

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE CONCURRENT RESOLUTION 1029

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
PHOTO ENFORCEMENT SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to photo enforcement systems, is enacted to
5 become valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING SECTION 28-1201, ARIZONA REVISED STATUTES; REPEALING
9 SECTIONS 28-1202, 28-1203, 28-1204 AND 28-1205, ARIZONA REVISED
10 STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA
11 REVISED STATUTES, BY ADDING A NEW SECTION 28-1202; AMENDING
12 SECTIONS 28-1592 AND 28-1593, ARIZONA REVISED STATUTES;
13 REPEALING SECTIONS 28-1602, 28-3323 AND 41-1722, ARIZONA REVISED
14 STATUTES; RELATING TO PHOTO ENFORCEMENT.

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

16 Section 1. Section 28-1201, Arizona Revised Statutes, is
17 amended to read:

18 28-1201. Definition of photo enforcement system

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

23 Sec. 2. Repeal

24 Sections 28-1202, 28-1203, 28-1204 and 28-1205, Arizona
25 Revised Statutes, are repealed.

26 Sec. 3. Title 28, chapter 3, article 21, Arizona Revised
27 Statutes, is amended by adding a new section 28-1202, to read:

28 28-1202. Photo enforcement system; prohibition

29 A PHOTO ENFORCEMENT SYSTEM SHALL NOT BE USED BY A LOCAL
30 AUTHORITY OR ANY AGENCY OF THIS STATE TO IDENTIFY VIOLATORS OF
31 ARTICLE 3 OR 6 OF THIS CHAPTER.

32 Sec. 4. Section 28-1592, Arizona Revised Statutes, is
33 amended to read:

34 28-1592. Commencement of action

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

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

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

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

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

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

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

8 Sec. 5. Section 28-1593, Arizona Revised Statutes, is
9 amended to read:

10 28-1593. Service of uniform traffic ticket and complaint

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

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

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

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

39 Sec. 6. Repeal

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

42 2. The Secretary of State shall submit this proposition to the voters
43 at the next general election as provided by article IV, part 1, section 1,
44 Constitution of Arizona.