

REFERENCE TITLE: photo enforcement zones; signs; citations

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1505

Introduced by
Senators Gorman: Blendu, Gould; Representatives Biggs, Groe, Nichols,
Pearce

AN ACT

AMENDING SECTION 28-654, ARIZONA REVISED STATUTES; REPEALING LAWS 2006,
CHAPTER 188, SECTION 4; 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 28-654, Arizona Revised Statutes, is amended to
3 read:

4 28-654. Photo enforcement zones; signage; standards; citation
5 dismissal; attorney fees

6 A. Except as provided in subsection F of this section, every local
7 authority or agency of this state using a photo enforcement system shall
8 adopt standards and specifications that indicate to a person operating a
9 motor vehicle that a photo enforcement system is present and operational.

10 B. The standards and specifications adopted pursuant to subsection A
11 of this section shall include both of the following:

12 1. At least two signs shall be placed in a location before a photo
13 enforcement system. One sign shall be in a location that is approximately
14 three hundred feet before the photo enforcement system. Placement of
15 additional signs shall be ~~more than three~~ SIX hundred feet before a photo
16 enforcement system to provide reasonable notice to a person that a photo
17 enforcement system is present and operational.

18 2. Signs indicating a photo enforcement system shall be removed or
19 covered when the photo enforcement system is no longer present or not
20 operating.

21 C. Signs erected by a local authority or agency of this state as
22 prescribed in this section shall contain a yellow warning notice and
23 correlate with and as far as possible conform to the system set forth in the
24 most recent edition of the manual on uniform traffic control devices for
25 streets and highways adopted by the director pursuant to section 28-641.

26 D. A CITATION FOR A VIOLATION OF ARTICLE 3 OR 6 OF THIS CHAPTER THAT
27 IS ISSUED TO A PERSON AS A RESULT OF A PHOTO ENFORCEMENT SYSTEM MUST INCLUDE
28 A SIGNED STATEMENT BY A SWORN LAW ENFORCEMENT OFFICER THAT THE STANDARDS AND
29 SPECIFICATIONS RELATING TO THE SIGNS PRESCRIBED BY SUBSECTION B OF THIS
30 SECTION WERE MET DURING THE OPERATION OF THE PHOTO ENFORCEMENT SYSTEM AT THE
31 TIME OF THE VIOLATION.

32 ~~D.~~ E. If the standards and specifications prescribed pursuant to this
33 section are not in effect during the operation of a photo enforcement system,
34 the court may dismiss any citation issued to a person who is identified by
35 the use of the photo enforcement system.

36 ~~E.~~ F. During the time a vehicle containing photo enforcement
37 equipment is being used to identify violators of this article and article 6
38 of this chapter, the rear of the vehicle shall be clearly marked to indicate
39 that the vehicle is functioning as a photo enforcement vehicle. This
40 subsection does not apply to a vehicle that does not contain a photo
41 enforcement system and that is used by a law enforcement officer.

42 ~~F.~~ G. Subsection B of this section does not apply to a mobile photo
43 enforcement vehicle during the time a mobile photo enforcement vehicle is
44 deployed on streets with a posted speed limit of forty miles per hour or
45 less.

1 H. IF A PERSON IS ISSUED A CITATION FOR A VIOLATION OF ARTICLE 3 OR 6
2 OF THIS CHAPTER THAT IS DETECTED BY A PHOTO ENFORCEMENT SYSTEM, THE PERSON
3 CHALLENGES THE CITATION AND THE CITATION IS DISMISSED, A COURT SHALL AWARD
4 THE PERSON ATTORNEY FEES.

5 Sec. 2. Repeal

6 Laws 2006, chapter 188, section 4 is repealed.