

REFERENCE TITLE: photo enforcement; registered owner responsibility

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2662**

Introduced by  
Representative Paton

AN ACT

AMENDING SECTION 28-601, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-629, 28-630, 28-631, 28-632, 28-633 AND 28-634, ARIZONA REVISED STATUTES; AMENDING SECTION 28-1592, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT SYSTEMS.

(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 motor vehicles used to transport passengers or property if the motor vehicle  
8 either:

9 (a) Has a gross combined weight rating of twenty-six thousand one or  
10 more pounds inclusive of a towed unit with a gross vehicle weight rating of  
11 more than ten thousand pounds.

12 (b) Has a gross vehicle weight rating of twenty-six thousand one or  
13 more pounds.

14 (c) Is a school bus.

15 (d) Is a bus.

16 (e) Is used in the transportation of materials found to be hazardous  
17 for the purposes of the hazardous materials transportation act (49 United  
18 States Code sections 5101 through 5127) and is required to be placarded under  
19 49 Code of Federal Regulations section 172.504, as adopted by the department  
20 pursuant to chapter 14 of this title.

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

26 3. "Crosswalk" means:

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

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

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

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

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

1           7. "Gross weight" means the weight of a vehicle without a load plus  
2 the weight of any load on the vehicle.

3           8. "Intersection" means the area embraced within the prolongation or  
4 connection of the lateral curb lines, or if none, the lateral boundary lines  
5 of the roadways of two highways that join one another at, or approximately  
6 at, right angles, or the area within which vehicles traveling on different  
7 highways joining at any other angle may come in conflict. If a highway  
8 includes two roadways thirty or more feet apart, each crossing of each  
9 roadway of the divided highway by an intersecting highway is a separate  
10 intersection. If the intersecting highway also includes two roadways thirty  
11 or more feet apart, each crossing of two roadways of the highways is a  
12 separate intersection.

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

16           10. "Motorized wheelchair" means any self-propelled wheelchair that is  
17 used by a person for mobility.

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

22           12. "Park", if prohibited, means the standing of a vehicle, whether  
23 occupied or not, otherwise than temporarily for the purpose of and while  
24 actually engaged in loading or unloading.

25           13. "Photo enforcement system" means a device substantially consisting  
26 of a ~~radar unit or sensor~~ VEHICLE DETECTION SYSTEM linked to a camera or  
27 other recording device that produces one or more photographs,  
28 microphotographs, videotapes or digital or other recorded images of a  
29 vehicle's license plate for the purpose of identifying violators of articles  
30 3 and 6 of this chapter AND SECTIONS 28-851, 28-852, 28-853 AND 28-854.

31           14. "Pneumatic tire" means a tire in which compressed air is designed  
32 to support the load.

33           15. "Pole trailer" means a vehicle that is all of the following:

34           (a) Without motive power.

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

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

41           16. "Police officer" means an officer authorized to direct or regulate  
42 traffic or make arrests for violations of traffic rules or other offenses.

43           17. "Private road or driveway" means a way or place that is in private  
44 ownership and that is used for vehicular travel by the owner and those

- 1 persons who have express or implied permission from the owner but not by  
2 other persons.
- 3 18. "Railroad" means a carrier of persons or property on cars operated  
4 on stationary rails.
- 5 19. "Railroad sign or signal" means a sign, signal or device erected by  
6 authority of a public body or official or by a railroad and intended to give  
7 notice of the presence of railroad tracks or the approach of a railroad  
8 train.
- 9 20. "Railroad train" means a steam engine or any electric or other  
10 motor that is with or without cars coupled to the steam engine or electric or  
11 other motor and that is operated on rails.
- 12 21. "Roadway" means that portion of a highway that is improved,  
13 designed or ordinarily used for vehicular travel, exclusive of the berm or  
14 shoulder. If a highway includes two or more separate roadways, roadway  
15 refers to any such roadway separately but not to all such roadways  
16 collectively.
- 17 22. "Safety zone" means the area or space that is both:  
18 (a) Officially set apart within a roadway for the exclusive use of  
19 pedestrians.  
20 (b) Protected or either marked or indicated by adequate signs as to be  
21 plainly visible at all times while set apart as a safety zone.
- 22 23. "Sidewalk" means that portion of a street that is between the curb  
23 lines or the lateral lines of a roadway and the adjacent property lines and  
24 that is intended for the use of pedestrians.
- 25 24. "Solid tire" means a tire that both:  
26 (a) Is made of rubber or other resilient material.  
27 (b) Does not depend on compressed air for the support of the load.
- 28 25. "Stop", if required, means complete cessation from movement.
- 29 26. "Stop, stopping or standing", if prohibited, means any stopping or  
30 standing of an occupied or unoccupied vehicle, except when necessary to avoid  
31 conflict with other traffic or in compliance with directions of a police  
32 officer or traffic control sign or signal.
- 33 27. "Through highway" means a highway or portion of a highway at the  
34 entrances to which vehicular traffic from intersecting highways is required  
35 by law to stop before entering or crossing and when stop signs are erected as  
36 provided in this chapter.
- 37 28. "Traffic" means pedestrians, ridden or herded animals, vehicles and  
38 other conveyances either singly or together while using a highway for  
39 purposes of travel.
- 40 29. "Traffic control signal" means a device, whether manually,  
41 electrically or mechanically operated, by which traffic is alternately  
42 directed to stop and to proceed.
- 43 30. "Truck" means a motor vehicle that is designed, used or maintained  
44 primarily for the transportation of property.

1           Sec. 2. Title 28, chapter 3, article 2, Arizona Revised Statutes, is  
2 amended by adding sections 28-629, 28-630, 28-631, 28-632, 28-633 and 28-634,  
3 to read:

4           28-629. Photo enforcement complaints; hearings

5           A. A COMPLAINT ISSUED FOR A VIOLATION OF ARTICLE 3 OR 6 OF THIS  
6 CHAPTER OR SECTION 28-851, 28-852, 28-853 OR 28-854 THAT RESULTS FROM A PHOTO  
7 ENFORCEMENT SYSTEM SHALL INCLUDE AT A MINIMUM EACH OF THE FOLLOWING:

8           1. THE NAME AND ADDRESS OF THE PERSON ALLEGED TO BE RESPONSIBLE AS THE  
9 OWNER OF THE MOTOR VEHICLE INVOLVED IN THE VIOLATION.

10           2. THE LICENSE PLATE NUMBER OF THE VEHICLE.

11           3. THE VIOLATION CHARGED.

12           4. THE DATE, TIME AND LOCATION WHERE THE VIOLATION OCCURRED.

13           5. THE PHOTOGRAPHIC IMAGES CAPTURED BY THE PHOTO ENFORCEMENT SYSTEM  
14 THAT ARE USED BY THE TRAINED TECHNICIAN TO CERTIFY THE COMPLAINT.

15           6. A STATEMENT, BASED ON INSPECTION OF DIGITAL IMAGES PRODUCED BY A  
16 PHOTO ENFORCEMENT SYSTEM, STATING THE FACTS SUPPORTING THE COMPLAINT. THIS  
17 STATEMENT IS PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN IT AND IS  
18 ADMISSIBLE IN A PROCEEDING CHARGING A VIOLATION UNDER ARTICLE 3 OR 6 OF THIS  
19 CHAPTER OR SECTION 28-851, 28-852, 28-853 OR 28-854.

20           7. FOR VIOLATIONS OF SECTION 28-645, SUBSECTION A, PARAGRAPH 3, THE  
21 TIME FOR WHICH THE YELLOW LIGHT THAT PRECEDED THE RED LIGHT WAS ACTIVATED  
22 BEFORE THE LIGHT TURNED RED AND THE LENGTH OF TIME THE RED LIGHT WAS  
23 ACTIVATED BEFORE THE PHOTO ENFORCEMENT SYSTEM DETECTED A RED LIGHT VIOLATION.

24           8. THE AMOUNT OF THE CIVIL PENALTY ALONG WITH THE TIME, PLACE AND  
25 MANNER FOR PAYMENT OF THE CIVIL PENALTY.

26           9. THE PROCEDURE UNDER WHICH THE COMPLAINT MAY BE CONTESTED OR THE  
27 PROCEDURE AND CONDITIONS UNDER WHICH RESPONSIBILITY FOR PAYMENT OF THE CIVIL  
28 PENALTY MAY BE TRANSFERRED TO ANOTHER INDIVIDUAL WHO WAS OPERATING THE  
29 VEHICLE AT THE TIME OF THE VIOLATION. THE COMPLAINT SHALL STATE THAT FAILURE  
30 TO TIMELY CONTEST OR TRANSFER RESPONSIBILITY SHALL RESULT IN THE CIVIL  
31 PENALTY BEING FINALLY ASSESSED AGAINST THE OWNER OR OTHER PERSON TO WHOM THE  
32 COMPLAINT IS DIRECTED.

33           10. THAT FAILURE TO TIMELY PAY, CONTEST OR TRANSFER RESPONSIBILITY TO  
34 ANOTHER INDIVIDUAL CONSTITUTES AN ADMISSION THAT THE OWNER IS RESPONSIBLE FOR  
35 PAYMENT OF THE CIVIL PENALTY AND THAT FAILURE TO PAY A CIVIL PENALTY FOR  
36 WHICH THE OWNER IS DETERMINED TO BE RESPONSIBLE SHALL RESULT IN THE INABILITY  
37 TO OBTAIN OR RENEW IN THIS STATE, OR ANY OTHER STATE THAT HAS ADOPTED THE  
38 NONRESIDENT VIOLATOR COMPACT, THE REGISTRATION OF THE VEHICLE OR, IF THE  
39 IDENTITY OF THE DRIVER IS KNOWN, TO OBTAIN OR RENEW A DRIVER LICENSE, UNLESS  
40 THE CIVIL PENALTY IS PAID.

41           11. THE DATE BY WHICH THE ISSUING JURISDICTION MUST RECEIVE PAYMENT OF  
42 THE CIVIL PENALTY, RECEIVE NOTICE BY THE OWNER THAT RESPONSIBILITY IS BEING  
43 TRANSFERRED TO ANOTHER INDIVIDUAL OR RECEIVE NOTICE BY THE OWNER THAT THE  
44 COMPLAINT IS BEING CONTESTED. THIS INFORMATION SHALL BE CLEARLY AND

1 PROMINENTLY STATED ON THE COMPLAINT AND THE DATE MAY NOT BE LESS THAN TWENTY  
2 DAYS AFTER THE COMPLAINT IS MAILED.

3 B. THE VEHICLE OWNER WHO HAS BEEN ISSUED A COMPLAINT IS RESPONSIBLE  
4 FOR PAYMENT OF THE CIVIL PENALTY UNLESS THE OWNER SUCCESSFULLY TRANSFERS  
5 RESPONSIBILITY, THERE IS AN ADJUDICATION THAT NO VIOLATION OF ARTICLE 3 OR 6  
6 OF THIS CHAPTER OR SECTION 28-851, 28-852, 28-853 OR 28-854 OCCURRED OR THERE  
7 IS A LAWFUL DETERMINATION THAT NO CIVIL PENALTY BE IMPOSED. IF THERE IS MORE  
8 THAN ONE OWNER OF THE VEHICLE, ALL THE OWNERS WHO ARE MAILED OR RECEIVE A  
9 COMPLAINT SHALL BE JOINTLY AND SEVERALLY LIABLE FOR PAYMENT OF THE CIVIL  
10 PENALTY. THE ISSUING JURISDICTION MAY COLLECT THE CIVIL PENALTY IN THE SAME  
11 MANNER AS ANY DEBT OWED TO THE ISSUING JURISDICTION.

12 C. THE OWNER IS NOT RESPONSIBLE FOR PAYMENT OF THE CIVIL PENALTY  
13 RESULTING FROM A VIOLATION DETECTED BY A PHOTO ENFORCEMENT SYSTEM IF ALL OF  
14 THE FOLLOWING CONDITIONS APPLY:

15 1. THE VEHICLE WAS OPERATED AT THE TIME OF THE VIOLATION BY A PERSON  
16 WHO WAS NOT THE OWNER OR THE AGENT OR EMPLOYEE OF THE OWNER.

17 2. THE OWNER SIGNS AND TIMELY TRANSMITS TO THE ISSUING JURISDICTION ON  
18 THE FORM PROVIDED WITH THE COMPLAINT AND IN ACCORDANCE WITH THE PROCEDURE SET  
19 OUT IN THE COMPLAINT A STATEMENT THAT THE OWNER WAS NOT OPERATING THE VEHICLE  
20 AT THE TIME OF THE VIOLATION AND THAT THE PERSON WHO WAS OPERATING THE  
21 VEHICLE WAS NOT THE AGENT OR EMPLOYEE OF THE OWNER.

22 3. THE OWNER TIMELY TRANSMITS TO THE ISSUING JURISDICTION ON THE FORM  
23 PROVIDED WITH THE COMPLAINT AND IN ACCORDANCE WITH THE PROCEDURE SET OUT IN  
24 THE COMPLAINT THE NAME AND MAILING ADDRESS OF THE PERSON WHO WAS OPERATING  
25 THE VEHICLE.

26 4. THE CIVIL PENALTY IS PAID BY ANY PERSON UNLESS THERE IS AN  
27 ADJUDICATION THAT NO VIOLATION OCCURRED OR THERE IS A LAWFUL DETERMINATION  
28 THAT NO CIVIL PENALTY BE IMPOSED.

29 D. IF AN ISSUING JURISDICTION TIMELY RECEIVES THE INFORMATION REQUIRED  
30 FROM THE OWNER TO TRANSFER RESPONSIBILITY, THE ISSUING JURISDICTION SHALL  
31 ISSUE A NEW COMPLAINT TO THE PERSON TO WHOM THE OWNER TRANSFERRED  
32 RESPONSIBILITY WITH AN EXPLANATION AS TO WHY THE PERSON IS RECEIVING THE  
33 COMPLAINT, IN THE SAME MANNER AS IF THE PERSON WERE THE OWNER OF THE VEHICLE.  
34 THE PERSON SHALL BE RESPONSIBLE FOR PAYMENT OF THE CIVIL PENALTY UNLESS THE  
35 PERSON EITHER:

36 1. TIMELY RETURNS A SIGNED STATEMENT ON A FORM PROVIDED WITH THE  
37 COMPLAINT THAT THE PERSON WAS NOT THE OPERATOR AND DECLINES RESPONSIBILITY,  
38 IN WHICH CASE RESPONSIBILITY REVERTS BACK TO THE OWNER.

39 2. ADMITS TO BEING THE OPERATOR BUT DENIES COMMITTING A VIOLATION OF  
40 ARTICLE 3 OR 6 OF THIS CHAPTER OR SECTION 28-851, 28-852, 28-853 OR 28-854,  
41 IN WHICH CASE THE PERSON MAY CONTEST THE COMPLAINT IN THE SAME MANNER AS THE  
42 OWNER PURSUANT TO THIS SECTION.

43 E. IF A PERSON OTHER THAN THE OWNER DENIES BEING THE OPERATOR AND  
44 DECLINES RESPONSIBILITY, A NEW COMPLAINT SHALL BE ISSUED TO THE OWNER STATING  
45 THAT THE OTHER PERSON DECLINED RESPONSIBILITY AND GIVING THE OWNER THE OPTION

1 OF PAYING THE CIVIL PENALTY OR CONTESTING THE VIOLATION BY A STATED DATE THAT  
2 SHALL BE NOT LESS THAN TWENTY DAYS AFTER THE MAILING OF THE NEW COMPLAINT.  
3 THE OWNER MAY NOT ATTEMPT TO TRANSFER RESPONSIBILITY MORE THAN ONE TIME USING  
4 THIS PROCEDURE. IF THE OWNER CHOOSES TO CONTEST THE COMPLAINT AFTER THE  
5 OWNER HAS UNSUCCESSFULLY ATTEMPTED TO TRANSFER RESPONSIBILITY USING THIS  
6 PROCEDURE AND THE OWNER CLAIMS IN DEFENSE THAT ANOTHER PERSON WAS THE  
7 OPERATOR OF THE VEHICLE, A COURT MAY TAKE APPROPRIATE ACTION TO CAUSE THE  
8 OWNER AND THE OTHER PERSON TO APPEAR AT THE SAME HEARING TO DETERMINE  
9 RESPONSIBILITY.

10 F. A COMPLAINT MUST BE MAILED BY FIRST CLASS MAIL TO THE REGISTERED  
11 OWNER OF THE VEHICLE WITHIN THIRTY DAYS AFTER DETERMINATION OF THE NAME AND  
12 ADDRESS OF THE REGISTERED OWNER BUT NOT MORE THAN ONE HUNDRED TWENTY DAYS  
13 AFTER THE VIOLATION, OR TO THE RENTER OF A VEHICLE WITHIN THIRTY DAYS AFTER  
14 ESTABLISHING THE RENTER'S NAME AND ADDRESS. A COMPLAINT IS DEEMED TO HAVE  
15 BEEN RECEIVED BY THE OWNER OR RENTER WITHIN FIVE DAYS AFTER MAILING.

16 G. BEFORE A COMPLAINT MAY BE ISSUED, ALL VIOLATION IMAGES PRODUCED BY  
17 A PHOTO ENFORCEMENT SYSTEM SHALL BE REVIEWED AND APPROVED BY A LAW  
18 ENFORCEMENT OFFICER. THE REVIEW AND APPROVAL SHALL BE BASED ON A FULL REVIEW  
19 OF THE IMAGES THAT CLEARLY DEMONSTRATE A VIOLATION.

20 H. THE DIGITAL IMAGES EVIDENCING THE VIOLATION MUST BE AVAILABLE FOR  
21 INSPECTION AND ADMISSION INTO EVIDENCE IN A PROCEEDING TO ADJUDICATE THE  
22 RESPONSIBILITY FOR THE VIOLATION.

23 I. IF A PHOTO ENFORCEMENT SYSTEM DETECTS A VIOLATION OF ARTICLE 3 OR 6  
24 OF THIS CHAPTER OR SECTION 28-851, 28-852, 28-853 OR 28-854, A PERSON  
25 RECEIVING THE COMPLAINT MAY CONTEST THE VIOLATION BY REQUESTING AND OBTAINING  
26 A HEARING.

27 J. ON RECEIPT OF A TIMELY NOTICE IN WRITING OR BY ELECTRONIC MEANS  
28 THAT THE PERSON RECEIVING THE COMPLAINT IS CONTESTING THE COMPLAINT, THE  
29 ISSUING JURISDICTION SHALL SCHEDULE A HEARING.

30 K. THE ISSUANCE OF A COMPLAINT IS PRIMA FACIE EVIDENCE THAT THE PERSON  
31 WHO RECEIVED THE COMPLAINT WAS OPERATING THE VEHICLE AT THE TIME OF THE  
32 ALLEGED VIOLATION.

33 L. IF THERE IS A DISPUTE BETWEEN THE OWNER AND ANOTHER PERSON AS TO  
34 WHO WAS OPERATING THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION, OR A  
35 DISPUTE BETWEEN JOINT OWNERS, IT IS PRESUMED THAT THE OWNER WAS OPERATING THE  
36 VEHICLE. IF THERE ARE JOINT OWNERS, THE PRIMARY OWNER IS DEEMED THE OWNER.  
37 IF NO PRIMARY OWNER IS NAMED, THE FIRST OWNER LISTED IS DEEMED THE OWNER.  
38 THE PRESUMPTION SHALL FOLLOW IN THE ORDER THE OWNERS ARE LISTED ON THE TITLE  
39 OR OTHER EVIDENCE OF OWNERSHIP. THE HEARING OFFICER MAY DETERMINE THE  
40 IDENTITY OF THE OPERATOR OF THE VEHICLE BASED ON ANY ADMITTED EVIDENCE.

41 M. THE COMPLAINT, EVIDENCE OF THE VIOLATION PRODUCED BY A PHOTO  
42 ENFORCEMENT SYSTEM AND EVIDENCE OF OWNERSHIP OF A VEHICLE AS SHOWN BY COPIES  
43 OR SUMMARIES OF OFFICIAL RECORDS ARE ADMISSIBLE INTO EVIDENCE WITHOUT  
44 FOUNDATION UNLESS THE HEARING OFFICER FINDS THERE IS AN INDICATION OF

1 UNTRUSTWORTHINESS, IN WHICH CASE THE ISSUING JURISDICTION SHALL BE GIVEN A  
2 REASONABLE OPPORTUNITY TO LAY AN EVIDENTIARY FOUNDATION.

3 N. THE HEARING OFFICER SHALL APPLY THE PREPONDERANCE OF THE EVIDENCE  
4 STANDARD IN ADJUDICATING THE COMPLAINT.

5 O. NOTWITHSTANDING SECTION 28-1553, SUBSECTION C, APPEALS SHALL BE  
6 HELD IN THE DESIGNATED MUNICIPAL COURT WITHIN THE JURISDICTION OR THE JUSTICE  
7 OF THE PEACE COURT ASSIGNED TO THE ISSUING AUTHORITY.

8 28-630. Photo enforcement system evidence; facial photograph  
9 prohibited; not public record

10 A. PHOTO ENFORCEMENT SYSTEM EVIDENCE OF A VIOLATION OF ARTICLE 3 OF  
11 THIS CHAPTER MUST INCLUDE ONE OR MORE SEQUENCED DIGITAL COLOR IMAGES OF THE  
12 REAR OF A MOTOR VEHICLE AND CROPPED ZOOMED LICENSE PLATE IMAGE.

13 B. PHOTO ENFORCEMENT SYSTEM EVIDENCE OF A VIOLATION OF ARTICLE 6 OF  
14 THIS CHAPTER OR SECTION 28-851, 28-852, 28-853 OR 28-854 MUST INCLUDE ONE OR  
15 MORE SEQUENCED DIGITAL COLOR IMAGES OF THE REAR OF A MOTOR VEHICLE, A CROPPED  
16 ZOOMED LICENSE PLATE IMAGE AND FOR VIOLATIONS OF SECTION 28-645 APPROXIMATELY  
17 TEN SECONDS OF VIDEO SHOWING THE VIOLATING VEHICLE AND THE APPLICABLE TRAFFIC  
18 SIGNAL AT THE TIME THE VEHICLE IS INVOLVED IN THE VIOLATION.

19 C. A PHOTO ENFORCEMENT SYSTEM SHALL NOT PHOTOGRAPH OR OTHERWISE  
20 CAPTURE AN IMAGE OF THE DRIVER'S OR OTHER VEHICLE OCCUPANT'S FACE.

21 D. ALL PHOTOGRAPHED AND OTHER RECORDED EVIDENCE OBTAINED THROUGH THE  
22 USE OF A PHOTO ENFORCEMENT SYSTEM IS CONFIDENTIAL AND IS NOT A PUBLIC RECORD.

23 28-631. Agreements

24 ANY JURISDICTION THAT ESTABLISHES A PHOTO ENFORCEMENT SYSTEM MAY ENTER  
25 INTO AN AGREEMENT WITH A PRIVATE VENDOR TO PERFORM OPERATIONAL AND  
26 ADMINISTRATIVE TASKS ASSOCIATED WITH USING THE SYSTEM.

27 28-632. Statewide photo enforcement system; photo enforcement  
28 operating fund

29 A. THE DEPARTMENT OF PUBLIC SAFETY MAY IMPLEMENT A STATEWIDE PHOTO  
30 ENFORCEMENT SYSTEM.

31 B. NOTWITHSTANDING ANY OTHER LAW, IF A PERSON IS CITED FOR A VIOLATION  
32 OF ARTICLE 3 OR 6 OF THIS CHAPTER OR SECTION 28-851, 28-852, 28-853 OR 28-854  
33 AND THE VIOLATION IS DETECTED BY A PHOTO ENFORCEMENT SYSTEM MAINTAINED BY THE  
34 DEPARTMENT OF PUBLIC SAFETY:

35 1. IF A PERSON RECEIVING THE COMPLAINT CONTESTS THE COMPLAINT AND  
36 PROVIDES TIMELY NOTICE PURSUANT TO SECTION 28-629, THE DEPARTMENT OF PUBLIC  
37 SAFETY SHALL HOLD A HEARING PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

38 2. \_\_\_\_\_ PER CENT OF MONIES RECEIVED FROM A CITATION ISSUED  
39 PURSUANT TO THE STATEWIDE PHOTO ENFORCEMENT SYSTEM SHALL BE DEPOSITED IN THE  
40 PHOTO ENFORCEMENT OPERATING FUND ESTABLISHED BY SUBSECTION C OF THIS SECTION.

41 C. THE PHOTO ENFORCEMENT OPERATING FUND IS ESTABLISHED CONSISTING OF  
42 MONIES DEPOSITED PURSUANT TO SUBSECTION B, PARAGRAPH 2 OF THIS SECTION. THE  
43 DEPARTMENT OF PUBLIC SAFETY SHALL ADMINISTER THE FUND. MONIES IN THE FUND  
44 ARE CONTINUOUSLY APPROPRIATED. THE DEPARTMENT SHALL USE MONIES IN THE FUND  
45 TO IMPLEMENT AND MAINTAIN THE STATEWIDE PHOTO ENFORCEMENT SYSTEM.



1           28-633. Civil penalties; defensive driving school

2           THE CIVIL PENALTIES AND COSTS IMPOSED FOR A VIOLATION DETECTED AND  
3 ENFORCED BY A PHOTO ENFORCEMENT SYSTEM SHALL NOT EXCEED AN AMOUNT THAT WOULD  
4 HAVE BEEN IMPOSED IF THE VIOLATION HAD BEEN DETECTED BY A LAW ENFORCEMENT  
5 OFFICER PRESENT WHEN THE VIOLATION OCCURRED, EXCEPT THAT FOR A THIRD OR  
6 SUBSEQUENT VIOLATION IN EIGHTEEN MONTHS, THE CIVIL PENALTIES SHALL INCREASE  
7 BY FIFTY PER CENT AND THE REGISTERED OWNER OR NOMINATED DRIVER MUST ATTEND A  
8 STATE AUTHORIZED DEFENSIVE DRIVING SCHOOL FOR EACH ADDITIONAL VIOLATION UNTIL  
9 A TWELVE MONTH PERIOD ELAPSES WITH NO ADDITIONAL VIOLATIONS.

10          28-634. Violations detected by photo enforcement system; effect

11          IF A PERSON IS CONVICTED OF VIOLATING ARTICLE 3 OR 6 OF THIS CHAPTER OR  
12 SECTION 28-851, 28-852, 28-853 OR 28-854 AND THE VIOLATION IS DETECTED BY A  
13 PHOTO ENFORCEMENT SYSTEM:

14           1. A DEPARTMENT OR AGENCY OF THIS STATE SHALL NOT CONSIDER THE  
15 VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER LICENSE  
16 SHOULD BE SUSPENDED OR REVOKED.

17           2. AN INSURER SHALL NOT CONSIDER THE VIOLATION AS A MOVING TRAFFIC  
18 VIOLATION AGAINST THE PERSON FOR THE PURPOSE OF ESTABLISHING RATES OF MOTOR  
19 VEHICLE INSURANCE CHARGED BY THE INSURER, AND THE INSURER SHALL NOT CANCEL OR  
20 REFUSE TO RENEW A POLICY OF INSURANCE BECAUSE OF THE VIOLATION.

21           3. AN INSURER MAY USE ADJUDICATED VIOLATION DATA BY ZIP CODE FOR  
22 STATISTICAL AND ACTUARIAL PURPOSES.

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

24          28-1592. Commencement of action

25           A. A civil traffic violation case is commenced by issuance or filing  
26 of a uniform traffic complaint as provided in this article.

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

28           1. EXCEPT AS PROVIDED IN SECTION 28-629, if a case is commenced by  
29 issuance, it shall be issued within sixty days of the alleged violation.

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

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

36           4. Within one year of the alleged violation if the alleged violation  
37 is under investigation in conjunction with a traffic accident resulting in  
38 death.