

Senate Engrossed

traffic violations; photo radar; penalties

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

# SENATE BILL 1680

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 OR OF A CITY OR  
5 TOWN ORDINANCE FOR EXCESSIVE SPEED OR FAILURE TO OBEY A TRAFFIC CONTROL  
6 DEVICE AND THAT IS OBTAINED USING A PHOTO ENFORCEMENT SYSTEM, THE PERSON  
7 IS SUBJECT TO A CIVIL PENALTY OF \$100. IF THE PERSON FULLY PAYS THE CIVIL  
8 PENALTY WITHIN TEN DAYS AFTER THE FINDING OF RESPONSIBILITY:

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

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

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

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

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

23 Sec. 2. Effective date

24 This act is effective from and after May 31, 2025.