

REFERENCE TITLE: photo radar prohibition

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SCR 1029

Introduced by
Senators Antenori, Burges; Representatives Gowan, Judd, Stevens; Senators
Biggs, Murphy, Shooter, Smith, Yarbrough; Representatives Montenegro,
Proud

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

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

15 Section 1. Repeal

16 Sections 28-1202, 28-1203, 28-1204 and 28-1205, Arizona Revised
17 Statutes, are repealed.

18 Sec. 2. Title 28, chapter 3, article 21, Arizona Revised Statutes, is
19 amended by adding a new section 28-1202, to read:

20 28-1202. Photo enforcement system; prohibition

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

24 Sec. 3. Section 28-1593, Arizona Revised Statutes, is amended to read:

25 28-1593. Service of uniform traffic ticket and complaint

26 A. A traffic complaint may be served by delivering a copy of the
27 uniform traffic ticket and complaint to the person charged with the violation
28 or by any means authorized by the rules of civil procedure. At the
29 discretion of the issuing authority, a complaint for a violation issued after
30 an investigation in conjunction with a traffic accident may be sent by
31 certified mail, return receipt requested and delivered to addressee only, to
32 the address provided by the person charged with the violation. Service of
33 the complaint is complete on filing the receipt in the court having
34 jurisdiction of the violation.

35 B. The original complaint shall be filed in a court having
36 jurisdiction of the violation within ten court days of the time the complaint
37 was issued. A peace officer, or duly authorized agent or someone paid to act
38 on behalf of a traffic enforcement agency, may issue the traffic complaint.

39 ~~C. If a law enforcement agency issues a citation as a result of a~~
40 ~~photo enforcement system and serves the citation in a manner other than what~~
41 ~~is prescribed by subsection A of this section, the agency shall inform the~~
42 ~~person that there is no obligation to identify the driver or respond to the~~
43 ~~citation. Failure to respond to the citation will result in the probability~~
44 ~~that the person will be formally served pursuant to state law and the Arizona~~

1 ~~rules of civil procedure which will likely result in the person being~~
2 ~~required to pay the cost of the service.~~

3 Sec. 4. Repeal

4 Section 28-1602, Arizona Revised Statutes, is repealed.

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