



Bill Number: S.C.R. 1004

Rogers Floor Amendment

Reference to: printed resolution

Amendment drafted by: Leg. Council

FLOOR AMENDMENT EXPLANATION

1. Restores the ability of local authorities and state agencies to use photo enforcement systems when specified conditions are met, as well as the requirements relating to the use of photo enforcement systems.
2. Prohibits a local authority or state agency from using a photo enforcement system unless the local authority or state agency has a signed contract to operate the photo enforcement system by December 31, 2026.
3. Requires a local authority that has a signed photo enforcement contract to seek approval of the voters at the general election immediately following the effective date to continue operation of the photo enforcement system.
4. Requires a local authority to cease operation of a photo enforcement system within 90 days of the general election at which the voters fail to approve the operation of the photo enforcement system.
5. Stipulates that, if the voters approve the photo enforcement system, the local authority may continue to operate the system for 10 years.
6. Requires a local authority that has received voter approval for the use of photo enforcement to seek voter approval every 10 years to continue use of the photo enforcement system.

1 ~~authority that has jurisdiction over the highway, street or~~
2 ~~roadway.~~

3 ~~3. "Crosswalk" means:~~

4 ~~(a) That part of a roadway at an intersection included~~
5 ~~within the prolongations or connections of the lateral lines~~
6 ~~of the sidewalks on opposite sides of the highway measured~~
7 ~~from the curbs or, in absence of curbs, from the edges of the~~
8 ~~traversable roadway.~~

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

12 ~~4. "Escort vehicle" means a vehicle that is required~~
13 ~~pursuant to rules adopted by the department to escort motor~~
14 ~~vehicles or combinations of vehicles that require issuance of~~
15 ~~a permit pursuant to article 18 or 19 of this chapter for~~
16 ~~operation on the highways of this state.~~

17 ~~5. "Explosives" means any chemical compound, mixture or~~
18 ~~device that is commonly used or intended for the purpose of~~
19 ~~producing an explosion and that is defined in 49 Code of~~
20 ~~Federal Regulations part 173.~~

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

24 ~~7. "Gross weight" means the weight of a vehicle without~~
25 ~~a load plus the weight of any load on the vehicle.~~

26 ~~8. "Intersection" means the area embraced within the~~
27 ~~prolongation or connection of the lateral curb lines, or if~~
28 ~~none, the lateral boundary lines of the roadways of two~~
29 ~~highways that join one another at, or approximately at, right~~
30 ~~angles, or the area within which vehicles traveling on~~
31 ~~different highways joining at any other angle may come in~~
32 ~~conflict. If a highway includes two roadways thirty or more~~
33 ~~feet apart, each crossing of each roadway of the divided~~
34 ~~highway by an intersecting highway is a separate intersection.~~
35 ~~If the intersecting highway also includes two roadways thirty~~
36 ~~or more feet apart, each crossing of two roadways of the~~
37 ~~highways is a separate intersection.~~

38 ~~9. "License" means any license, temporary instruction~~
39 ~~permit or temporary license issued under the laws of this~~
40 ~~state or any other state that pertain to the licensing of~~
41 ~~persons to operate motor vehicles.~~

42 ~~10. "Low emission and energy efficient vehicle" means a~~
43 ~~vehicle that has been certified by the United States~~
44 ~~environmental protection agency administrator in accordance~~
45 ~~with 23 United States Code section 166 or that is part of a~~
46 ~~federally approved pilot program.~~

1 ~~11. "Motorized wheelchair" means any self-propelled~~
2 ~~wheelchair that is used by a person for mobility.~~

3 ~~12. "Official traffic control device" means any sign,~~
4 ~~signal, marking or device that is not inconsistent with this~~
5 ~~chapter and that is placed or erected by authority of a public~~
6 ~~body or official having jurisdiction for the purpose of~~
7 ~~regulating, warning or guiding traffic.~~

8 ~~13. "Park", if prohibited, means the standing of a~~
9 ~~vehicle, whether occupied or not, otherwise than temporarily~~
10 ~~for the purpose of and while actually engaged in loading or~~
11 ~~unloading.~~

12 ~~14. "Photo enforcement system" means a device~~
13 ~~substantially consisting of a radar unit or sensor linked to a~~
14 ~~camera or other recording device that produces one or more~~
15 ~~photographs, microphotographs, videotapes or digital or other~~
16 ~~recorded images of a vehicle's license plate for the purpose~~
17 ~~of identifying violators of articles 3 and 6 of this chapter.~~

18 ~~15. 14. "Pneumatic tire" means a tire in which~~
19 ~~compressed air is designed to support the load.~~

20 ~~16. 15. "Pole trailer" means a vehicle that is all of~~
21 ~~the following:~~

22 ~~(a) Without motive power.~~

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

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

30 ~~17. 16. "Police officer" means an officer authorized~~
31 ~~to direct or regulate traffic or make arrests for violations~~
32 ~~of traffic rules or other offenses.~~

33 ~~18. 17. "Private road or driveway" means a way or~~
34 ~~place that is in private ownership and that is used for~~
35 ~~vehicular travel by the owner and those persons who have~~
36 ~~express or implied permission from the owner but not by other~~
37 ~~persons.~~

38 ~~19. 18. "Railroad" means a carrier of persons or~~
39 ~~property on cars operated on stationary rails.~~

40 ~~20. 19. "Railroad sign or signal" means a sign, signal~~
41 ~~or device erected by authority of a public body or official or~~
42 ~~by a railroad and intended to give notice of the presence of~~
43 ~~railroad tracks or the approach of a railroad train.~~

44 ~~21. 20. "Railroad train" means a steam engine or any~~
45 ~~electric or other motor that is with or without cars coupled~~
46 ~~to the steam engine or electric or other motor and that is~~
47 ~~operated on rails.~~

1 ~~22. 21. "Roadway" means that portion of a highway that~~
2 ~~is improved, designed or ordinarily used for vehicular travel,~~
3 ~~exclusive of the berm or shoulder. If a highway includes two~~
4 ~~or more separate roadways, roadway refers to any such roadway~~
5 ~~separately but not to all such roadways collectively.~~
6 ~~23. 22. "Safety zone" means the area or space that is~~
7 ~~both:~~
8 ~~(a) Officially set apart within a roadway for the~~
9 ~~exclusive use of pedestrians.~~
10 ~~(b) Protected or either marked or indicated by adequate~~
11 ~~signs as to be plainly visible at all times while set apart as~~
12 ~~a safety zone.~~
13 ~~24. 23. "Sidewalk" means that portion of a street that~~
14 ~~is between the curb lines or the lateral lines of a roadway~~
15 ~~and the adjacent property lines and that is intended for the~~
16 ~~use of pedestrians.~~
17 ~~25. 24. "Stop", if required, means complete cessation~~
18 ~~from movement.~~
19 ~~26. 25. "Stop, stopping or standing", if prohibited,~~
20 ~~means any stopping or standing of an occupied or unoccupied~~
21 ~~vehicle, except when necessary to avoid conflict with other~~
22 ~~traffic or in compliance with directions of a police officer~~
23 ~~or traffic control sign or signal.~~
24 ~~27. 26. "Through highway" means a highway or portion~~
25 ~~of a highway at the entrances to which vehicular traffic from~~
26 ~~intersecting highways is required by law to stop before~~
27 ~~entering or crossing and when stop signs are erected as~~
28 ~~provided in this chapter.~~
29 ~~28. 27. "Traffic" means pedestrians, ridden or herded~~
30 ~~animals, vehicles and other conveyances either singly or~~
31 ~~together while using a highway for purposes of travel.~~
32 ~~29. 28. "Traffic control signal" means a device,~~
33 ~~whether manually, electrically or mechanically operated, by~~
34 ~~which traffic is alternately directed to stop and to proceed.~~
35 ~~30. 29. "Truck" means a motor vehicle that is~~
36 ~~designed, used or maintained primarily for the transportation~~
37 ~~of property.>>~~
38 ~~<<Sec. 2. Section 28-627, Arizona Revised Statutes, is~~
39 ~~amended to read:~~
40 ~~28-627. Powers of local authorities~~
41 ~~A. This chapter and chapters 4 and 5 of this title do~~
42 ~~not prohibit a local authority, with respect to streets and~~
43 ~~highways under its jurisdiction and within the reasonable~~
44 ~~exercise of the police power, from:~~
45 ~~1. Regulating the standing or parking of vehicles.~~
46 ~~2. Regulating traffic by means of police officers,~~
47 ~~traffic control signals or volunteer posse organization~~

- 1 ~~members authorized by the sheriff under section 11-441 for the~~
2 ~~purpose of directing traffic only.~~
- 3 ~~3. Regulating or prohibiting processions or assemblages~~
4 ~~on the highways.~~
- 5 ~~4. Designating particular highways as one-way highways~~
6 ~~and requiring that all vehicles on one-way highways be moved~~
7 ~~in one specific direction.~~
- 8 ~~5. Regulating the speed of vehicles in public parks.~~
- 9 ~~6. Designating any highway as a through highway and~~
10 ~~requiring that all vehicles stop before entering or crossing~~
11 ~~the highway or designating any intersection as a stop~~
12 ~~intersection and requiring all vehicles to stop at one or more~~
13 ~~entrances to the intersection.~~
- 14 ~~7. Restricting the use of highways as authorized in~~
15 ~~section 28-1106.~~
- 16 ~~8. Regulating the operation of bicycles and requiring~~
17 ~~the registration and licensing of bicycles, including the~~
18 ~~requirement of a registration fee.~~
- 19 ~~9. Regulating or prohibiting the turning of vehicles or~~
20 ~~specified types of vehicles at intersections.~~
- 21 ~~10. Altering the prima facie speed limits as authorized~~
22 ~~by this chapter.~~
- 23 ~~11. Designating routes over streets and highways for~~
24 ~~vehicles not exceeding one hundred two inches in width,~~
25 ~~exclusive of safety equipment.~~
- 26 ~~12. Adopting other traffic regulations that are~~
27 ~~specifically authorized by this chapter or chapter 4 or 5 of~~
28 ~~this title.~~
- 29 ~~13. Designating routes on certain streets and highways~~
30 ~~for the purpose of allowing off-highway vehicle operators to~~
31 ~~gain access to or from a designated off-highway recreation~~
32 ~~facility as defined in section 28-1171, off-highway vehicle~~
33 ~~trail as defined in section 28-1171 or off-highway vehicle~~
34 ~~special event as defined in section 28-1171.~~
- 35 ~~14. Regulating electric bicycles and electric standup~~
36 ~~scooters. A local authority may consider the environmental~~
37 ~~benefits and traffic benefits of electric bicycles and~~
38 ~~electric standup scooters when regulating electric bicycles~~
39 ~~and electric standup scooters.~~
- 40 ~~B. A local authority shall not erect or maintain a stop~~
41 ~~sign or traffic control signal at any location that requires~~
42 ~~the traffic on any state highway to stop before entering or~~
43 ~~crossing any intersecting highway unless approval in writing~~
44 ~~has first been obtained from the director.~~
- 45 ~~C. An ordinance or regulation enacted under subsection~~
46 ~~A, paragraph 4, 5, 6, 7, 9 or 10 of this section is not~~
47 ~~effective until signs giving notice of the local traffic~~

1 ~~regulations are posted on or at the entrances to the highway~~
2 ~~or part of the highway affected as is most appropriate.~~

3 ~~D. The definition of motor vehicle prescribed in~~
4 ~~section 28-101 does not prevent a local authority from~~
5 ~~adopting ordinances that regulate or prohibit the operation of~~
6 ~~motorized skateboards, except that a local authority shall not~~
7 ~~adopt an ordinance that requires registration and licensing of~~
8 ~~motorized skateboards. For the purposes of this subsection,~~
9 ~~"motorized skateboard" means a self-propelled device that does~~
10 ~~not have handlebars and that has a motor, a deck on which a~~
11 ~~person may ride and at least two tandem wheels in contact with~~
12 ~~the ground.~~

13 ~~E. In addition to the appointment of peace officers, a~~
14 ~~local authority may provide by ordinance for the appointment~~
15 ~~of:~~

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

38 ~~2. Traffic investigators who may:~~

39 ~~(a) Investigate traffic accidents within the~~
40 ~~jurisdiction of the local authority.~~

41 ~~(b) Commence an action or proceeding before a court or~~
42 ~~judge for any violation of a state statute or local ordinance~~
43 ~~relating to traffic, if the violation is related to a traffic~~
44 ~~accident within the jurisdiction of the local authority.~~

45 ~~(c) Pursuant to rules established by the supreme court,~~
46 ~~serve any process originating out of a municipal court in the~~
47 ~~municipality in which the traffic investigator is employed.~~

1 ~~Service of process under paragraph 1 of this subsection shall~~
2 ~~only be made during the hours the municipal court is open for~~
3 ~~the transaction of business and only on court premises.~~

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

6 ~~1. Be unarmed at all times during the course of the~~
7 ~~traffic investigator's duties.~~

8 ~~2. Be an employee of the appointing local authority.~~

9 ~~3. File written reports as required pursuant to section~~
10 ~~28-667.~~

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

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

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

24 Section 1. Section 28-1201, Arizona Revised Statutes,
25 is amended to read:

26 28-1201. Definition of photo enforcement system

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

37 <<Sec. 4. Repeat

38 ~~Sections 28-1202, 28-1203, 28-1204, 28-1205 and 28-1206,~~
39 ~~Arizona Revised Statutes, are repeated.>>~~

40 Sec. 2. Title 28, chapter 3, article 21, Arizona
41 Revised Statutes, is amended by adding [a new] section
42 [28-1202] [28-1207], to read:

43 [28-1202.] [28-1207.] Photo enforcement system; voter
44 approval requirement

45 [A.] A LOCAL AUTHORITY OR AN AGENCY OF THIS STATE MAY
46 NOT USE A PHOTO ENFORCEMENT SYSTEM TO IDENTIFY VIOLATORS OF
47 ARTICLE 3 OR 6 OF THIS CHAPTER OR OF A CITY OR TOWN ORDINANCE

1 FOR EXCESSIVE SPEED OR FAILURE TO OBEY A TRAFFIC CONTROL
2 DEVICE[, UNLESS, ON OR BEFORE DECEMBER 31, 2026, THE LOCAL
3 AUTHORITY OR THE AGENCY OF THIS STATE HAS A SIGNED CONTRACT TO
4 OPERATE A PHOTO ENFORCEMENT SYSTEM].

5 [B. NOTWITHSTANDING SECTION 16-204, A LOCAL AUTHORITY
6 THAT HAS A SIGNED CONTRACT TO OPERATE A PHOTO ENFORCEMENT
7 SYSTEM PURSUANT TO SUBSECTION A OF THIS SECTION SHALL SEEK
8 APPROVAL OF THE VOTERS OF THE LOCAL AUTHORITY AT THE NEXT
9 GENERAL ELECTION IMMEDIATELY AFTER THE EFFECTIVE DATE OF THIS
10 SECTION TO CONTINUE OPERATION OF THE PHOTO ENFORCEMENT SYSTEM.

11 C. IF THE LOCAL AUTHORITY DOES NOT RECEIVE VOTER
12 APPROVAL TO OPERATE A PHOTO ENFORCEMENT SYSTEM PURSUANT TO
13 SUBSECTION B OF THIS SECTION, THE LOCAL AUTHORITY SHALL CEASE
14 OPERATIONS OF THE PHOTO ENFORCEMENT SYSTEM WITHIN NINETY DAYS
15 AFTER THE GENERAL ELECTION IN WHICH THE VOTERS FAILED TO
16 APPROVE THE OPERATION OF THE PHOTO ENFORCEMENT SYSTEM.

17 D. IF THE LOCAL AUTHORITY RECEIVES VOTER APPROVAL TO
18 OPERATE A PHOTO ENFORCEMENT SYSTEM PURSUANT TO SUBSECTION B OF
19 THIS SECTION, THE LOCAL AUTHORITY MAY CONTINUE TO OPERATE THE
20 PHOTO ENFORCEMENT SYSTEM FOR A PERIOD OF TEN YEARS AND ALL OF
21 THE FOLLOWING APPLY:

22 1. NOTWITHSTANDING SECTION 16-204, THE LOCAL AUTHORITY
23 SHALL SUBMIT TO THE LOCAL AUTHORITY'S VOTERS THE QUESTION OF
24 THE CONTINUED OPERATION OF THE PHOTO ENFORCEMENT SYSTEM FOR AN
25 ADDITIONAL TEN YEARS THAT SHALL BE PLACED ON THE GENERAL
26 ELECTION BALLOT FOR THE GENERAL ELECTION THAT IS HELD TEN
27 YEARS AFTER THE PREVIOUS VOTE THAT APPROVED THE OPERATION OF
28 THE PHOTO ENFORCEMENT SYSTEM.

29 2. IF THE LOCAL AUTHORITY RECEIVES VOTER APPROVAL AT
30 THE ELECTION PRESCRIBED BY PARAGRAPH 1 OF THIS SUBSECTION, THE
31 LOCAL AUTHORITY MAY CONTINUE TO OPERATE THE PHOTO ENFORCEMENT
32 SYSTEM FOR A PERIOD OF TEN YEARS AND SHALL SUBMIT TO THE LOCAL
33 AUTHORITY'S VOTERS THE QUESTION OF THE CONTINUED OPERATION OF
34 THE PHOTO ENFORCEMENT SYSTEM EVERY TEN YEARS THEREAFTER AS
35 PRESCRIBED BY THIS SECTION.]

36 <<Sec. 6. Repeat
37 Section 28-1602, Arizona Revised Statutes, is
38 repeated.>>

39 Sec. 3. Legislative intent

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

42 1. Keep the enforcement of the laws in this state in
43 the hands of trained law enforcement officers who are
44 authorized by the people of this state to enforce the laws.

45 2. Protect the citizens of this state from the abuses
46 that accompany the outsourcing of law enforcement to private,
47 for-profit entities.

Senate Amendments to S.C.R. 1004

1 3. Ensure that the purpose of law enforcement remains to serve and
2 protect and not to generate revenue for governments.
3 2. The Secretary of State shall submit this proposition to the
4 voters at the next general election as provided by article IV, part 1,
5 section 1, Constitution of Arizona.

6 Enroll and engross to conform
7 Amend title to conform

WENDY ROGERS

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