

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SCR 1001

Introduced by  
Senator Rogers

## 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  
5 to become valid as a law if approved by the voters and on proclamation of  
6 the Governor:

7 AN ACT

8 AMENDING SECTIONS 28-601, 28-627 AND 28-1201, ARIZONA REVISED  
9 STATUTES; REPEALING SECTIONS 28-1202, 28-1203, 28-1204,  
10 28-1205 AND 28-1206, ARIZONA REVISED STATUTES; AMENDING TITLE  
11 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES, BY ADDING  
12 A NEW SECTION 28-1202; REPEALING SECTION 28-1602, ARIZONA  
13 REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

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

15 Section 1. Section 28-601, Arizona Revised Statutes, is  
16 amended to read:

17 28-601. Definitions

18 In this chapter, unless the context otherwise requires:

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

25 2. "Controlled access highway" means a highway, street  
26 or roadway to or from which owners or occupants of abutting  
27 lands and other persons have no legal right of access except  
28 at such points only and in the manner determined by the public  
29 authority that has jurisdiction over the highway, street or  
30 roadway.

31 3. "Crosswalk" means:

32 (a) That part of a roadway at an intersection included  
33 within the prolongations or connections of the lateral lines  
34 of the sidewalks on opposite sides of the highway measured  
35 from the curbs or, in absence of curbs, from the edges of the  
36 traversable roadway.

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

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

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

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

8           7. "Gross weight" means the weight of a vehicle without  
9 a load plus the weight of any load on the vehicle.

10          8. "Intersection" means the area embraced within the  
11 prolongation or connection of the lateral curb lines, or if  
12 none, the lateral boundary lines of the roadways of two  
13 highways that join one another at, or approximately at, right  
14 angles, or the area within which vehicles traveling on  
15 different highways joining at any other angle may come in  
16 conflict. If a highway includes two roadways thirty or more  
17 feet apart, each crossing of each roadway of the divided  
18 highway by an intersecting highway is a separate  
19 intersection. If the intersecting highway also includes two  
20 roadways thirty or more feet apart, each crossing of two  
21 roadways of the highways is a separate intersection.

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

26          10. "Low emission and energy efficient vehicle" means a  
27 vehicle that has been certified by the United States  
28 environmental protection agency administrator in accordance  
29 with 23 United States Code section 166 or that is part of a  
30 federally approved pilot program.

31          11. "Motorized wheelchair" means any self-propelled  
32 wheelchair that is used by a person for mobility.

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

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

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

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

~~15.~~ 14. "Pneumatic tire" means a tire in which compressed air is designed to support the load.

~~16.~~ 15. "Pole trailer" means a vehicle that is all of the following:

(a) Without motive power.

(b) Designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle.

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

~~17.~~ 16. "Police officer" means an officer authorized to direct or regulate traffic or make arrests for violations of traffic rules or other offenses.

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

~~19.~~ 18. "Railroad" means a carrier of persons or property on cars operated on stationary rails.

~~20.~~ 19. "Railroad sign or signal" means a sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

~~21.~~ 20. "Railroad train" means a steam engine or any electric or other motor that is with or without cars coupled to the steam engine or electric or other motor and that is operated on rails.

~~22.~~ 21. "Roadway" means that portion of a highway that is improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, roadway refers to any such roadway separately but not to all such roadways collectively.

~~23.~~ 22. "Safety zone" means the area or space that is both:

(a) Officially set apart within a roadway for the exclusive use of pedestrians.

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

~~24.~~ 23. "Sidewalk" means that portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for the use of pedestrians.

~~25.~~ 24. "Stop", if required, means complete cessation from movement.

~~26.~~ 25. "Stop, stopping or standing", if prohibited, means any stopping or standing of an occupied or unoccupied vehicle, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control sign or signal.

~~27.~~ 26. "Through highway" means a highway or portion of a highway at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing and when stop signs are erected as provided in this chapter.

~~28.~~ 27. "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using a highway for purposes of travel.

~~29.~~ 28. "Traffic control signal" means a device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

~~30.~~ 29. "Truck" means a motor vehicle that is designed, used or maintained primarily for the transportation of property.

Sec. 2. Section 28-627, Arizona Revised Statutes, is amended to read:

28-627. Powers of local authorities

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

1. Regulating the standing or parking of vehicles.
2. Regulating traffic by means of police officers, traffic control signals or volunteer posse organization members authorized by the sheriff under section 11-441 for the purpose of directing traffic only.
3. Regulating or prohibiting processions or assemblages on the highways.
4. Designating particular highways as one-way highways and requiring that all vehicles on one-way highways be moved in one specific direction.
5. Regulating the speed of vehicles in public parks.
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing

the highway or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

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

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

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

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

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

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

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

14. Regulating electric bicycles and electric standup scooters. A local authority may consider the environmental benefits and traffic benefits of electric bicycles and electric standup scooters when regulating electric bicycles and electric standup scooters.

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

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

D. The definition of motor vehicle prescribed in section 28-101 does not prevent a local authority from adopting ordinances that regulate or prohibit the operation of motorized skateboards, except that a local authority shall not adopt an ordinance that requires registration and licensing of motorized skateboards. For the purposes of this subsection,

1 "motorized skateboard" means a self-propelled device that does  
2 not have handlebars and that has a motor, a deck on which a  
3 person may ride and at least two tandem wheels in contact with  
4 the ground.

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

8 1. Unarmed police aides or municipally approved private  
9 contractors who are employed or contracted by the police  
10 department and who are empowered to commence an action or  
11 proceeding before a court or judge for a violation of the  
12 local authority's ordinances regulating the standing or  
13 parking of vehicles. A municipally approved private  
14 contractor shall not include a relative of an employee or of  
15 an elected official of the municipality. The authority of the  
16 unarmed police aide or municipally approved private contractor  
17 as authorized in this section is limited to the enforcement of  
18 the ordinances of local authorities regulating the standing or  
19 parking of vehicles. Pursuant to rules established by the  
20 supreme court, an unarmed police aide appointed pursuant to  
21 this paragraph may serve any process originating out of a  
22 municipal court in the municipality in which the unarmed  
23 police aide is employed. Service of process under this  
24 paragraph shall only be made during the hours the municipal  
25 court is open for the transaction of business and only on  
26 court premises. This paragraph does not grant to unarmed  
27 police aides or municipally approved private contractors other  
28 powers or benefits to which peace officers of this state are  
29 entitled.

30 2. Traffic investigators who may:

31 (a) Investigate traffic accidents within the  
32 jurisdiction of the local authority.

33 (b) Commence an action or proceeding before a court or  
34 judge for any violation of a state statute or local ordinance  
35 relating to traffic, if the violation is related to a traffic  
36 accident within the jurisdiction of the local authority.

37 (c) Pursuant to rules established by the supreme court,  
38 serve any process originating out of a municipal court in the  
39 municipality in which the traffic investigator is  
40 employed. Service of process under paragraph 1 of this  
41 subsection shall only be made during the hours the municipal  
42 court is open for the transaction of business and only on  
43 court premises.

F. A traffic investigator appointed pursuant to this section shall:

1. Be unarmed at all times during the course of the traffic investigator's duties.
2. Be an employee of the appointing local authority.
3. File written reports as required pursuant to section 28-667.

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

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

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

Sec. 3. Section 28-1201, Arizona Revised Statutes, is amended to read:

28-1201. Definition of photo enforcement system

In this article, unless the context otherwise requires, "photo enforcement system" ~~has the same meaning prescribed in section 28-601~~ MEANS A DEVICE SUBSTANTIALLY CONSISTING OF A RADAR UNIT OR SENSOR LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT PRODUCES ONE OR MORE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES OR DIGITAL OR OTHER RECORDED IMAGES OF A VEHICLE'S LICENSE PLATE FOR THE PURPOSE OF IDENTIFYING VIOLATORS OF ARTICLE 3 OR 6 OF THIS CHAPTER OR OF A CITY OR TOWN ORDINANCE FOR EXCESSIVE SPEED OR FAILURE TO OBEY A TRAFFIC CONTROL DEVICE.

Sec. 4. Repeal

Sections 28-1202, 28-1203, 28-1204, 28-1205 and 28-1206, Arizona Revised Statutes, are repealed.

Sec. 5. Title 28, chapter 3, article 21, Arizona Revised Statutes, is amended by adding a new section 28-1202, to read:

28-1202. Photo enforcement system; prohibition

A LOCAL AUTHORITY OR AN AGENCY OF THIS STATE MAY NOT USE A PHOTO ENFORCEMENT SYSTEM TO IDENTIFY VIOLATORS OF ARTICLE 3 OR 6 OF THIS CHAPTER OR OF A CITY OR TOWN ORDINANCE FOR EXCESSIVE SPEED OR FAILURE TO OBEY A TRAFFIC CONTROL DEVICE.



1           Sec. 6. Repeal

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

3           Sec. 7. Legislative intent

4           Pursuant to section 41-1107, Arizona Revised Statutes,  
5 the legislature intends to:

6           1. Keep the enforcement of the laws in this state in  
7 the hands of trained law enforcement officers who are  
8 authorized by the people of this state to enforce the laws.

9           2. Protect the citizens of this state from the abuses  
10 that accompany the outsourcing of law enforcement to private,  
11 for-profit entities.

12          3. Ensure that the purpose of law enforcement remains  
13 to serve and protect and not to generate revenue for  
14 governments.

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