



Arizona State Senate Issue Brief

November 10, 2022

Note to Reader:

The Senate Research Staff provides nonpartisan, objective legislative research, policy analysis and related assistance to the members of the Arizona State Senate. The *Issue Briefs* series is intended to introduce a reader to various legislatively related issues and provide useful resources to assist the reader in learning more on a given topic. Because of frequent legislative and executive activity, topics may undergo frequent changes. Nothing in the Brief should be used to draw conclusions on the legality of an issue.

PHOTO TRAFFIC ENFORCEMENT

INTRODUCTION

Photo enforcement systems, commonly referred to as *photo radar*, utilize digital cameras, computers and radar sensors to detect violations of speed limit and red light laws.

There are two types of photo radar systems: fixed and mobile. A fixed photo radar system is the most common form of photo radar and can be installed on the side of a road or mounted overhead in gantries. A mobile photo radar system is mounted on a mobile device that usually takes one of two basic forms: 1) a photo radar camera or sensor that can be moved from one fixed location to the next; or 2) a photo radar camera or sensor that is mounted in a van or tethered to a vehicle.

Photo radar typically utilizes two cameras to identify the vehicle and driver involved in speeding or red light violations. One camera produces an image of the oncoming driver's face while the other camera is used to identify the vehicle's rear license plate.

The Phoenix metropolitan area was an early adopter of photo radar systems. In 2005, the City of Scottsdale implemented a year-long demonstration program to evaluate the efficacy of photo radar detection systems on a 7.8-mile long portion of the Loop 101 within the Scottsdale city limits. This program was the first of its kind throughout the United States. Numerous cities in Arizona utilize the technology, including Scottsdale, Chandler, Mesa, Paradise Valley, Tempe, Prescott and Tucson.¹

ARIZONA USAGE OF PHOTO ENFORCEMENT

Arizona law allows the use of photo radar for violations of either speed or traffic signs, signals or markings. The use of photo radar on state highways was prohibited by [Laws 2016, Chapter 55](#).

Under most contracts in Arizona, when traffic violations are detected using photo radar, the photo radar vendor receives evidence

¹ [ADOT: Final Report 596](#)

of the violation. Pursuant to [Laws 2018, Chapter 123](#), the evidence of a violation must be reviewed by a law enforcement agency before a citation is issued. Upon validation, a traffic citation is filed against the registered owner of the vehicle in the appropriate municipal court having jurisdiction over the violation. After the citation is filed, notice is sent by mail to the vehicle's registered owner. If the owner does not respond, a process server may be sent to serve the complaint to the owner in person or may leave copies at the owner's home with another resident of suitable age and discretion. If the person in the photograph is not the registered owner of the vehicle, municipalities may allow the owner to identify the driver and transfer responsibility for the traffic citation; however, the person does not have to identify who is in the photo.²

Local municipalities using photo radar systems must display signs indicating to drivers on the road that a photo radar system is present and operational. Photo radar systems may not be placed within 600 feet of a posted speed limit change, except in school crossing zones, and speed limit signs must be placed in specified locations within the photo radar zone.³

A person who receives a notice of violation (notice) in the mail for speeding or running a red light that is obtained using photo radar does not have to respond to the notice or identify who is in the photo. The notice must state that the notice is not a court-issued document and the recipient is not obligated to identify the person or respond, but failure to respond may result in official service that may result in an additional fee being levied. Alternative or substitute forms of service of process may be used to notify an individual of a photo enforcement violation citation. An individual's driving privileges may not be suspended or revoked as a result of a citation that is served by alternative service of process.⁴

Photo enforcement systems may not be used on a state highway to identify violators of traffic control or speed restrictions.⁵ There have been various legislative measures introduced in the last several years to completely ban photo radar in Arizona, however, the Legislature has not passed or referred a measure of this nature at this time.

ADDITIONAL REFERENCES

- Arizona Department of Public Safety <http://www.azdps.gov>
- Arizona Department of Transportation [Technical Evaluation of Photo Enforcement for Freeways – Final Report 596](#)
- National Conference of State Legislatures [Traffic Safety Review: State Speed and Red-Light Camera Laws and Programs](#)

² [A.R.S. § 28-1602](#)

³ [A.R.S. §§ 28-1203](#) and [28-1204](#)

⁴ [A.R.S. § 28-1602](#)

⁵ [A.R.S. § 28-1206](#)