

REFERENCE TITLE: moving violations; assessment; enforcement; equipment

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1353

Introduced by
Senator Antenori; Representatives Gowan: Judd

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-116.04; AMENDING SECTIONS 28-1201, 28-1592 AND 28-1593, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-1602, 28-3323 AND 41-1722, ARIZONA REVISED STATUTES; AMENDING SECTION 41-1723, ARIZONA REVISED STATUTES; AMENDING LAWS 2010, CHAPTER 266, SECTION 11; RELATING TO ENFORCEMENT OF MOVING TRAFFIC VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 12, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 12-116.04, to read:

4 12-116.04. Assessment; law enforcement officer equipment

5 A. IN ADDITION TO ANY OTHER PENALTY, FINE, FEE OR ASSESSMENT
6 AUTHORIZED BY LAW, AN ADDITIONAL ASSESSMENT OF TEN DOLLARS SHALL BE LEVIED ON
7 EVERY CIVIL PENALTY OR FINE IMPOSED AND COLLECTED BY THE COURTS THAT IS THE
8 RESULT OF A CITATION ISSUED BY A PEACE OFFICER FOR A CIVIL TRAFFIC VIOLATION,
9 A VIOLATION OF A MISDEMEANOR OFFENSE OR ANY LOCAL ORDINANCE RELATING TO THE
10 STOPPING, STANDING OR OPERATION OF A VEHICLE. THIS ASSESSMENT IS NOT SUBJECT
11 TO ANY SURCHARGE.

12 B. IF THE CONVICTION OR FINDING OF RESPONSIBILITY OCCURRED IN THE
13 SUPERIOR COURT OR A JUSTICE COURT, THE COURT SHALL TRANSMIT THE ASSESSED
14 MONIES TO THE COUNTY TREASURER. IF THE CONVICTION OR FINDING OF
15 RESPONSIBILITY OCCURRED IN A MUNICIPAL COURT, THE COURT SHALL TRANSMIT THE
16 ASSESSED MONIES TO THE CITY TREASURER. THE CITY OR COUNTY TREASURER SHALL
17 TRANSMIT FIFTY PER CENT OF THE MONIES COLLECTED TO THE STATE TREASURER. THE
18 STATE TREASURER SHALL DEPOSIT THESE MONIES IN THE PUBLIC SAFETY EQUIPMENT
19 FUND ESTABLISHED BY SECTION 41-1723. THE CITY OR COUNTY TREASURER SHALL
20 TRANSMIT THE OTHER FIFTY PER CENT OF THE MONIES COLLECTED TO THE CITY
21 TREASURER IN THE JURISDICTION OF THE LAW ENFORCEMENT AGENCY THAT ISSUED THE
22 CITATION. THE CITY TREASURER SHALL TRANSMIT THESE MONIES TO THE LAW
23 ENFORCEMENT AGENCY THAT ISSUED THE CITATION TO BE USED TO SUPPLEMENT, NOT
24 SUPPLANT, MONIES AVAILABLE FOR PROTECTIVE ARMOR, ELECTRONIC STUN DEVICES AND
25 OTHER SAFETY EQUIPMENT.

26 Sec. 2. Section 28-1201, Arizona Revised Statutes, is amended to read:

27 28-1201. Definition of photo enforcement system

28 In this article, unless the context otherwise requires, "photo
29 enforcement system" has the same meaning prescribed in section 28-601 ~~and~~
30 ~~includes a state photo enforcement system established pursuant to section~~
31 ~~41-1722.~~

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

33 28-1592. Commencement of action

34 A. A civil traffic violation case is commenced by issuance or filing
35 of a uniform traffic ticket and complaint as provided in this article.

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

37 1. If a case is commenced by issuance, it shall be issued within sixty
38 days of the alleged violation.

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

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

1 4. Within one year of the alleged violation if the alleged violation
2 is under investigation in conjunction with a traffic accident resulting in
3 death.

4 ~~5. If the alleged violation is detected by the state photo enforcement~~
5 ~~system established pursuant to section 41-1722, the case shall be filed~~
6 ~~within one hundred twenty days of the alleged violation.~~

7 Sec. 4. Section 28-1593, Arizona Revised Statutes, is amended to read:
8 28-1593. Service of uniform traffic ticket and complaint

9 A. ~~Except as provided in section 28-1602,~~ A traffic complaint may be
10 served by delivering a copy of the uniform traffic ticket and complaint to
11 the person charged with the violation or by any means authorized by the rules
12 of civil procedure. At the discretion of the issuing authority, a complaint
13 for a violation issued after an investigation in conjunction with a traffic
14 accident may be sent by certified mail, return receipt requested and
15 delivered to addressee only, to the address provided by the person charged
16 with the violation. Service of the complaint is complete on filing the
17 receipt in the court having jurisdiction of the violation.

18 B. ~~Except as provided in section 28-1602, subsection A,~~ The original
19 complaint shall be filed in a court having jurisdiction of the violation
20 within ten court days of the time the complaint was issued. A peace officer,
21 or duly authorized agent or someone paid to act on behalf of a traffic
22 enforcement agency, may issue the traffic complaint.

23 C. ~~If a person fails to respond to a notice of violation or contests~~
24 ~~responsibility, a uniform traffic ticket and complaint shall be served and~~
25 ~~filed as otherwise provided in this section, except that the complaint~~
26 ~~resulting from the state photo enforcement system as defined in section~~
27 ~~28-1602 shall not be filed in court before the person is personally served~~
28 ~~with the complaint.~~

29 D. ~~The supreme court shall establish rules governing the issuance,~~
30 ~~service and processing of the notice of violation, including rules allowing a~~
31 ~~person to admit responsibility before a uniform traffic ticket and complaint~~
32 ~~is filed in court.~~

33 Sec. 5. Repeal

34 Sections 28-1602, 28-3323 and 41-1722, Arizona Revised Statutes, are
35 repealed.

36 Sec. 6. Section 41-1723, Arizona Revised Statutes, is amended to read:
37 41-1723. Public safety equipment fund

38 The public safety equipment fund is established consisting of monies
39 deposited in the fund pursuant to sections 5-395.01, 5-396, 5-397, 12-116.04,
40 28-1381, 28-1382, 28-1383, 28-8284, 28-8286, 28-8287 and 28-8288. The
41 department shall administer the fund. Monies in the fund ARE CONTINUOUSLY
42 APPROPRIATED AND shall be ~~distributed as follows:~~

43 ~~1. The first one million two hundred thousand dollars received each~~
44 ~~fiscal year as a continuing appropriation to USED BY the department for~~
45 ~~protective armor, electronic stun devices and other safety equipment. Monies~~

1 appropriated pursuant to this paragraph are exempt from the provisions of
2 section 35-190 relating to lapsing of appropriations.

3 ~~2. All other monies each fiscal year shall be deposited in the state~~
4 ~~general fund.~~

5 Sec. 7. Laws 2010, chapter 266, section 11 is amended to read:

6 Sec. 11. State photo enforcement system penalties: public
7 safety equipment fund

8 Notwithstanding ~~section SECTIONS~~ 41-1722, ~~Arizona Revised Statutes, as~~
9 ~~amended by this act,~~ and ~~section~~ 41-1723, Arizona Revised Statutes, in fiscal
10 ~~year~~ YEARS 2010-2011 AND 2011-2012, forty per cent of the monies remaining in
11 the photo enforcement fund after paying all expenses and court costs that
12 cover the processing of photo enforcement violations and citations, but not
13 to exceed seven million dollars, shall be deposited, pursuant to sections
14 35-146 and 35-147, Arizona Revised Statutes, in the public safety equipment
15 fund established by section 41-1723, Arizona Revised Statutes, and shall be
16 used for the purposes described in section 41-1723, paragraph 1, Arizona
17 Revised Statutes.