

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 370

HOUSE BILL 2591

AN ACT

AMENDING SECTION 28-1602, ARIZONA REVISED STATUTES; RELATING TO CIVIL TRAFFIC VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-1602, Arizona Revised Statutes, is amended to
3 read:

4 28-1602. Photo enforcement violation: service of process: no
5 duty to identify photo or respond: definitions

6 A. Notwithstanding any other law, if a person receives a notice of
7 violation in the mail for a violation of chapter 3, article 3 or 6 of this
8 title or of a city or town ordinance for excessive speed or failure to obey a
9 traffic control device that is obtained using a photo enforcement system, the
10 person does not have to do either of the following:

- 11 1. Identify who is in the photo.
- 12 2. Respond to the notice of violation.

13 B. The notice of violation that is described in subsection A of this
14 section must state the following:

- 15 1. The notice is not a court issued document and the recipient is
16 under no obligation to identify the person or respond to the notice.
- 17 2. Failure to respond to the notice may result in official service
18 that may result in an additional fee being levied.

19 C. In addition to any other means authorized by the Arizona rules of
20 civil procedure, alternative ~~or substitute~~ service of process must be sent by
21 certified mail with an additional copy by regular mail and a notice must be
22 posted on the front door of the business or residence and, if present and
23 accessible, a residence's garage door. Service of the complaint is complete
24 on filing the mailing receipt and proof of posting in the court having
25 jurisdiction of the violation. **NOTWITHSTANDING ANY OTHER LAW, A PERSON'S**
26 **DRIVING PRIVILEGES MAY NOT BE SUSPENDED OR REVOKED AS A RESULT OF A CITATION**
27 **THAT IS SERVED BY ALTERNATIVE SERVICE OF PROCESS UNDER THIS SUBSECTION.**

28 D. If a law enforcement agency issues a citation as a result of a
29 photo enforcement system and serves the citation in a manner other than what
30 is prescribed by section 28-1593, subsection A, the agency shall inform the
31 person that there is no obligation to identify the driver or respond to the
32 citation. Failure to respond to the citation will result in the probability
33 that the person will be formally served pursuant to state law and the Arizona
34 rules of civil procedure which will likely result in the person being
35 required to pay the cost of the service.

36 E. For the purposes of this section:

- 37 1. "Notice of violation" means a notice issued by a photo enforcement
38 company or municipality that is not a uniform traffic ticket or complaint.
- 39 2. "Photo enforcement system" has the same meaning prescribed in
40 section 28-601.

41 Sec. 2. Effective date

42 Section 28-1602, Arizona Revised Statutes, as amended by this act, is
43 effective from and after December 31, 2016.

H.B. 2591

APPROVED BY THE GOVERNOR MAY 19, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 19, 2016.