

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 123
SENATE BILL 1110

AN ACT

AMENDING SECTION 28-1602, ARIZONA REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

(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 violations; law enforcement
5 review; violation; classification; service of
6 process; no duty to identify photo or respond;
7 definitions

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

- 13 1. Identify who is in the photo.
- 14 2. Respond to the notice of violation.

15 B. The notice of violation ~~that is described in subsection A of~~
16 ~~this section~~ must state the following:

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

21 C. BEFORE A CITATION IS ISSUED, A LAW ENFORCEMENT AGENCY MUST
22 REVIEW EVIDENCE THAT IS RECORDED BY A PHOTO ENFORCEMENT SYSTEM TO
23 DETERMINE WHETHER A VIOLATION OF CHAPTER 3, ARTICLE 3 OR 6 OF THIS TITLE
24 OR OF A CITY OR TOWN ORDINANCE FOR EXCESSIVE SPEED OR FAILURE TO OBEY A
25 TRAFFIC CONTROL DEVICE OCCURRED.

26 D. A PHOTO ENFORCEMENT COMPANY MAY NOT DETERMINE WHETHER A
27 VIOLATION OF CHAPTER 3, ARTICLE 3 OR 6 OF THIS TITLE OCCURRED FOR THE
28 PURPOSE OF THE ISSUANCE OF A CITATION. A VIOLATION OF THIS SUBSECTION IS
29 A CLASS 1 MISDEMEANOR.

30 ~~E.~~ E. In addition to any other means authorized by the Arizona
31 rules of civil procedure, alternative service of process must be sent by
32 certified mail with an additional copy by regular mail and a notice must
33 be posted on the front door of the business or residence and, if present
34 and accessible, a residence's garage door. Service of the complaint is
35 complete on filing the mailing receipt and proof of posting in the court
36 having jurisdiction of the violation. Notwithstanding any other law, a
37 person's driving privileges may not be suspended or revoked as a result of
38 a citation that is served by alternative service of process under this
39 subsection.

40 ~~F.~~ F. If a law enforcement agency issues a citation as a result of
41 a photo enforcement system and serves the citation in a manner other than
42 what is prescribed by section 28-1593, subsection A, the agency shall
43 inform the person that there is no obligation to identify the driver or
44 respond to the citation. Failure to respond to the citation will result
45 in the probability that the person will be formally served pursuant to

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

3 ~~F.~~ G. For the purposes of this section:

4 1. "Notice of violation" means a notice issued by a photo
5 enforcement company or municipality that is not a uniform traffic ticket
6 ~~OR~~ AND complaint.

7 2. "Photo enforcement system" has the same meaning prescribed in
8 section 28-601.

APPROVED BY THE GOVERNOR APRIL 3, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018.