

REFERENCE TITLE: prohibition; photo radar

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## HB 2635

Introduced by  
Representatives Payne: Biasiucci, Blackman, Bolick, Carroll, Cobb, Cook,  
Dunn, Fillmore, Finchem, Grantham, Griffin, Kavanagh, Kern, Petersen,  
Roberts, Stringer, Toma, Townsend, Udall

### AN ACT

AMENDING SECTION 28-601, ARIZONA REVISED STATUTES; AMENDING SECTION, 28-627, ARIZONA REVISED STATUTES, AS ADDED BY LAWS 2018, CHAPTER 306, SECTION 3; AMENDING SECTION 28-627, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 306, SECTION 4; AMENDING SECTION 28-1201, ARIZONA REVISED STATUTES; REPEALING SECTIONS 28-1202, 28-1203, 28-1204, 28-1205 AND 28-1206, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 28-1202; REPEALING 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 28-601, Arizona Revised Statutes, is amended to  
3 read:

4 28-601. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Commercial motor vehicle" means a motor vehicle or combination  
7 of vehicles that is designed, used or maintained to transport passengers  
8 or property in the furtherance of a commercial enterprise, that is a  
9 commercial motor vehicle as defined in section 28-5201 and that is not  
10 exempt from gross weight fees as prescribed in section 28-5432,  
11 subsection B.

12 2. "Controlled access highway" means a highway, street or roadway  
13 to or from which owners or occupants of abutting lands and other persons  
14 have no legal right of access except at such points only and in the manner  
15 determined by the public authority that has jurisdiction over the highway,  
16 street or roadway.

17 3. "Crosswalk" means:

18 (a) That part of a roadway at an intersection included within the  
19 prolongations or connections of the lateral lines of the sidewalks on  
20 opposite sides of the highway measured from the curbs or, in absence of  
21 curbs, from the edges of the traversable roadway.

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

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

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

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

35 7. "Gross weight" means the weight of a vehicle without a load plus  
36 the weight of any load on the vehicle.

37 8. "Intersection" means the area embraced within the prolongation  
38 or connection of the lateral curb lines, or if none, the lateral boundary  
39 lines of the roadways of two highways that join one another at, or  
40 approximately at, right angles, or the area within which vehicles  
41 traveling on different highways joining at any other angle may come in  
42 conflict. If a highway includes two roadways thirty or more feet apart,  
43 each crossing of each roadway of the divided highway by an intersecting  
44 highway is a separate intersection. If the intersecting highway also

1 includes two roadways thirty or more feet apart, each crossing of two  
2 roadways of the highways is a separate intersection.

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

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

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

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

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

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

24 ~~15.~~ 14. "Pneumatic tire" means a tire in which compressed air is  
25 designed to support the load.

26 ~~16.~~ 15. "Pole trailer" means a vehicle that is all of the  
27 following:

28 (a) Without motive power.

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

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

35 ~~17.~~ 16. "Police officer" means an officer authorized to direct or  
36 regulate traffic or make arrests for violations of traffic rules or other  
37 offenses.

38 ~~18.~~ 17. "Private road or driveway" means a way or place that is in  
39 private ownership and that is used for vehicular travel by the owner and  
40 those persons who have express or implied permission from the owner but  
41 not by other persons.

42 ~~19.~~ 18. "Railroad" means a carrier of persons or property on cars  
43 operated on stationary rails.

1           ~~20.~~ 19. "Railroad sign or signal" means a sign, signal or device  
2 erected by authority of a public body or official or by a railroad and  
3 intended to give notice of the presence of railroad tracks or the approach  
4 of a railroad train.

5           ~~21.~~ 20. "Railroad train" means a steam engine or any electric or  
6 other motor that is with or without cars coupled to the steam engine or  
7 electric or other motor and that is operated on rails.

8           ~~22.~~ 21. "Roadway" means that portion of a highway that is  
9 improved, designed or ordinarily used for vehicular travel, exclusive of  
10 the berm or shoulder. If a highway includes two or more separate  
11 roadways, roadway refers to any such roadway separately but not to all  
12 such roadways collectively.

13           ~~23.~~ 22. "Safety zone" means the area or space that is both:

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

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

18           ~~24.~~ 23. "Sidewalk" means that portion of a street that is between  
19 the curb lines or the lateral lines of a roadway and the adjacent property  
20 lines and that is intended for the use of pedestrians.

21           ~~25.~~ 24. "Stop", if required, means complete cessation from  
22 movement.

23           ~~26.~~ 25. "Stop, stopping or standing", if prohibited, means any  
24 stopping or standing of an occupied or unoccupied vehicle, except when  
25 necessary to avoid conflict with other traffic or in compliance with  
26 directions of a police officer or traffic control sign or signal.

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

31           ~~28.~~ 27. "Traffic" means pedestrians, ridden or herded animals,  
32 vehicles and other conveyances either singly or together while using a  
33 highway for purposes of travel.

34           ~~29.~~ 28. "Traffic control signal" means a device, whether manually,  
35 electrically or mechanically operated, by which traffic is alternately  
36 directed to stop and to proceed.

37           ~~30.~~ 29. "Truck" means a motor vehicle that is designed, used or  
38 maintained primarily for the transportation of property.

39           Sec. 2. Section 28-627, Arizona Revised Statutes, as amended by  
40 Laws 2018, chapter 306, section 3, is amended to read:

41           28-627. Powers of local authorities

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

45           1. Regulating the standing or parking of vehicles.

- 1           2. Regulating traffic by means of police officers, traffic control  
2 signals or volunteer posse organization members authorized by the sheriff  
3 under section 11-441 for the purpose of directing traffic only.
- 4           3. Regulating or prohibiting processions or assemblages on the  
5 highways.
- 6           4. Designating particular highways as one-way highways and  
7 requiring that all vehicles on one-way highways be moved in one specific  
8 direction.
- 9           5. Regulating the speed of vehicles in public parks.
- 10          6. Designating any highway as a through highway and requiring that  
11 all vehicles stop before entering or crossing the highway or designating  
12 any intersection as a stop intersection and requiring all vehicles to stop  
13 at one or more entrances to the intersection.
- 14          7. Restricting the use of highways as authorized in section  
15 28-1106.
- 16          8. Regulating the operation of bicycles and requiring the  
17 registration and licensing of bicycles, including the requirement of a  
18 registration fee.
- 19          9. Regulating or prohibiting the turning of vehicles or specified  
20 types of vehicles at intersections.
- 21          10. Altering the prima facie speed limits as authorized by this  
22 chapter.
- 23          11. Designating routes over streets and highways for vehicles not  
24 exceeding one hundred two inches in width, exclusive of safety equipment.
- 25          12. Adopting other traffic regulations that are specifically  
26 authorized by this chapter or chapter 4 or 5 of this title.
- 27          13. Designating routes on certain streets and highways for the  
28 purpose of allowing off-highway vehicle operators to gain access to or  
29 from a designated off-highway recreation facility as defined in section  
30 28-1171, off-highway vehicle trail as defined in section 28-1171 or  
31 off-highway vehicle special event as defined in section 28-1171.
- 32          14. Adopting reasonable restrictions for the safe operation of  
33 personal delivery devices. The local authority may allow all of the  
34 following:
  - 35           (a) A personal delivery device's weight to exceed two hundred  
36 pounds, excluding cargo.
  - 37           (b) A personal delivery device to operate at a speed that exceeds  
38 seven miles per hour.
  - 39           (c) An owner and operator of a personal delivery device to maintain  
40 an insurance policy that provides less than ~~one hundred thousand dollars~~  
41 **\$100,000** for damages arising from the operations of the personal delivery  
42 device.
- 43          B. A local authority shall not erect or maintain a stop sign or  
44 traffic control signal at any location that requires the traffic on any

1 state highway to stop before entering or crossing any intersecting highway  
2 unless approval in writing has first been obtained from the director.

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

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

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

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

35 2. Traffic investigators who may:

36 (a) Investigate traffic accidents within the jurisdiction of the  
37 local authority.

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

42 (c) Pursuant to rules established by the supreme court, serve any  
43 process originating out of a municipal court in the municipality in which  
44 the traffic investigator is employed. Service of process under paragraph

1 of this subsection shall only be made during the hours the municipal  
2 court is open for the transaction of business and only on court premises.

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

4 1. Be unarmed at all times during the course of the traffic  
5 investigator's duties.

6 2. Be an employee of the appointing local authority.

7 3. File written reports as required pursuant to section 28-667.

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

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

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

19 Sec. 3. Section 28-627, Arizona Revised Statutes, as amended by  
20 Laws 2018, chapter 306, section 4, is amended to read:

21 28-627. Powers of local authorities

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

25 1. Regulating the standing or parking of vehicles.

26 2. Regulating traffic by means of police officers, traffic control  
27 signals or volunteer posse organization members authorized by the sheriff  
28 under section 11-441 for the purpose of directing traffic only.

29 3. Regulating or prohibiting processions or assemblages on the  
30 highways.

31 4. Designating particular highways as one-way highways and  
32 requiring that all vehicles on one-way highways be moved in one specific  
33 direction.

34 5. Regulating the speed of vehicles in public parks.

35 6. Designating any highway as a through highway and requiring that  
36 all vehicles stop before entering or crossing the highway or designating  
37 any intersection as a stop intersection and requiring all vehicles to stop  
38 at one or more entrances to the intersection.

39 7. Restricting the use of highways as authorized in section  
40 28-1106.

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

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

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

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

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

7           13. Designating routes on certain streets and highways for the  
8 purpose of allowing off-highway vehicle operators to gain access to or  
9 from a designated off-highway recreation facility as defined in section  
10 28-1171, off-highway vehicle trail as defined in section 28-1171 or  
11 off-highway vehicle special event as defined in section 28-1171.

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

16           C. An ordinance or regulation enacted under subsection A, paragraph  
17 4, 5, 6, 7, 9 or 10 of this section is not effective until signs giving  
18 notice of the local traffic regulations are posted on or at the entrances  
19 to the highway or part of the highway affected as is most appropriate.

20           D. The definition of motor vehicle prescribed in section 28-101  
21 does not prevent a local authority from adopting ordinances that regulate  
22 or prohibit the operation of motorized skateboards, except that a local  
23 authority shall not adopt an ordinance that requires registration and  
24 licensing of motorized skateboards. For the purposes of this subsection,  
25 "motorized skateboard" means a self-propelled device that has a motor, a  
26 deck on which a person may ride and at least two tandem wheels in contact  
27 with the ground.

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

30           1. Unarmed police aides or municipally approved private contractors  
31 who are employed or contracted by the police department and who are  
32 empowered to commence an action or proceeding before a court or judge for  
33 a violation of the local authority's ordinances regulating the standing or  
34 parking of vehicles. A municipally approved private contractor shall not  
35 include a relative of an employee or of an elected official of the  
36 municipality. The authority of the unarmed police aide or municipally  
37 approved private contractor as authorized in this section is limited to  
38 the enforcement of the ordinances of local authorities regulating the  
39 standing or parking of vehicles. Pursuant to rules established by the  
40 supreme court, an unarmed police aide appointed pursuant to this paragraph  
41 may serve any process originating out of a municipal court in the  
42 municipality in which the unarmed police aide is employed. Service of  
43 process under this paragraph shall only be made during the hours the  
44 municipal court is open for the transaction of business and only on court  
45 premises. This paragraph does not grant to unarmed police aides or

1 municipally approved private contractors other powers or benefits to which  
2 peace officers of this state are entitled.

3 2. Traffic investigators who may:

4 (a) Investigate traffic accidents within the jurisdiction of the  
5 local authority.

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

10 (c) Pursuant to rules established by the supreme court, serve any  
11 process originating out of a municipal court in the municipality in which  
12 the traffic investigator is employed. Service of process under paragraph  
13 1 of this subsection shall only be made during the hours the municipal  
14 court is open for the transaction of business and only on court premises.

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

16 1. Be unarmed at all times during the course of the traffic  
17 investigator's duties.

18 2. Be an employee of the appointing local authority.

19 3. File written reports as required pursuant to section 28-667.

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

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

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

31 Sec. 4. Section 28-1201, Arizona Revised Statutes, is amended to  
32 read:

33 28-1201. Definition of photo enforcement system

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

42 Sec. 5. Repeal

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

1           Sec. 6. Title 28, chapter 3, article 21, Arizona Revised Statutes,  
2 is amended by adding a new section 28-1202, to read:

3           28-1202. Photo enforcement system; prohibition

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

8           Sec. 7. Repeal

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

10          Sec. 8. Legislative intent

11          Pursuant to section 41-1107, Arizona Revised Statutes, it is the  
12 legislature's intent to:

13           1. Keep the enforcement of the laws in this state in the hands of  
14 trained law enforcement officers who are authorized by the people of this  
15 state to enforce the laws.

16           2. Protect the citizens of this state from the abuses that  
17 accompany the outsourcing of law enforcement to private, for-profit  
18 entities.

19           3. Ensure that the purpose of law enforcement remains to serve and  
20 protect and not to generate revenue for governments.

21          Sec. 9. Effective date

22          Section 28-627, Arizona Revised Statutes, as amended by Laws 2018,  
23 chapter 306, section 4 and this act, is effective from and after August  
24 30, 2020.