

REFERENCE TITLE: traffic violations; photo radar; penalties

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

SB 1680

Introduced by
Senators Gowan: Shamp

AN ACT

AMENDING SECTION 28-1602, ARIZONA REVISED STATUTES; RELATING TO TRAFFIC VIOLATIONS.

(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 civil penalty; payment; 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 must state the following:

16 1. The notice OF VIOLATION is not a court issued document and the
17 recipient is under no obligation to identify the person or respond to the
18 notice OF VIOLATION.

19 2. Failure to respond to the notice OF VIOLATION may result in
20 official service 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~~ ISSUING a citation. A violation of this
29 subsection is a class 1 misdemeanor.

30 E. In addition to any other means authorized by the Arizona rules
31 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. If a law enforcement agency issues a citation as a result of a
41 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 G. NOTWITHSTANDING ANY OTHER LAW, IF A PERSON IS FOUND RESPONSIBLE
4 FOR A VIOLATION OF CHAPTER 3, ARTICLE 3 OR 6 OF THIS TITLE, THE PERSON IS
5 SUBJECT TO A CIVIL PENALTY OF \$100. IF THE PERSON FULLY PAYS THE CIVIL
6 PENALTY WITHIN NINETY DAYS AFTER THE FINDING OF RESPONSIBILITY:

7 1. A DEPARTMENT OR AN AGENCY OF THIS STATE MAY NOT CONSIDER THE
8 VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER
9 LICENSE SHOULD BE SUSPENDED OR REVOKED.

10 2. AN INSURER MAY NOT CONSIDER THE VIOLATION AS A TRAFFIC VIOLATION
11 AGAINST THE PERSON FOR THE PURPOSES OF ESTABLISHING RATES FOR MOTOR
12 VEHICLE LIABILITY INSURANCE OR DETERMINING THE INSURABILITY OF THE PERSON.
13 AN INSURER MAY NOT CANCEL OR REFUSE TO RENEW ANY POLICY OF INSURANCE
14 BECAUSE OF THE VIOLATION.

15 ~~G.~~ H. For the purposes of this section:

16 1. "Notice of violation" means a notice issued by a photo
17 enforcement company or municipality that is not a uniform traffic ticket
18 and complaint.

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