



ARIZONA STATE SENATE

Fifty-Seventh Legislature, First Regular Session

FACT SHEET FOR S.C.R. 1002

photo enforcement systems; prohibition

Purpose

Subject to voter approval, statutorily prohibits a local authority or state agency from using a photo enforcement system to identify violators of speed restrictions or traffic control devices.

Background

The state, or a local authority, may not use a photo enforcement system on a state highway to identify violators of speed restrictions or traffic signs, signals and markings. A local authority or state agency using a photo enforcement system must adopt standards and specifications that indicate to a motor vehicle operator that a photo enforcement system is present and operational (A.R.S. §§ [28-1204](#) and [28-1206](#)).

If a person receives notice in the mail for a violation of state or local speed restrictions or traffic control devices that is obtained using a photo enforcement system, the person does not have to: 1) identify who is in the photo; or 2) respond to the notice of violation. The notice must state that it is not a court-issued document, but failing to respond to the notice may result in official service that may lead to an additional fee being levied. An alternative service of process may be used to serve a citation. A person's driving privilege may not be suspended or revoked as a result of a citation served by the alternative service of process ([A.R.S. § 28-1602](#)).

A *photo enforcement system* is 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 speed restrictions or traffic signs, signals and markings. An *official traffic control device* is any sign, signal, marking or device that is consistent with traffic and vehicle regulations and is placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic ([A.R.S. § 28-601](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a local authority or state agency from using a photo enforcement system to identify violators of:
 - a) speed restrictions or traffic signs, signals and markings; or
 - b) a city or town ordinance for excessive speed or failure to obey a traffic control device.

FACT SHEET

S.C.R. 1002

Page 2

2. Removes the prohibition on unarmed police aides, municipally-approved private contractors and traffic investigators serving any process resulting from a citation that is:
 - a) issued for a failure to obey state or local speed restrictions or traffic control devices; and
 - b) obtained using a photo enforcement system.
3. Expands the definition of *photo enforcement system* to include a device that is being used to identify violators of a city or town ordinance for excessive speed or failure to obey a traffic control device.
4. Repeals photo enforcement system statutes, including:
 - a) the placement and use of photo enforcement systems;
 - b) standards and requirements for photo enforcement zones;
 - c) service of process requirements;
 - d) a first responder exemption;
 - e) red light running; and
 - f) a prohibition on state use.
5. Contains a statement of legislative intent.
6. Makes conforming changes.
7. Requires the Secretary of State to submit the proposition to the voters at the next general election.
8. Becomes effective if approved by the voters and on proclamation of the Governor.

Prepared by Senate Research

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AN/slp