

REFERENCE TITLE: photo enforcement; allowable uses

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2124

Introduced by
Representative Biggs

AN ACT

AMENDING SECTIONS 28-101, 28-601 AND 28-627, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 21;
AMENDING SECTION 41-1722, ARIZONA REVISED STATUTES; RELATING TO PHOTO
ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-101, Arizona Revised Statutes, is amended to
3 read:
4 28-101. Definitions
5 In this title, unless the context otherwise requires:
6 1. "Alcohol" means any substance containing any form of alcohol,
7 including ethanol, methanol, propynol and isopropynol.
8 2. "Alcohol concentration" if expressed as a percentage means either:
9 (a) The number of grams of alcohol per one hundred milliliters of
10 blood.
11 (b) The number of grams of alcohol per two hundred ten liters of
12 breath.
13 3. "All-terrain vehicle" means a motor vehicle that satisfies all of
14 the following:
15 (a) Is designed primarily for recreational nonhighway all-terrain
16 travel.
17 (b) Is fifty or fewer inches in width.
18 (c) Has an unladen weight of eight hundred pounds or less.
19 (d) Travels on three or more low pressure tires.
20 (e) Has a seat to be straddled by the operator and handlebars for
21 steering control.
22 (f) Is operated on a public highway.
23 4. "Authorized emergency vehicle" means any of the following:
24 (a) A fire department vehicle.
25 (b) A police vehicle.
26 (c) An ambulance or emergency vehicle of a municipal department or
27 public service corporation that is designated or authorized by the department
28 or a local authority.
29 (d) Any other ambulance, fire truck or rescue vehicle that is
30 authorized by the department in its sole discretion and that meets liability
31 insurance requirements prescribed by the department.
32 5. "Aviation fuel" means all flammable liquids composed of a mixture
33 of selected hydrocarbons expressly manufactured and blended for the purpose
34 of effectively and efficiently operating an internal combustion engine for
35 use in an aircraft but does not include fuel for jet or turbine powered
36 aircraft.
37 6. "Bicycle" means a device, including a racing wheelchair, that is
38 propelled by human power and on which a person may ride and that has either:
39 (a) Two tandem wheels, either of which is more than sixteen inches in
40 diameter.
41 (b) Three wheels in contact with the ground, any of which is more than
42 sixteen inches in diameter.
43 7. "Board" means the transportation board.
44 8. "Bus" means a motor vehicle designed for carrying sixteen or more
45 passengers, including the driver.

- 1 9. "Business district" means the territory contiguous to and including
2 a highway if there are buildings in use for business or industrial purposes
3 within any six hundred feet along the highway, including hotels, banks or
4 office buildings, railroad stations and public buildings that occupy at least
5 three hundred feet of frontage on one side or three hundred feet collectively
6 on both sides of the highway.
- 7 10. "Combination of vehicles" means a truck or truck tractor and
8 semitrailer and any trailer that it tows but does not include a forklift
9 designed for the purpose of loading or unloading the truck, trailer or
10 semitrailer.
- 11 11. "Controlled substance" means a substance so classified under
12 section 102(6) of the controlled substances act (21 United States Code
13 section 802(6)) and includes all substances listed in schedules I through V
14 of 21 Code of Federal Regulations part 1308.
- 15 12. "Conviction" means:
16 (a) An unvacated adjudication of guilt or a determination that a
17 person violated or failed to comply with the law in a court of original
18 jurisdiction or by an authorized administrative tribunal.
19 (b) An unvacated forfeiture of bail or collateral deposited to secure
20 the person's appearance in court.
21 (c) A plea of guilty or no contest accepted by the court.
22 (d) The payment of a fine or court costs.
- 23 13. "County highway" means a public road constructed and maintained by
24 a county.
- 25 14. "Dealer" means a person who is engaged in the business of buying,
26 selling or exchanging motor vehicles, trailers or semitrailers and who has an
27 established place of business.
- 28 15. "Department" means the department of transportation acting directly
29 or through its duly authorized officers and agents.
- 30 16. "Director" means the director of the department of transportation.
- 31 17. "Drive" means to operate or be in actual physical control of a
32 motor vehicle.
- 33 18. "Driver" means a person who drives or is in actual physical control
34 of a vehicle.
- 35 19. "Driver license" means a license that is issued by a state to an
36 individual and that authorizes the individual to drive a motor vehicle.
- 37 20. "Electric personal assistive mobility device" means a
38 self-balancing two nontandem wheeled device with an electric propulsion
39 system that limits the maximum speed of the device to fifteen miles per hour
40 or less and that is designed to transport only one person.
- 41 21. "Farm tractor" means a motor vehicle designed and used primarily as
42 a farm implement for drawing implements of husbandry.
- 43 22. "Foreign vehicle" means a motor vehicle, trailer or semitrailer
44 that is brought into this state other than in the ordinary course of business

1 by or through a manufacturer or dealer and that has not been registered in
2 this state.

3 23. "Golf cart" means a motor vehicle that has not less than three
4 wheels in contact with the ground, that has an unladen weight of less than
5 one thousand eight hundred pounds, that is designed to be and is operated at
6 not more than twenty-five miles per hour and that is designed to carry not
7 more than four persons including the driver.

8 24. "Hazardous material" means a material, and its mixtures or
9 solutions, that the United States department of transportation determines
10 under 49 Code of Federal Regulations is, or any quantity of a material listed
11 as a select agent or toxin under 42 Code of Federal Regulations part 73 that
12 is, capable of posing an unreasonable risk to health, safety and property if
13 transported in commerce and that is required to be placarded or marked as
14 required by the department's safety rules prescribed pursuant to chapter 14
15 of this title.

16 25. "Implement of husbandry" means a vehicle designed primarily for
17 agricultural purposes and used exclusively in the conduct of agricultural
18 operations, including an implement or vehicle whether self-propelled or
19 otherwise that meets all of the following conditions:

20 (a) Is used exclusively for carrying products of farming from one part
21 of a farm to another part of the same farm or from one farm to another farm.

22 (b) Is used solely for agricultural purposes including the preparation
23 or harvesting of cotton, alfalfa, grains and other farm crops.

24 (c) Is only incidentally operated or moved on a highway whether as a
25 trailer or self-propelled unit.

26 26. "Limousine" means a motor vehicle providing prearranged ground
27 transportation service for an individual passenger, or a group of passengers,
28 that is arranged in advance or is operated on a regular route or between
29 specified points and includes ground transportation under a contract or
30 agreement for services that includes a fixed rate or time and is provided in
31 a motor vehicle with a seating capacity not exceeding fifteen passengers
32 including the driver.

33 27. "Livery vehicle" means a motor vehicle that:

34 (a) Has a seating capacity not exceeding fifteen passengers including
35 the driver.

36 (b) Provides passenger services for a fare determined by a flat rate
37 or flat hourly rate between geographic zones or within a geographic area.

38 (c) Is available for hire on an exclusive or shared ride basis.

39 (d) May do any of the following:

40 (i) Operate on a regular route or between specified places.

41 (ii) Offer prearranged ground transportation service as defined in
42 section 28-141.

43 (iii) Offer on demand ground transportation service pursuant to a
44 contract with a public airport, licensed business entity or organization.

1 28. "Local authority" means any county, municipal or other local board
2 or body exercising jurisdiction over highways under the constitution and laws
3 of this state.

4 29. "Manufacturer" means a person engaged in the business of
5 manufacturing motor vehicles, trailers or semitrailers.

6 30. "Moped" means a bicycle that is equipped with a helper motor if the
7 vehicle has a maximum piston displacement of fifty cubic centimeters or less,
8 a brake horsepower of one and one-half or less and a maximum speed of
9 twenty-five miles per hour or less on a flat surface with less than a one per
10 cent grade.

11 31. "Motor driven cycle" means a motorcycle, including every motor
12 scooter, with a motor that produces not more than five horsepower.

13 32. "Motor vehicle":

14 (a) Means either:

15 (i) A self-propelled vehicle.

16 (ii) For the purposes of the laws relating to the imposition of a tax
17 on motor vehicle fuel, a vehicle that is operated on the highways of this
18 state and that is propelled by the use of motor vehicle fuel.

19 (b) Does not include a motorized wheelchair, an electric personal
20 assistive mobility device or a motorized skateboard. For the purposes of this
21 subdivision:

22 (i) "Motorized skateboard" means a self-propelled device that has a
23 motor, a deck on which a person may ride and at least two tandem wheels in
24 contact with the ground.

25 (ii) "Motorized wheelchair" means a self-propelled wheelchair that is
26 used by a person for mobility.

27 33. "Motor vehicle fuel" includes all products that are commonly or
28 commercially known or sold as gasoline, including casinghead gasoline,
29 natural gasoline and all flammable liquids, and that are composed of a
30 mixture of selected hydrocarbons expressly manufactured and blended for the
31 purpose of effectively and efficiently operating internal combustion
32 engines. Motor vehicle fuel does not include inflammable liquids that are
33 specifically manufactured for racing motor vehicles and that are distributed
34 for and used by racing motor vehicles at a racetrack, use fuel as defined in
35 section 28-5601, aviation fuel, fuel for jet or turbine powered aircraft or
36 the mixture created at the interface of two different substances being
37 transported through a pipeline, commonly known as transmix.

38 34. "Motorcycle" means a motor vehicle that has a seat or saddle for
39 the use of the rider and that is designed to travel on not more than three
40 wheels in contact with the ground but excluding a tractor and a moped.

41 35. "Neighborhood electric vehicle" means a self-propelled electrically
42 powered motor vehicle to which all of the following apply:

43 (a) The vehicle is emission free.

44 (b) The vehicle has at least four wheels in contact with the ground.

1 (c) The vehicle complies with the definition and standards for low
2 speed vehicles set forth in federal motor vehicle safety standard 500 and 49
3 Code of Federal Regulations sections 571.3(b) and 571.500, respectively.

4 36. "Nonresident" means a person who is not a resident of this state as
5 defined in section 28-2001.

6 37. "Off-road recreational motor vehicle" means a motor vehicle that is
7 designed primarily for recreational nonhighway all-terrain travel and that is
8 not operated on a public highway. Off-road recreational motor vehicle does
9 not mean a motor vehicle used for construction, building trade, mining or
10 agricultural purposes.

11 38. "Operator" means a person who drives a motor vehicle on a highway,
12 who is in actual physical control of a motor vehicle on a highway or who is
13 exercising control over or steering a vehicle being towed by a motor vehicle.

14 39. "Owner" means:

15 (a) A person who holds the legal title of a vehicle.

16 (b) If a vehicle is the subject of an agreement for the conditional
17 sale or lease with the right of purchase on performance of the conditions
18 stated in the agreement and with an immediate right of possession vested in
19 the conditional vendee or lessee, the conditional vendee or lessee.

20 (c) If a mortgagor of a vehicle is entitled to possession of the
21 vehicle, the mortgagor.

22 40. "Pedestrian" means any person afoot. A person who uses an electric
23 personal assistive mobility device or a manual or motorized wheelchair is
24 considered a pedestrian unless the manual wheelchair qualifies as a
25 bicycle. For the purposes of this paragraph, "motorized wheelchair" means a
26 self-propelled wheelchair that is used by a person for mobility.

27 41. "PHOTO ENFORCEMENT SYSTEM" MEANS A DEVICE SUBSTANTIALLY CONSISTING
28 OF A RADAR UNIT OR SENSOR LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT
29 PRODUCES ONE OR MORE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES OR DIGITAL OR
30 OTHER RECORDED IMAGES OF A VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF
31 IDENTIFYING VIOLATORS OF CHAPTER 3, ARTICLE 3 OF THIS TITLE AND SECTION
32 28-701.02.

33 ~~41.~~ 42. "Power sweeper" means an implement, with or without motive
34 power, that is only incidentally operated or moved on a street or highway and
35 that is designed for the removal of debris, dirt, gravel, litter or sand
36 whether by broom, vacuum or regenerative air system from asphaltic concrete
37 or cement concrete surfaces, including parking lots, highways, streets and
38 warehouses, and a vehicle on which the implement is permanently mounted.

39 ~~42.~~ 43. "Public transit" means the transportation of passengers on
40 scheduled routes by means of a conveyance on an individual passenger
41 fare-paying basis excluding transportation by a sight-seeing bus, school bus
42 or taxi or a vehicle not operated on a scheduled route basis.

43 ~~43.~~ 44. "Reconstructed vehicle" means a vehicle that has been
44 assembled or constructed largely by means of essential parts, new or used,
45 derived from vehicles or makes of vehicles of various names, models and types

1 or that, if originally otherwise constructed, has been materially altered by
2 the removal of essential parts or by the addition or substitution of
3 essential parts, new or used, derived from other vehicles or makes of
4 vehicles. For the purposes of this paragraph, "essential parts" means
5 integral and body parts, the removal, alteration or substitution of which
6 will tend to conceal the identity or substantially alter the appearance of
7 the vehicle.

8 ~~44.~~ 45. "Residence district" means the territory contiguous to and
9 including a highway not comprising a business district if the property on the
10 highway for a distance of three hundred feet or more is in the main improved
11 with residences or residences and buildings in use for business.

12 ~~45.~~ 46. "Right-of-way" when used within the context of the regulation
13 of the movement of traffic on a highway means the privilege of the immediate
14 use of the highway. Right-of-way when used within the context of the real
15 property on which transportation facilities and appurtenances to the
16 facilities are constructed or maintained means the lands or interest in lands
17 within the right-of-way boundaries.

18 ~~46.~~ 47. "School bus" means a motor vehicle that is designed for
19 carrying more than ten passengers and that is either:

20 (a) Owned by any public or governmental agency or other institution
21 and operated for the transportation of children to or from home or school on
22 a regularly scheduled basis.

23 (b) Privately owned and operated for compensation for the
24 transportation of children to or from home or school on a regularly scheduled
25 basis.

26 ~~47.~~ 48. "Semitrailer" means a vehicle that is with or without motive
27 power, other than a pole trailer, that is designed for carrying persons or
28 property and for being drawn by a motor vehicle and that is constructed so
29 that some part of its weight and that of its load rests on or is carried by
30 another vehicle. For the purposes of this paragraph, "pole trailer" has the
31 same meaning prescribed in section 28-601.

32 ~~48.~~ 49. "State" means a state of the United States and the District of
33 Columbia.

34 ~~49.~~ 50. "State highway" means a state route or portion of a state
35 route that is accepted and designated by the board as a state highway and
36 that is maintained by the state.

37 ~~50.~~ 51. "State route" means a right-of-way whether actually used as a
38 highway or not that is designated by the board as a location for the
39 construction of a state highway.

40 ~~51.~~ 52. "Street" or "highway" means the entire width between the
41 boundary lines of every way if a part of the way is open to the use of the
42 public for purposes of vehicular travel.

43 ~~52.~~ 53. "Taxi" means a motor vehicle that has a seating capacity not
44 exceeding fifteen passengers, including the driver, that is registered as a

1 taxi in this state or any other state, that provides passenger services and
2 that:

3 (a) Does not operate on a regular route or between specified places.

4 (b) Offers local transportation for a fare determined primarily on the
5 basis of the distance traveled.

6 ~~53-~~ 54. "Trailer" means a vehicle that is with or without motive
7 power, other than a pole trailer, that is designed for carrying persons or
8 property and for being drawn by a motor vehicle and that is constructed so
9 that no part of its weight rests on the towing vehicle. A semitrailer
10 equipped with an auxiliary front axle commonly known as a dolly is deemed to
11 be a trailer. For the purposes of this paragraph, "pole trailer" has the
12 same meaning prescribed in section 28-601.

13 ~~54-~~ 55. "Truck" means a motor vehicle designed or used primarily for
14 the carrying of property other than the effects of the driver or passengers
15 and includes a motor vehicle to which has been added a box, a platform or
16 other equipment for such carrying.

17 ~~55-~~ 56. "Truck tractor" means a motor vehicle that is designed and
18 used primarily for drawing other vehicles and that is not constructed to
19 carry a load other than a part of the weight of the vehicle and load drawn.

20 ~~56-~~ 57. "Vehicle" means a device in, on or by which a person or
21 property is or may be transported or drawn on a public highway, excluding
22 devices moved by human power or used exclusively on stationary rails or
23 tracks.

24 ~~57-~~ 58. "Vehicle transporter" means either:

25 (a) A truck tractor capable of carrying a load and drawing a
26 semitrailer.

27 (b) A truck tractor with a stinger-steered fifth wheel capable of
28 carrying a load and drawing a semitrailer or a truck tractor with a dolly
29 mounted fifth wheel that is securely fastened to the truck tractor at two or
30 more points and that is capable of carrying a load and drawing a semitrailer.

31 Sec. 2. Section 28-601, Arizona Revised Statutes, is amended to read:

32 28-601. Definitions

33 In this chapter, unless the context otherwise requires:

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

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

44 3. "Crosswalk" means:

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

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

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

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

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

18 7. "Gross weight" means the weight of a vehicle without a load plus
19 the weight of any load on the vehicle.

20 8. "Intersection" means the area embraced within the prolongation or
21 connection of the lateral curb lines, or if none, the lateral boundary lines
22 of the roadways of two highways that join one another at, or approximately
23 at, right angles, or the area within which vehicles traveling on different
24 highways joining at any other angle may come in conflict. If a highway
25 includes two roadways thirty or more feet apart, each crossing of each
26 roadway of the divided highway by an intersecting highway is a separate
27 intersection. If the intersecting highway also includes two roadways thirty
28 or more feet apart, each crossing of two roadways of the highways is a
29 separate intersection.

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

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

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

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

42 ~~13. "Photo enforcement system" means a device substantially consisting~~
43 ~~of a radar unit or sensor linked to a camera or other recording device that~~
44 ~~produces one or more photographs, microphotographs, videotapes or digital or~~

1 ~~other recorded images of a vehicle's license plate for the purpose of~~
2 ~~identifying violators of articles 3 and 6 of this chapter.~~

3 ~~14.~~ 13. "Pneumatic tire" means a tire in which compressed air is
4 designed to support the load.

5 ~~15.~~ 14. "Pole trailer" means a vehicle that is all of the following:
6 (a) Without motive power.
7 (b) Designed to be drawn by another vehicle and attached to the towing
8 vehicle by means of a reach or pole or by being boomed or otherwise secured
9 to the towing vehicle.

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

13 ~~16.~~ 15. "Police officer" means an officer authorized to direct or
14 regulate traffic or make arrests for violations of traffic rules or other
15 offenses.

16 ~~17.~~ 16. "Private road or driveway" means a way or place that is in
17 private ownership and that is used for vehicular travel by the owner and
18 those persons who have express or implied permission from the owner but not
19 by other persons.

20 ~~18.~~ 17. "Railroad" means a carrier of persons or property on cars
21 operated on stationary rails.

22 ~~19.~~ 18. "Railroad sign or signal" means a sign, signal or device
23 erected by authority of a public body or official or by a railroad and
24 intended to give notice of the presence of railroad tracks or the approach of
25 a railroad train.

26 ~~20.~~ 19. "Railroad train" means a steam engine or any electric or other
27 motor that is with or without cars coupled to the steam engine or electric or
28 other motor and that is operated on rails.

29 ~~21.~~ 20. "Roadway" means that portion of a highway that is improved,
30 designed or ordinarily used for vehicular travel, exclusive of the berm or
31 shoulder. If a highway includes two or more separate roadways, roadway refers
32 to any such roadway separately but not to all such roadways collectively.

33 ~~22.~~ 21. "Safety zone" means the area or space that is both:
34 (a) Officially set apart within a roadway for the exclusive use of
35 pedestrians.

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

38 ~~23.~~ 22. "Sidewalk" means that portion of a street that is between the
39 curb lines or the lateral lines of a roadway and the adjacent property lines
40 and that is intended for the use of pedestrians.

41 ~~24. "Solid tire" means a tire that both:~~

42 ~~(a) Is made of rubber or other resilient material.~~

43 ~~(b) Does not depend on compressed air for the support of the load.~~

44 ~~25.~~ 23. "Stop", if required, means complete cessation from movement.

1 ~~26-~~ 24. "Stop, stopping or standing", if prohibited, means any
2 stopping or standing of an occupied or unoccupied vehicle, except when
3 necessary to avoid conflict with other traffic or in compliance with
4 directions of a police officer or traffic control sign or signal.

5 ~~27-~~ 25. "Through highway" means a highway or portion of a highway at
6 the entrances to which vehicular traffic from intersecting highways is
7 required by law to stop before entering or crossing and when stop signs are
8 erected as provided in this chapter.

9 ~~28-~~ 26. "Traffic" means pedestrians, ridden or herded animals,
10 vehicles and other conveyances either singly or together while using a
11 highway for purposes of travel.

12 ~~29-~~ 27. "Traffic control signal" means a device, whether manually,
13 electrically or mechanically operated, by which traffic is alternately
14 directed to stop and to proceed.

15 ~~30-~~ 28. "Truck" means a motor vehicle that is designed, used or
16 maintained primarily for the transportation of property.

17 Sec. 3. Section 28-627, Arizona Revised Statutes, is amended to read:

18 ~~28-627.~~ Powers of local authorities

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

22 1. Regulating the standing or parking of vehicles.

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

26 3. Regulating or prohibiting processions or assemblages on the
27 highways.

28 4. Designating particular highways as one-way highways and requiring
29 that all vehicles on one-way highways be moved in one specific direction.

30 5. Regulating the speed of vehicles in public parks.

31 6. Designating any highway as a through highway and requiring that all
32 vehicles stop before entering or crossing the highway or designating any
33 intersection as a stop intersection and requiring all vehicles to stop at one
34 or more entrances to the intersection.

35 7. Restricting the use of highways as authorized in section 28-1106.

36 8. Regulating the operation of bicycles and requiring the registration
37 and licensing of bicycles, including the requirement of a registration fee.

38 9. Regulating or prohibiting the turning of vehicles or specified
39 types of vehicles at intersections.

40 10. Altering the prima facie speed limits as authorized by this
41 chapter.

42 11. Designating routes over streets and highways for vehicles not
43 exceeding one hundred two inches in width, exclusive of safety equipment.

44 12. Adopting other traffic regulations that are specifically authorized
45 by this chapter or chapter 4 or 5 of this title.

1 13. Designating routes on certain streets and highways for the purpose
2 of allowing off-highway vehicle operators to gain access to or from a
3 designated off-highway recreation facility as defined in section 28-1171,
4 off-highway vehicle trail as defined in section 28-1171 or off-highway
5 vehicle special event as defined in section 28-1171.

6 B. A local authority shall not erect or maintain a stop sign or
7 traffic control signal at any location that requires the traffic on any state
8 highway to stop before entering or crossing any intersecting highway unless
9 approval in writing has first been obtained from the director.

10 C. An ordinance or regulation enacted under subsection A, paragraph 4,
11 5, 6, 7, 9 or 10 of this section is not effective until signs giving notice
12 of the local traffic regulations are posted on or at the entrances to the
13 highway or part of the highway affected as is most appropriate.

14 D. The definition of motor vehicle prescribed in section 28-101 does
15 not prevent a local authority from adopting ordinances that regulate or
16 prohibit the operation of motorized skateboards, except that a local
17 authority shall not adopt an ordinance that requires registration and
18 licensing of motorized skateboards. For the purposes of this subsection,
19 "motorized skateboard" means a self-propelled device that has a motor, a deck
20 on which a person may ride and at least two tandem wheels in contact with the
21 ground.

22 E. In addition to the appointment of peace officers, a local authority
23 may provide by ordinance for the appointment of:

24 1. Unarmed police aides or municipally approved private contractors
25 who are employed or contracted by the police department and who are empowered
26 to commence an action or proceeding before a court or judge for a violation
27 of the local authority's ordinances regulating the standing or parking of
28 vehicles. A municipally approved private contractor shall not include a
29 relative of an employee or of an elected official of the municipality. The
30 authority of the unarmed police aide or municipally approved private
31 contractor as authorized in this section is limited to the enforcement of the
32 ordinances of local authorities regulating the standing or parking of
33 vehicles. Pursuant to rules established by the supreme court, an unarmed
34 police aide appointed pursuant to this paragraph may serve any process
35 originating out of a municipal court in the municipality in which the unarmed
36 police aide is employed. Service of process under this paragraph shall only
37 be made during the hours the municipal court is open for the transaction of
38 business and only on court premises. This paragraph does not grant to
39 unarmed police aides or municipally approved private contractors other powers
40 or benefits to which peace officers of this state are entitled.

41 2. Traffic investigators who may:

42 (a) Investigate traffic accidents within the jurisdiction of the local
43 authority.

44 (b) Commence an action or proceeding before a court or judge for any
45 violation of a state statute or local ordinance relating to traffic, if the

1 violation is related to a traffic accident within the jurisdiction of the
2 local authority.

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

8 F. A traffic investigator appointed pursuant to this section shall:
9 1. Be unarmed at all times during the course of the traffic
10 investigator's duties.

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

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

13 G. Notwithstanding subsection E of this section, an unarmed police
14 aide, a municipally approved private contractor or a traffic investigator
15 shall not serve any process resulting from a citation issued for a violation
16 of article 3 ~~or 6~~ of this chapter **OR SECTION 28-701.02** or of a city or town
17 ordinance for excessive speed or failure to obey a traffic control device
18 that is obtained using a photo enforcement system.

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

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

24 Sec. 4. Title 28, chapter 3, Arizona Revised Statutes, is amended by
25 adding article 21, to read:

26 ARTICLE 21. PHOTO ENFORCEMENT SYSTEMS

27 **28-1191. Allowable uses**

28 **A PHOTO ENFORCEMENT SYSTEM MAY BE USED IN THIS STATE ONLY FOR DETECTING**
29 **VIOLATIONS OF ARTICLE 3 OF THIS CHAPTER AND SECTION 28-701.02.**

30 Sec. 5. Section 41-1722, Arizona Revised Statutes, is amended to read:

31 **41-1722. State photo enforcement system; penalties; fund**

32 A. Notwithstanding any other law, the department shall enter into a
33 contract or contracts with a private vendor or vendors pursuant to chapter 23
34 of this title to establish a state photo enforcement system consisting of
35 cameras placed throughout this state as determined by the director to enforce
36 ~~the provisions of~~ title 28, chapter 3, ~~articles~~ **ARTICLE 3** ~~and 6 relating to~~
37 ~~vehicle traffic and speed~~ **AND SECTION 28-701.02.**

38 B. Notwithstanding any other law, the civil penalty or fine for a
39 citation or a notice of violation issued pursuant to this section is one
40 hundred sixty-five dollars and is not subject to any surcharge except the
41 surcharge imposed by section 16-954. State photo enforcement citations shall
42 not be included in judicial productivity credit calculations for fiscal year
43 2008-2009.

44 C. The photo enforcement fund is established consisting of monies
45 received from citations or notices of violation issued pursuant to this

1 section. The director shall administer the fund. Monies in the fund are
2 subject to legislative appropriation and are appropriated to the department
3 for administrative and personnel costs of the state photo enforcement system.
4 Monies remaining in the fund in excess of two hundred fifty thousand dollars
5 at the end of each calendar quarter shall be deposited, pursuant to sections
6 35-146 and 35-147, in the state general fund.

7 D. Notwithstanding any other law, if a person is found responsible for
8 a civil traffic violation or a notice of violation pursuant to a citation
9 issued pursuant to this section, the department of transportation shall not
10 consider the violation for the purpose of determining whether the person's
11 driver license should be suspended or revoked. A court shall not transmit
12 abstracts of records of these violations to the department of transportation.