone" means the area or space that is both:

10 (a) Officially set apart within a roadway for the exclusive use of
11 pedestrians.

12 (b) Protected or either marked or indicated by adequate signs as to be
13 plainly visible at all times while set apart as a safety zone.

14 ~~24.~~ 23. "Sidewalk" means that portion of a street that is between the
15 curb lines or the lateral lines of a roadway and the adjacent property lines
16 and that is intended for the use of pedestrians.

17 ~~25.~~ 24. "Stop", if required, means complete cessation from movement.

18 ~~26.~~ 25. "Stop, stopping or standing", if prohibited, means any
19 stopping or standing of an occupied or unoccupied vehicle, except when
20 necessary to avoid conflict with other traffic or in compliance with
21 directions of a police officer or traffic control sign or signal.

22 ~~27.~~ 26. "Through highway" means a highway or portion of a highway at
23 the entrances to which vehicular traffic from intersecting highways is
24 required by law to stop before entering or crossing and when stop signs are
25 erected as provided in this chapter.

26 ~~28.~~ 27. "Traffic" means pedestrians, ridden or herded animals,
27 vehicles and other conveyances either singly or together while using a
28 highway for purposes of travel.

29 ~~29.~~ 28. "Traffic control signal" means a device, whether manually,
30 electrically or mechanically operated, by which traffic is alternately
31 directed to stop and to proceed.

32 ~~30.~~ 29. "Truck" means a motor vehicle that is designed, used or
33 maintained primarily for the transportation of property.

34 Sec. 2. Section 28-627, Arizona Revised Statutes, is amended to read:

35 ~~28-627.~~ Powers of local authorities

36 A. This chapter and chapters 4 and 5 of this title do not prohibit a
37 local authority, with respect to streets and highways under its jurisdiction
38 and within the reasonable exercise of the police power, from:

39 1. Regulating the standing or parking of vehicles.

40 2. Regulating traffic by means of police officers, traffic control
41 signals or volunteer posse organization members authorized by the sheriff
42 under section 11-441 for the purpose of directing traffic only.

43 3. Regulating or prohibiting processions or assemblages on the
44 highways.

- 1 4. Designating particular highways as one-way highways and requiring
- 2 that all vehicles on one-way highways be moved in one specific direction.
- 3 5. Regulating the speed of vehicles in public parks.
- 4 6. Designating any highway as a through highway and requiring that all
- 5 vehicles stop before entering or crossing the highway or designating any
- 6 intersection as a stop intersection and requiring all vehicles to stop at one
- 7 or more entrances to the intersection.
- 8 7. Restricting the use of highways as authorized in section 28-1106.
- 9 8. Regulating the operation of bicycles and requiring the registration
- 10 and licensing of bicycles, including the requirement of a registration fee.
- 11 9. Regulating or prohibiting the turning of vehicles or specified
- 12 types of vehicles at intersections.
- 13 10. Altering the prima facie speed limits as authorized by this
- 14 chapter.
- 15 11. Designating routes over streets and highways for vehicles not
- 16 exceeding one hundred two inches in width, exclusive of safety equipment.
- 17 12. Adopting other traffic regulations that are specifically authorized
- 18 by this chapter or chapter 4 or 5 of this title.
- 19 13. Designating routes on certain streets and highways for the purpose
- 20 of allowing off-highway vehicle operators to gain access to or from a
- 21 designated off-highway recreation facility as defined in section 28-1171,
- 22 off-highway vehicle trail as defined in section 28-1171 or off-highway
- 23 vehicle special event as defined in section 28-1171.
- 24 B. A local authority shall not erect or maintain a stop sign or
- 25 traffic control signal at any location that requires the traffic on any state
- 26 highway to stop before entering or crossing any intersecting highway unless
- 27 approval in writing has first been obtained from the director.
- 28 C. An ordinance or regulation enacted under subsection A, paragraph 4,
- 29 5, 6, 7, 9 or 10 of this section is not effective until signs giving notice
- 30 of the local traffic regulations are posted on or at the entrances to the
- 31 highway or part of the highway affected as is most appropriate.
- 32 D. The definition of motor vehicle prescribed in section 28-101 does
- 33 not prevent a local authority from adopting ordinances that regulate or
- 34 prohibit the operation of motorized skateboards, except that a local
- 35 authority shall not adopt an ordinance that requires registration and
- 36 licensing of motorized skateboards. For the purposes of this subsection,
- 37 "motorized skateboard" means a self-propelled device that has a motor, a deck
- 38 on which a person may ride and at least two tandem wheels in contact with the
- 39 ground.
- 40 E. In addition to the appointment of peace officers, a local authority
- 41 may provide by ordinance for the appointment of:
- 42 1. Unarmed police aides or municipally approved private contractors
- 43 who are employed or contracted by the police department and who are empowered
- 44 to commence an action or proceeding before a court or judge for a violation
- 45 of the local authority's ordinances regulating the standing or parking of

1 vehicles. A municipally approved private contractor shall not include a
2 relative of an employee or of an elected official of the municipality. The
3 authority of the unarmed police aide or municipally approved private
4 contractor as authorized in this section is limited to the enforcement of the
5 ordinances of local authorities regulating the standing or parking of
6 vehicles. Pursuant to rules established by the supreme court, an unarmed
7 police aide appointed pursuant to this paragraph may serve any process
8 originating out of a municipal court in the municipality in which the unarmed
9 police aide is employed. Service of process under this paragraph shall only
10 be made during the hours the municipal court is open for the transaction of
11 business and only on court premises. This paragraph does not grant to
12 unarmed police aides or municipally approved private contractors other powers
13 or benefits to which peace officers of this state are entitled.

14 2. Traffic investigators who may:

15 (a) Investigate traffic accidents within the jurisdiction of the local
16 authority.

17 (b) Commence an action or proceeding before a court or judge for any
18 violation of a state statute or local ordinance relating to traffic, if the
19 violation is related to a traffic accident within the jurisdiction of the
20 local authority.

21 (c) Pursuant to rules established by the supreme court, serve any
22 process originating out of a municipal court in the municipality in which the
23 traffic investigator is employed. Service of process under paragraph 1 of
24 this subsection shall only be made during the hours the municipal court is
25 open for the transaction of business and only on court premises.

26 F. A traffic investigator appointed pursuant to this section shall:

27 1. Be unarmed at all times during the course of the traffic
28 investigator's duties.

29 2. Be an employee of the appointing local authority.

30 3. File written reports as required pursuant to section 28-667.

31 G. Notwithstanding subsection E of this section, an unarmed police
32 aide, a municipally approved private contractor or a traffic investigator
33 shall not serve any process resulting from a citation issued for a violation
34 of article 3 or 6 of this chapter or of a city or town ordinance for
35 excessive speed or failure to obey a traffic control device that is obtained
36 using ~~a photo enforcement system~~ AN AUTOMATED TRAFFIC SAFETY DEVICE AS
37 DEFINED IN SECTION 28-1201.

38 H. This section does not grant other powers or benefits to traffic
39 investigators to which peace officers of this state are entitled.

40 I. Pursuant to section 28-1092, a local authority shall provide
41 reasonable access to and from terminals and service facilities on highways
42 under its jurisdiction.

1 Sec. 3. Section 28-857.01, Arizona Revised Statutes, is amended to
2 read:

3 28-857.01. Overtaking and passing school bus; report by school
4 bus operator; notification letter

5 A. The operator of a school bus who observes a violation of section
6 28-857, subsection A may prepare a signed written report that indicates that
7 a violation occurred. The report shall include:

- 8 1. The date, time and approximate location of the violation.
9 2. The number and state of issuance of the license plate on the
10 vehicle involved in the violation.
11 3. Identification of the vehicle as an automobile, a station wagon, a
12 truck, a bus, a motorcycle or any other type of vehicle.
13 4. The color of the vehicle involved in the violation.

14 B. Within two days after the violation occurs, excluding weekends and
15 holidays, the school bus operator shall send a copy of the report to the
16 director. On receiving the report, the director shall promptly mail a
17 notification letter to the last known registered owner of the vehicle. The
18 letter shall include:

- 19 1. A notification containing the information included in the bus
20 operator's report and stating that a vehicle registered in the vehicle
21 owner's name was observed passing a school bus loading and unloading
22 children.
23 2. A complete explanation of the provisions of section 28-857.
24 3. An explanation that the notification letter is not a police
25 citation but is an effort to call attention to the seriousness of the
26 incident.

27 C. NOTWITHSTANDING ANY OTHER LAW, A SCHOOL DISTRICT MAY INSTALL AND
28 OPERATE AN AUTOMATED TRAFFIC SAFETY DEVICE AS DEFINED IN SECTION 28-1201 THAT
29 IS AFFIXED ON A SCHOOL BUS AND THAT IS CAPABLE OF DETECTING VIOLATIONS OF
30 SECTION 28-857, SUBSECTION A. A SCHOOL DISTRICT MAY ENTER INTO AN AGREEMENT
31 WITH A PRIVATE THIRD PARTY FOR THE INSTALLATION, OPERATION, ADMINISTRATION
32 AND MAINTENANCE OF AUTOMATED TRAFFIC SAFETY DEVICES. A SCHOOL DISTRICT MAY
33 CONTRACT FOR THE OPERATION OF AN AUTOMATED TRAFFIC SAFETY DEVICE THROUGH AN
34 INTERGOVERNMENTAL AGREEMENT WITH A GOVERNING BODY OR A LAW ENFORCEMENT
35 AGENCY. A SCHOOL DISTRICT SHALL SHARE IMAGES OBTAINED PURSUANT TO THIS
36 SUBSECTION WITH A GOVERNING BODY OR A LAW ENFORCEMENT AGENCY.

37 Sec. 4. Repeal
38 Title 28, chapter 3, article 21, Arizona Revised Statutes, is repealed.

39 Sec. 5. Title 28, chapter 3, Arizona Revised Statutes, is amended by
40 adding a new article 21, to read:

41 ARTICLE 21. AUTOMATED TRAFFIC SAFETY DEVICES

42 28-1201. Definitions
43 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 1. "AUTOMATED TRAFFIC SAFETY DEVICE" MEANS A DEVICE THAT IS CAPABLE OF
2 DETECTING VIOLATIONS OF ARTICLE 3 OR 6 OF THIS CHAPTER OR SECTION 28-857 AND
3 THAT BOTH:

4 (a) PRODUCES ONE OR MORE IMAGES OF THE REAR OF A MOTOR VEHICLE,
5 INCLUDING AN IMAGE OF THE MOTOR VEHICLE'S REAR LICENSE PLATE.

6 (b) INDICATES THE DATE, TIME AND LOCATION OF THE VIOLATION ON THE
7 PRODUCED IMAGES.

8 2. "GOVERNING BODY" MEANS A STATE AGENCY OR LOCAL AUTHORITY THAT IS
9 RESPONSIBLE FOR ENFORCING TRAFFIC VIOLATIONS WITHIN ITS JURISDICTION.

10 3. "OWNER" MEANS ANY OF THE FOLLOWING:

11 (a) A PERSON IN WHOSE NAME A MOTOR VEHICLE IS REGISTERED AT THE TIME A
12 VIOLATION THAT IS DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE OCCURS.

13 (b) IF A MOTOR VEHICLE THAT IS REGISTERED BY A RENTAL OR LEASING
14 COMPANY IS BEING OPERATED BY A PERSON UNDER A RENTAL OR LEASE AGREEMENT, THE
15 PERSON TO WHOM THE MOTOR VEHICLE IS RENTED OR LEASED AT THE TIME A VIOLATION
16 THAT IS DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE OCCURS.

17 (c) IF A MOTOR VEHICLE DISPLAYS A DEALER LICENSE PLATE, THE PERSON TO
18 WHOM THE MOTOR VEHICLE IS ASSIGNED FOR USE AT THE TIME A VIOLATION THAT IS
19 DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE OCCURS.

20 28-1202. Operation

21 A. A GOVERNING BODY MAY:

22 1. AUTHORIZE THE USE OF AN AUTOMATED TRAFFIC SAFETY DEVICE AND MAY
23 APPOINT ONE OR MORE PERSONS TO SERVE AS AN AGENT TO ADMINISTER THE USE OF
24 AUTOMATED TRAFFIC SAFETY DEVICES.

25 2. ENTER INTO AN AGREEMENT WITH A PRIVATE THIRD PARTY FOR THE
26 INSTALLATION, OPERATION, ADMINISTRATION, MAINTENANCE AND NOTICE PROCESSING OF
27 AUTOMATED TRAFFIC SAFETY DEVICES AND TO ASSEMBLE AND TRANSMIT THE RECORDED
28 IMAGES CAPTURED BY AN AUTOMATED TRAFFIC SAFETY DEVICE TO A GOVERNING BODY OR
29 A LAW ENFORCEMENT AGENCY OR ITS DESIGNATED AGENT FOR REVIEW. THIS PARAGRAPH
30 DOES NOT AUTHORIZE THE AGENT TO PARTICIPATE IN PRIVATE INVESTIGATIVE
31 SERVICES.

32 3. CONTRACT FOR THE OPERATION OF AN AUTOMATED TRAFFIC SAFETY DEVICE
33 THROUGH AN INTERGOVERNMENTAL AGREEMENT WITH ANOTHER GOVERNING BODY OR A LAW
34 ENFORCEMENT AGENCY THAT IS RESPONSIBLE FOR ENFORCING TRAFFIC VIOLATIONS
35 WITHIN ITS JURISDICTION.

36 B. IF A GOVERNING BODY USES AN AUTOMATED TRAFFIC SAFETY DEVICE, ALL OF
37 THE FOLLOWING APPLY:

38 1. THE OWNER OF A MOTOR VEHICLE COMMITS A VIOLATION IF THE AUTOMATED
39 TRAFFIC SAFETY DEVICE PRODUCES ONE OR MORE RECORDED IMAGES OF A MOTOR VEHICLE
40 IN VIOLATION OF ARTICLE 3 OR 6 OF THIS CHAPTER OR SECTION 28-857.

41 2. AN AUTOMATED TRAFFIC SAFETY DEVICE MAY TAKE PICTURES ONLY OF THE
42 MOTOR VEHICLE AND MOTOR VEHICLE LICENSE PLATE AND ONLY WHILE A VIOLATION IS
43 OCCURRING. THE IMAGE MAY NOT INTENTIONALLY REVEAL THE FACE OF THE OPERATOR
44 OR OF PASSENGERS IN THE VEHICLE. IF A LAW ENFORCEMENT OFFICER, GOVERNING
45 BODY OR AGENT HAS MADE A REASONABLE EFFORT TO COMPLY WITH THIS PARAGRAPH, A

1 NOTICE OF VIOLATION ISSUED PURSUANT TO THIS ARTICLE MAY NOT BE DISMISSED ONLY
2 BECAUSE AN IMAGE REVEALS THE FACE OF THE OPERATOR OF OR PASSENGERS IN THE
3 VEHICLE.

4 3. A LOCAL LAW ENFORCEMENT OFFICER OR GOVERNING BODY OR AGENT SHALL
5 REVIEW AND APPROVE THE RECORDED IMAGES BEFORE THE NOTICE OF VIOLATION
6 DESCRIBED IN SECTION 28-1204 IS MAILED TO THE OWNER OF THE MOTOR VEHICLE.

7 4. CIVIL PENALTIES SHALL BE ASSESSED PURSUANT TO SECTION 28-1203.
8 28-1203. Violation: civil penalties: fees: distribution

9 A. FOR A VIOLATION OF ARTICLE 3 OR 6 OF THIS CHAPTER OR SECTION 28-857
10 THAT IS DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE, THE VIOLATOR IS
11 SUBJECT TO A CIVIL PENALTY AS FOLLOWS:

12 1. EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION, FOR A
13 VIOLATION OF ARTICLE 3 OR 6 OF THIS CHAPTER, A CIVIL PENALTY NOT TO EXCEED
14 ONE HUNDRED FIFTY DOLLARS.

15 2. FOR A VIOLATION OF SECTION 28-701.02, A CIVIL PENALTY OF AT LEAST
16 TWO HUNDRED DOLLARS.

17 3. FOR A VIOLATION OF SECTION 28-857:

18 (a) FOR A FIRST VIOLATION, A CIVIL PENALTY NOT TO EXCEED TWO HUNDRED
19 FIFTY DOLLARS.

20 (b) FOR A SECOND VIOLATION WITHIN A TWELVE-MONTH PERIOD, A CIVIL
21 PENALTY OF AT LEAST FIVE HUNDRED DOLLARS.

22 (c) FOR A THIRD OR SUBSEQUENT VIOLATION WITHIN A TWELVE-MONTH PERIOD,
23 A CIVIL PENALTY OF AT LEAST SEVEN HUNDRED FIFTY DOLLARS.

24 B. A COURT MAY INCREASE THE CIVIL PENALTY MINIMUMS AND MAXIMUMS
25 PRESCRIBED BY SUBSECTION A OF THIS SECTION IN AN AMOUNT NOT TO EXCEED THE
26 PERCENT OF CHANGE IN THE AVERAGE CONSUMER PRICE INDEX AS PUBLISHED BY THE
27 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS BETWEEN THAT
28 FIGURE FOR THE LATEST CALENDAR YEAR AND THE CALENDAR YEAR IN WHICH THE LAST
29 CIVIL PENALTY INCREASE OCCURRED.

30 C. THE VIOLATOR SHALL PAY THE CIVIL PENALTY WITHIN EITHER:

31 1. THIRTY DAYS AFTER THE ISSUANCE DATE OF THE NOTICE OF VIOLATION,
32 UNLESS A DEFENSE DESCRIBED IN SECTION 28-1205 APPLIES.

33 2. SIXTY DAYS AFTER THE ISSUANCE DATE OF THE NOTICE OF VIOLATION, IF A
34 NOTICE OF VIOLATION IS REQUIRED TO BE MAILED OR ELECTRONICALLY TRANSFERRED
35 PURSUANT TO SECTION 28-1205, SUBSECTION C, PARAGRAPH 3.

36 D. THE PAYMENT OF CIVIL PENALTIES AND ASSOCIATED COSTS AND FEES MAY BE
37 MADE ELECTRONICALLY.

38 E. A GOVERNING BODY SHALL IMPOSE FEES ASSOCIATED WITH THE ELECTRONIC
39 PROCESSING OF THE PAYMENT OF A CIVIL PENALTY IMPOSED PURSUANT TO THIS
40 SECTION.

41 F. NOTWITHSTANDING SECTION 28-1554, CIVIL PENALTIES COLLECTED PURSUANT
42 TO THIS SECTION SHALL BE USED TO DEFRAY THE COSTS OF THE INSTALLATION,
43 OPERATION AND MAINTENANCE OF AUTOMATED TRAFFIC SAFETY DEVICES AND THE
44 REMAINING MONIES SHALL BE DISTRIBUTED AS FOLLOWS:

1 1. FIFTY PERCENT SHALL BE PAID TO THE DEPARTMENT OF EDUCATION FOR
2 DISTRIBUTION TO DISTRICT AND CHARTER SCHOOLS FOR SCHOOL SAFETY AND
3 EDUCATIONAL PURPOSES.

4 2. FIFTY PERCENT SHALL BE EITHER:

5 (a) RETAINED BY THE LOCAL AUTHORITY IF THE GOVERNING BODY IS A LOCAL
6 AUTHORITY.

7 (b) DEPOSITED IN THE STATE GENERAL FUND IF THE GOVERNING BODY IS A
8 STATE AGENCY.

9 28-1204. Notice of violation

10 A. AFTER AN AUTOMATED TRAFFIC SAFETY DEVICE DETECTS A VIOLATION
11 PURSUANT TO THIS ARTICLE, A GOVERNING BODY SHALL MAIL TO THE OWNER OF THE
12 MOTOR VEHICLE INVOLVED IN THE VIOLATION A NOTICE OF VIOLATION BY FIRST CLASS
13 MAIL. THE NOTICE MUST BE POSTMARKED WITHIN THIRTY DAYS AFTER THE GOVERNING
14 BODY OBTAINS THE NAME AND ADDRESS OF THE OWNER OF THE MOTOR VEHICLE AND
15 WITHIN ONE HUNDRED TWENTY DAYS AFTER THE DATE OF THE VIOLATION. IF THERE IS
16 MORE THAN ONE OWNER, THE GOVERNING BODY MAY MAIL THE NOTICE TO THE FIRST
17 PERSON LISTED ON THE VEHICLE REGISTRATION OR TITLE OR JOINTLY TO ALL OWNERS.

18 B. THE NOTICE SHALL INCLUDE THE FOLLOWING INFORMATION:

19 1. THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE RESPONSIBLE FOR
20 THE VIOLATION.

21 2. THE LICENSE PLATE NUMBER OF THE MOTOR VEHICLE.

22 3. THE SPECIFIC LAW THAT WAS VIOLATED.

23 4. THE LOCATION AND THE DATE AND TIME OF THE VIOLATION.

24 5. THE IMAGES OF THE MOTOR VEHICLE AND THE LICENSE PLATE THAT WERE
25 CAPTURED BY THE AUTOMATED TRAFFIC SAFETY DEVICE AND INFORMATION ON HOW TO
26 VIEW THE IMAGES THROUGH ELECTRONIC MEANS.

27 6. A STATEMENT OR ELECTRONICALLY GENERATED AFFIRMATION OF THE LAW
28 ENFORCEMENT OFFICER OR DESIGNATED GOVERNING BODY EMPLOYEE OR AGENT WHO
29 REVIEWED THE RECORDED IMAGES AND DETERMINED THAT THE MOTOR VEHICLE COMMITTED
30 THE VIOLATION.

31 7. A STATEMENT THAT RECORDED IMAGES FROM AN AUTOMATED TRAFFIC SAFETY
32 DEVICE ARE PRIMA FACIE EVIDENCE OF A VIOLATION OF ARTICLE 3 OR 6 OF THIS
33 CHAPTER OR SECTION 28-857.

34 8. THE AMOUNT OF THE CIVIL PENALTY IMPOSED FOR THE VIOLATION AND THE
35 TIME, PLACE AND MANNER FOR PAYMENT OF THE CIVIL PENALTY, INCLUDING THE DATE
36 BY WHICH THE PERSON MUST DO ONE OF THE FOLLOWING:

37 (a) PAY THE CIVIL PENALTY IF THE PERSON DOES NOT CHOOSE TO CONTEST THE
38 VIOLATION.

39 (b) NOTIFY THE GOVERNING BODY THAT THE NOTICE OF VIOLATION IS BEING
40 CONTESTED. THE PERSON MUST REQUEST A HEARING TO CONTEST THE NOTICE OF
41 VIOLATION WITHIN THIRTY DAYS AFTER THE ISSUANCE DATE OF THE NOTICE OF
42 VIOLATION.

43 (c) NOTIFY THE GOVERNING BODY THAT RESPONSIBILITY IS BEING TRANSFERRED
44 TO ANOTHER PERSON.

1 9. THE PROCEDURE UNDER WHICH THE NOTICE OF VIOLATION MAY BE CONTESTED
2 OR THE PROCEDURE AND CONDITIONS UNDER WHICH RESPONSIBILITY FOR PAYMENT OF THE
3 CIVIL PENALTY MAY BE TRANSFERRED TO ANOTHER PERSON WHO WAS OPERATING THE
4 MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

5 10. A STATEMENT THAT IF THE OWNER WHO IS RESPONSIBLE FOR THE VIOLATION
6 WAS NOT THE OPERATOR OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THE
7 OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR OF THE
8 MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

9 11. A STATEMENT THAT FAILURE TO TIMELY PAY, CONTEST OR TRANSFER
10 RESPONSIBILITY TO ANOTHER PERSON CONSTITUTES AN ADMISSION THAT THE PERSON IS
11 RESPONSIBLE, AND THAT FAILURE TO PAY A CIVIL PENALTY FOR WHICH THE PERSON IS
12 DETERMINED TO BE RESPONSIBLE SHALL RESULT IN THE INABILITY TO OBTAIN OR RENEW
13 THE REGISTRATION OF THE MOTOR VEHICLE INVOLVED OR TO OBTAIN OR TRANSFER ITS
14 TITLE, OR FOR THE PERSON HELD TO BE RESPONSIBLE TO OBTAIN OR RENEW A DRIVER
15 LICENSE, PERMIT OR NONRESIDENT DRIVING PRIVILEGE UNLESS THE CIVIL PENALTY IS
16 PAID.

17 28-1205. Presumption; defenses

18 A. AN OWNER IS PRESUMED TO HAVE COMMITTED A VIOLATION OF ARTICLE 3 OR
19 6 OF THIS CHAPTER OR SECTION 28-857 IF THE OWNER'S MOTOR VEHICLE IS VISIBLE
20 IN AN IMAGE THAT IS CAPTURED BY AN AUTOMATED TRAFFIC SAFETY DEVICE.

21 B. IN A PROCEEDING FOR A VIOLATION OF ARTICLE 3 OR 6 OF THIS CHAPTER
22 OR SECTION 28-857 THAT IS DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE, THE
23 FOLLOWING DEFENSES APPLY:

24 1. THE TRAFFIC CONTROL SIGNAL WAS NOT OPERATING PROPERLY AND THE
25 NONOPERATION IS OBSERVABLE ON THE RECORDED IMAGE.

26 2. THE OPERATOR OF THE MOTOR VEHICLE WAS COMPLYING WITH AN ORDER OR
27 DIRECTION OF A LAW ENFORCEMENT OFFICER AND THE ORDER OR DIRECTION IS
28 OBSERVABLE ON THE RECORDED IMAGE.

29 3. THE OPERATOR OF THE MOTOR VEHICLE WAS YIELDING THE RIGHT-OF-WAY TO
30 AN AUTHORIZED EMERGENCY VEHICLE THAT IS OBSERVABLE ON THE RECORDED IMAGE.

31 4. THE OPERATOR OF THE MOTOR VEHICLE WAS PARTICIPATING IN A FUNERAL
32 PROCESSION THAT IS OBSERVABLE ON THE RECORDED IMAGE.

33 5. A TRAFFIC CITATION WAS ISSUED TO THE OPERATOR OF THE MOTOR VEHICLE
34 FOR THE SAME VIOLATION BY A LAW ENFORCEMENT OFFICER WHO WAS PRESENT AT THE
35 SCENE.

36 6. IN THE DISCRETION OF THE LAW ENFORCEMENT OFFICER OR THE GOVERNING
37 BODY OR AGENT REVIEWING THE RECORDED IMAGE BEFORE ISSUANCE OF A NOTICE OF
38 VIOLATION, IT WAS NOT POSSIBLE FOR THE OPERATOR OF THE MOTOR VEHICLE TO
39 SAFELY AVOID COMMITTING THE VIOLATION DUE TO INCLEMENT WEATHER CONDITIONS.

40 7. THE VIOLATION OCCURRED AFTER THE MOTOR VEHICLE OR LICENSE PLATE WAS
41 STOLEN, THE MOTOR VEHICLE THEFT WAS REPORTED TO THE APPROPRIATE LAW
42 ENFORCEMENT AGENCY AND A COPY OF THE THEFT REPORT IS PRODUCED AND
43 AUTHENTICATED.

44 8. THE VIOLATION OCCURRED WHEN THE MOTOR VEHICLE WAS IN THE CARE,
45 CUSTODY OR CONTROL OF A PERSON OTHER THAN THE OWNER OR AN EMPLOYEE OF THE

1 OWNER OR UNDER A WRITTEN AGREEMENT FOR THE RENTAL OR LEASE OF THE MOTOR
2 VEHICLE FOR A PERIOD OF NOT MORE THAN SIXTY DAYS.

3 C. THE FOLLOWING PROVISIONS APPLY TO A DEFENSE UNDER SUBSECTION B,
4 PARAGRAPH 8 OF THIS SECTION:

5 1. THE OWNER MUST PROVIDE TO THE GOVERNING BODY A SWORN AFFIDAVIT THAT
6 IS SIGNED UNDER PENALTY OF PERJURY AND THAT CONTAINS THE NAME AND ADDRESS OF
7 THE PERSON WHO HAD THE CARE, CUSTODY OR CONTROL OF THE MOTOR VEHICLE,
8 INCLUDING AN EMPLOYEE OF THE OWNER, OR WHO WAS RENTING OR LEASING THE MOTOR
9 VEHICLE AT THE TIME OF THE VIOLATION.

10 2. IT IS A REBUTTABLE PRESUMPTION THAT THE PERSON HAVING THE CARE,
11 CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION WAS THE
12 OPERATOR OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

13 3. THE GOVERNING BODY SHALL MAIL OR ELECTRONICALLY TRANSFER A NOTICE
14 OF VIOLATION TO THE PERSON IDENTIFIED AS HAVING THE CARE, CUSTODY OR CONTROL
15 OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION. THE NOTICE OF VIOLATION
16 SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

17 (a) THE INFORMATION PRESCRIBED BY SECTION 28-1204.

18 (b) A STATEMENT THAT THE PERSON RECEIVING THE NOTICE OF VIOLATION WAS
19 IDENTIFIED BY THE OWNER OF THE MOTOR VEHICLE AS THE PERSON HAVING THE CARE,
20 CUSTODY OR CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION.

21 (c) A STATEMENT THAT THE PERSON MAY OFFER A DEFENSE AS DESCRIBED IN
22 THIS SECTION.

23 (d) A STATEMENT THAT IF THE PERSON DENIES HAVING THE CARE, CUSTODY OR
24 CONTROL OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THE RESPONSIBILITY
25 REVERTS TO THE OWNER OF THE MOTOR VEHICLE.

26 4. A PERSON WHO RECEIVES A NOTICE OF VIOLATION PRESCRIBED BY PARAGRAPH
27 3 OF THIS SUBSECTION IS RESPONSIBLE FOR PAYMENT OF THE CIVIL PENALTY UNLESS
28 THE PERSON EITHER:

29 (a) TIMELY RETURNS A SIGNED STATEMENT ON A FORM PROVIDED WITH THE
30 NOTICE OF VIOLATION THAT THE PERSON WAS NOT THE OPERATOR AND DECLINES
31 RESPONSIBILITY.

32 (b) ADMITS TO BEING THE OPERATOR BUT DENIES COMMITTING A VIOLATION, IN
33 WHICH CASE THE PERSON MAY OFFER A DEFENSE THAT IS LISTED IN SUBSECTION B OF
34 THIS SECTION.

35 5. IF THE PERSON IDENTIFIED BY THE OWNER AS HAVING THE CARE, CUSTODY
36 OR CONTROL OF THE MOTOR VEHICLE DENIES HAVING THE CARE, CUSTODY OR CONTROL OF
37 THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THE RESPONSIBILITY REVERTS TO
38 THE OWNER OF THE MOTOR VEHICLE.

39 6. THE OWNER MAY NOT ATTEMPT TO TRANSFER RESPONSIBILITY MORE THAN ONE
40 TIME USING THE DEFENSE PRESCRIBED BY SUBSECTION B, PARAGRAPH 8 OF THIS
41 SECTION.

42 D. IF A PERSON OTHER THAN THE OWNER DENIES RESPONSIBILITY, THE
43 GOVERNING BODY SHALL ISSUE A NEW NOTICE OF VIOLATION TO THE OWNER STATING
44 THAT THE OTHER PERSON DENIED RESPONSIBILITY AND GIVING THE OWNER THE OPTION

1 OF PAYING THE CIVIL PENALTY OR CONTESTING THE NOTICE OF VIOLATION WITHIN
2 TWENTY DAYS AFTER THE MAILING OF THE NEW NOTICE OF VIOLATION.

3 E. IF THE OWNER WHO IS RESPONSIBLE FOR THE VIOLATION WAS NOT THE
4 OPERATOR OF THE MOTOR VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER MAY
5 MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR OF THE MOTOR
6 VEHICLE AT THE TIME OF THE VIOLATION.

7 28-1206. Final notice of unpaid civil penalty

8 IF A VIOLATION DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE IS NOT
9 CONTESTED AND THE CIVIL PENALTY IS NOT PAID, THE GOVERNING BODY SHALL SEND TO
10 THE PERSON WHO IS THE REGISTERED OWNER OF THE MOTOR VEHICLE A FINAL NOTICE OF
11 THE UNPAID CIVIL PENALTY, UNLESS THERE IS AN ADJUDICATION THAT NO VIOLATION
12 OCCURRED OR THERE IS A LAWFUL DETERMINATION THAT NO CIVIL PENALTY SHALL BE
13 IMPOSED. THE FINAL NOTICE SHALL INFORM THE REGISTERED OWNER OF THE
14 FOLLOWING:

15 1. THE GOVERNING BODY WILL NOTIFY THE DEPARTMENT IF THE ASSESSED
16 PENALTY IS NOT PAID WITHIN THIRTY DAYS AFTER THE FINAL NOTICE WAS MAILED.

17 2. THE NOTICE WILL RESULT IN THE NONRENEWAL OF THE REGISTRATION OF THE
18 MOTOR VEHICLE, CAUSE THE TITLE OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION
19 TO NOT BE TRANSFERRED AND CAUSE THE PERSON HELD RESPONSIBLE FOR THE VIOLATION
20 TO BE INELIGIBLE TO OBTAIN OR RENEW A DRIVER LICENSE OR PERMIT OR NONRESIDENT
21 DRIVING PRIVILEGE UNTIL THE CIVIL PENALTY IS PAID.

22 28-1207. Unpaid civil penalties; notice to department; notice
23 to motor vehicle owner

24 A. NOT SOONER THAN THIRTY DAYS AFTER A FINAL NOTICE IS MAILED AS
25 PRESCRIBED IN SECTION 28-1206, THE GOVERNING BODY SHALL NOTIFY THE DEPARTMENT
26 OF THE FOLLOWING:

27 1. ANY INFORMATION KNOWN OR AVAILABLE TO THE GOVERNING BODY CONCERNING
28 THE LICENSE PLATE NUMBER AND YEAR OF REGISTRATION AND THE NAME OF THE OWNER
29 OF THE MOTOR VEHICLE.

30 2. THE DATE ON WHICH THE VIOLATION OCCURRED.

31 3. THE DATE ON WHICH THE FINAL NOTICE PRESCRIBED IN SECTION 28-1206
32 WAS MAILED.

33 B. IF THE DEPARTMENT RECEIVES A NOTICE PURSUANT TO THIS SECTION, THE
34 DEPARTMENT MAY NOT RENEW THE REGISTRATION OF THE MOTOR VEHICLE OR TRANSFER
35 THE TITLE OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION. THE DEPARTMENT
36 SHALL PROMPTLY SUSPEND THE RESPONSIBLE PERSON'S DRIVER LICENSE OR PERMIT,
37 APPLICATION OR PRIVILEGE TO APPLY FOR A DRIVER LICENSE OR PERMIT OR THE
38 NONRESIDENT DRIVING PRIVILEGE UNTIL THE CIVIL PENALTY IS PAID.

39 C. THE DEPARTMENT SHALL MAIL A NOTICE TO THE PERSON IN WHOSE NAME THE
40 MOTOR VEHICLE IS REGISTERED THAT INFORMS THE PERSON THAT ALL OF THE FOLLOWING
41 APPLY UNTIL THE PERSON PAYS THE CIVIL PENALTY THAT IS DUE:

42 1. THE REGISTRATION OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION
43 WILL NOT BE RENEWED.

44 2. THE TITLE OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION WILL NOT
45 BE TRANSFERRED.

1 3. THE PERSON HELD RESPONSIBLE FOR THE VIOLATION MAY NOT OBTAIN OR
2 RENEW A DRIVING PRIVILEGE.

3 28-1208. Arrest or incarceration prohibited

4 A PERSON MAY NOT BE ARRESTED OR INCARCERATED FOR NOT PAYING A CIVIL
5 PENALTY THAT IS IMPOSED PURSUANT TO THIS ARTICLE.

6 28-1209. Recorded images

7 A. RECORDED IMAGES, DOCUMENTS AND DATA THAT ARE PRODUCED BY AN
8 AUTOMATED TRAFFIC SAFETY DEVICE ARE NOT PUBLIC RECORDS.

9 B. THE RECORDED IMAGES THAT ARE PRODUCED BY AN AUTOMATED TRAFFIC
10 SAFETY DEVICE MUST BE DESTROYED WITHIN NINETY DAYS AFTER THE FINAL
11 DISPOSITION OF THE CASE TO WHICH THEY PERTAIN, INCLUDING ANY APPEALS, UNLESS
12 OTHERWISE ORDERED BY A COURT OF COMPETENT JURISDICTION.

13 C. A GOVERNING BODY SHALL DESTROY ALL RECORDED IMAGES THAT ARE
14 PRODUCED BY AN AUTOMATED TRAFFIC SAFETY DEVICE AND THAT DO NOT IDENTIFY A
15 VIOLATION WITHIN THIRTY DAYS AFTER THE DATE THE IMAGE WAS RECORDED, UNLESS
16 OTHERWISE ORDERED BY A COURT OF COMPETENT JURISDICTION.

17 28-1210. Exemption; first responders

18 A MOTOR VEHICLE IN USE BY A FIRST RESPONDER IN THE LINE OF DUTY IS
19 EXEMPT FROM ANY ENFORCEMENT ACTION OR MEASURE RESULTING FROM AN AUTOMATED
20 TRAFFIC SAFETY DEVICE.

21 28-1211. Warning signs; device placement

22 A. BEFORE ENFORCING VIOLATIONS OF ARTICLE 3 OR 6 OF THIS CHAPTER THAT
23 ARE DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE, THE GOVERNING BODY SHALL
24 INSTALL AN ADVANCED WARNING SIGN WITHIN FIVE HUNDRED FEET ALONG THE APPROACH
25 OF ANY ROADWAY AT WHICH A FIXED AUTOMATED TRAFFIC SAFETY DEVICE IS LOCATED.
26 THE ADVANCED WARNING SIGN SHALL NOTIFY MOTORISTS OF THE EXISTENCE OF THE
27 AUTOMATED TRAFFIC SAFETY DEVICE AND SHALL COMPLY WITH THE DEPARTMENT'S MANUAL
28 ON UNIFORM TRAFFIC CONTROL DEVICES.

29 B. FOR AUTOMATED TRAFFIC SAFETY DEVICES LOCATED AT INTERSECTION
30 TRAFFIC CONTROL SIGNALS, ALL YELLOW LIGHT SIGNAL TIMES SHALL MEET STANDARDS
31 CONTAINED IN THE MOST RECENT EDITION OF THE DEPARTMENT'S MANUAL ON UNIFORM
32 TRAFFIC CONTROL DEVICES.

33 C. AN AUTOMATED TRAFFIC SAFETY DEVICE THAT IS USED TO DETECT
34 VIOLATIONS OF ARTICLE 3 OR 6 OF THIS CHAPTER MAY NOT BE PLACED ON A STREET OR
35 HIGHWAY WITHIN SIX HUNDRED FEET OF A POSTED SPEED LIMIT CHANGE EXCEPT THAT AN
36 AUTOMATED TRAFFIC SAFETY DEVICE MAY BE PLACED IN AN AREA AROUND A SCHOOL
37 CROSSING THAT IS DELINEATED BY SIGNS AS PRESCRIBED BY SECTION 28-797,
38 SUBSECTION D.

39 28-1212. Suspension or revocation of license

40 NOTWITHSTANDING ANY OTHER LAW, IF A PERSON IS FOUND RESPONSIBLE FOR A
41 VIOLATION OF ARTICLE 3 OR 6 OF THIS CHAPTER OR SECTION 28-857 AND THE
42 VIOLATION IS DETECTED BY AN AUTOMATED TRAFFIC SAFETY DEVICE, THE DEPARTMENT
43 MAY NOT CONSIDER THE VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE
44 PERSON'S DRIVER LICENSE SHOULD BE SUSPENDED OR REVOKED. A COURT MAY TRANSMIT

1 ABSTRACTS OF RECORDS OF THESE VIOLATIONS TO THE DEPARTMENT ONLY FOR
2 COMMERCIAL DRIVER LICENSE HOLDERS.

3 Sec. 6. Section 28-1601, Arizona Revised Statutes, is amended to read:

4 28-1601. Failure to pay civil penalty; suspension of privilege
5 to drive; collection procedure

6 A. A person shall pay all civil penalties within thirty days from
7 entry of judgment, except that if payment within thirty days will place an
8 undue economic burden on a person, the court may extend the time for payment
9 or may provide for installment payments. If the civil penalty is not paid or
10 an installment payment is not made when due, the court may declare the entire
11 civil penalty due and, if so, the court shall notify the department and the
12 department shall promptly suspend the driver license or permit of the driver,
13 the person's application or privilege to apply for a driver license or permit
14 or the privilege of a nonresident to drive a motor vehicle in this state,
15 until the civil penalty is paid.

16 B. Notwithstanding subsection A of this section, if a civil penalty is
17 paid on entry of judgment, the court may reduce the civil penalty by up to
18 five ~~per-cent~~ PERCENT of the penalty imposed.

19 C. Notwithstanding subsection A of this section, the court shall not
20 initiate collection procedures on an unpaid civil penalty, notify the
21 department to suspend a person's driver license, permit or privilege to drive
22 a motor vehicle in this state or notify the department to refuse to renew a
23 vehicle registration for an unpaid civil traffic violation if all of the
24 following apply:

25 1. The unpaid civil penalty is for a traffic violation for which the
26 final disposition occurs more than thirty-six months before the court
27 initiates collection proceedings.

28 2. The court does not have a paper or electronic record dated within
29 thirty-six months after the traffic violation occurs indicating that the
30 responsible person was notified that the civil penalty is unpaid and due.

31 3. The court has not notified the department to suspend the
32 responsible person's driver license or permit or privilege to drive a motor
33 vehicle in this state.

34 4. The court has not notified either the responsible person or the
35 department about the court's request to the department to refuse to renew the
36 responsible person's vehicle registration pursuant to article 5 of this
37 chapter.

38 5. The court does not have a record of extending the time for payment
39 of the civil penalty or providing for installment payments.

40 D. If the court is prohibited from initiating collection procedures on
41 an unpaid civil penalty, from notifying the department to suspend a person's
42 driver license, permit or privilege to drive a motor vehicle in this state or
43 from notifying the department to refuse to renew a vehicle registration,
44 pursuant to subsection C of this section, the court shall notify the

1 department and the department shall remove the violation from the person's
2 driving record.

3 E. With the approval of the supreme court, the presiding judge of any
4 court may periodically conduct a program aimed at reducing the amount of
5 outstanding fines, penalties and surcharges. Notwithstanding any other law,
6 except a fine ordered as a result of a violation of section 28-1381 or
7 28-1382, the program may include authorizing up to a fifty ~~per cent~~ PERCENT
8 reduction in the total amount of a court ordered fine, penalty or surcharge
9 that is due and that is delinquent for at least twelve months followed by an
10 increased enforcement effort for a fine, penalty or surcharge that is not
11 paid. The supreme court shall adopt rules of procedure for the programs.

12 F. If penalties are reduced pursuant to subsection E of this section,
13 associated surcharges and assessments shall be reduced in proportion to the
14 reduction. This subsection does not apply to section 12-116.

15 G. If a person presents reasonable evidence to the court that a civil
16 penalty and any other fees, fines or surcharges required by the court have
17 been paid, the court shall cease its collection activities for that civil
18 penalty and order the department to immediately rescind its actions related
19 to the court's order or request to suspend the person's driver license,
20 permit or privilege to drive pursuant to subsection A of this section ~~or~~, TO
21 refuse to renew the person's vehicle registration pursuant to article 5 of
22 this chapter OR TO REFUSE TO TRANSFER THE VEHICLE TITLE.

23 Sec. 7. Repeal

24 Section 28-1602, Arizona Revised Statutes, is repealed.