

REFERENCE TITLE: photo enforcement systems; prohibition

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SCR 1002

Introduced by
Senator Rogers

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO PHOTO ENFORCEMENT SYSTEMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to photo enforcement systems, is enacted
5 to become valid as a law if approved by the voters and on proclamation of
6 the Governor:

7 AN ACT

8 AMENDING SECTIONS 28-601, 28-627 AND 28-1201, ARIZONA REVISED
9 STATUTES; REPEALING SECTIONS 28-1202, 28-1203, 28-1204,
10 28-1205 AND 28-1206, ARIZONA REVISED STATUTES; AMENDING TITLE
11 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES, BY ADDING
12 A NEW SECTION 28-1202; REPEALING SECTION 28-1602, ARIZONA
13 REVISED STATUTES; RELATING TO PHOTO ENFORCEMENT.

14 Be it enacted by the Legislature of the State of Arizona:

15 Section 1. Section 28-601, Arizona Revised Statutes, is
16 amended to read:

17 28-601. Definitions

18 In this chapter, unless the context otherwise requires:

19 1. "Commercial motor vehicle" means a motor vehicle or
20 combination of vehicles that is designed, used or maintained
21 to transport passengers or property in the furtherance of a
22 commercial enterprise, that is a commercial motor vehicle as
23 defined in section 28-5201 and that is not exempt from gross
24 weight fees as prescribed in section 28-5432, subsection B.

25 2. "Controlled access highway" means a highway, street
26 or roadway to or from which owners or occupants of abutting
27 lands and other persons have no legal right of access except
28 at such points only and in the manner determined by the public
29 authority that has jurisdiction over the highway, street or
30 roadway.

31 3. "Crosswalk" means:

32 (a) That part of a roadway at an intersection included
33 within the prolongations or connections of the lateral lines
34 of the sidewalks on opposite sides of the highway measured
35 from the curbs or, in absence of curbs, from the edges of the
36 traversable roadway.

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

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

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

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

8 7. "Gross weight" means the weight of a vehicle without
9 a load plus the weight of any load on the vehicle.

10 8. "Intersection" means the area embraced within the
11 prolongation or connection of the lateral curb lines, or if
12 none, the lateral boundary lines of the roadways of two
13 highways that join one another at, or approximately at, right
14 angles, or the area within which vehicles traveling on
15 different highways joining at any other angle may come in
16 conflict. If a highway includes two roadways thirty or more
17 feet apart, each crossing of each roadway of the divided
18 highway by an intersecting highway is a separate
19 intersection. If the intersecting highway also includes two
20 roadways thirty or more feet apart, each crossing of two
21 roadways of the highways is a separate intersection.

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

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

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

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

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

42 ~~14. "Photo enforcement system" means a device~~
43 ~~substantially consisting of a radar unit or sensor linked to a~~
44 ~~camera or other recording device that produces one or more~~
45 ~~photographs, microphotographs, videotapes or digital or other~~

~~recorded images of a vehicle's license plate for the purpose of identifying violators of articles 3 and 6 of this chapter.~~

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

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

(a) Without motive power.

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

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

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

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

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

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

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

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

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

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

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

1 ~~24.~~ 23. "Sidewalk" means that portion of a street that
2 is between the curb lines or the lateral lines of a roadway
3 and the adjacent property lines and that is intended for the
4 use of pedestrians.

5 ~~25.~~ 24. "Stop", if required, means complete cessation
6 from movement.

7 ~~26.~~ 25. "Stop, stopping or standing", if prohibited,
8 means any stopping or standing of an occupied or unoccupied
9 vehicle, except when necessary to avoid conflict with other
10 traffic or in compliance with directions of a police officer
11 or traffic control sign or signal.

12 ~~27.~~ 26. "Through highway" means a highway or portion
13 of a highway at the entrances to which vehicular traffic from
14 intersecting highways is required by law to stop before
15 entering or crossing and when stop signs are erected as
16 provided in this chapter.

17 ~~28.~~ 27. "Traffic" means pedestrians, ridden or herded
18 animals, vehicles and other conveyances either singly or
19 together while using a highway for purposes of travel.

20 ~~29.~~ 28. "Traffic control signal" means a device,
21 whether manually, electrically or mechanically operated, by
22 which traffic is alternately directed to stop and to proceed.

23 ~~30.~~ 29. "Truck" means a motor vehicle that is
24 designed, used or maintained primarily for the transportation
25 of property.

26 Sec. 2. Section 28-627, Arizona Revised Statutes, is
27 amended to read:

28 28-627. Powers of local authorities

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

- 33 1. Regulating the standing or parking of vehicles.
- 34 2. Regulating traffic by means of police officers,
35 traffic control signals or volunteer posse organization
36 members authorized by the sheriff under section 11-441 for the
37 purpose of directing traffic only.
- 38 3. Regulating or prohibiting processions or assemblages
39 on the highways.
- 40 4. Designating particular highways as one-way highways
41 and requiring that all vehicles on one-way highways be moved
42 in one specific direction.
- 43 5. Regulating the speed of vehicles in public parks.
- 44 6. Designating any highway as a through highway and
45 requiring that all vehicles stop before entering or crossing

1 the highway or designating any intersection as a stop
2 intersection and requiring all vehicles to stop at one or more
3 entrances to the intersection.

4 7. Restricting the use of highways as authorized in
5 section 28-1106.

6 8. Regulating the operation of bicycles and requiring
7 the registration and licensing of bicycles, including the
8 requirement of a registration fee.

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

11 10. Altering the prima facie speed limits as authorized
12 by this chapter.

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

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

19 13. Designating routes on certain streets and highways
20 for the purpose of allowing off-highway vehicle operators to
21 gain access to or from a designated off-highway recreation
22 facility as defined in section 28-1171, off-highway vehicle
23 trail as defined in section 28-1171 or off-highway vehicle
24 special event as defined in section 28-1171.

25 14. Regulating electric bicycles and electric standup
26 scooters. A local authority may consider the environmental
27 benefits and traffic benefits of electric bicycles and
28 electric standup scooters when regulating electric bicycles
29 and electric standup scooters.

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

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

40 D. The definition of motor vehicle prescribed in
41 section 28-101 does not prevent a local authority from
42 adopting ordinances that regulate or prohibit the operation of
43 motorized skateboards, except that a local authority shall not
44 adopt an ordinance that requires registration and licensing of
45 motorized skateboards. For the purposes of this subsection,

1 "motorized skateboard" means a self-propelled device that does
2 not have handlebars and that has a motor, a deck on which a
3 person may ride and at least two tandem wheels in contact with
4 the ground.

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

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

30 2. Traffic investigators who may:

31 (a) Investigate traffic accidents within the
32 jurisdiction of the local authority.

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

37 (c) Pursuant to rules established by the supreme court,
38 serve any process originating out of a municipal court in the
39 municipality in which the traffic investigator is
40 employed. Service of process under paragraph 1 of this
41 subsection shall only be made during the hours the municipal
42 court is open for the transaction of business and only on
43 court premises.

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

- 3 1. Be unarmed at all times during the course of the
- 4 traffic investigator's duties.
- 5 2. Be an employee of the appointing local authority.
- 6 3. File written reports as required pursuant to section
- 7 28-667.

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

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

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

21 Sec. 3. Section 28-1201, Arizona Revised Statutes, is
22 amended to read:

23 28-1201. Definition of photo enforcement system

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

34 Sec. 4. Repeal

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

37 Sec. 5. Title 28, chapter 3, article 21, Arizona
38 Revised Statutes, is amended by adding a new section 28-1202,
39 to read:

40 28-1202. Photo enforcement system; prohibition

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

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Sec. 6. Repeal
Section 28-1602, Arizona Revised Statutes, is repealed.

Sec. 7. Legislative intent

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

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

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

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

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.