

REFERENCE TITLE: photo enforcement; urban speed limits

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2342

Introduced by
Representative Mason

AN ACT

AMENDING SECTIONS 28-654, 28-702.01 AND 28-702.04, ARIZONA REVISED STATUTES;
AMENDING TITLE 28, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 21;
AMENDING SECTION 28-1593, ARIZONA REVISED STATUTES; REPEALING SECTION
41-1722, ARIZONA REVISED STATUTES; RELATING TO VEHICLE SPEED.

(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

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 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. If the standards and specifications prescribed pursuant to this
27 section are not in effect during the operation of a photo enforcement system,
28 the court may dismiss any citation issued to a person who is identified by
29 the use of the photo enforcement system.

30 E. During the time a vehicle containing photo enforcement equipment is
31 being used to identify violators of this article and article 6 of this
32 chapter, the rear of the vehicle shall be clearly marked to indicate that the
33 vehicle is functioning as a photo enforcement vehicle. This subsection does
34 not apply to a vehicle that does not contain a photo enforcement system and
35 that is used by a law enforcement officer.

36 F. Subsection B of this section does not apply to a mobile photo
37 enforcement vehicle during the time a mobile photo enforcement vehicle is
38 deployed on streets with a posted speed limit of forty miles per hour or
39 less.

40 Sec. 2. Section 28-702.01, Arizona Revised Statutes, is amended to
41 read:

42 28-702.01. Urbanized areas; waste of a finite resource; civil
43 penalties

44 A. If the maximum speed limit on a public highway in this state is
45 fifty-five miles per hour, a person shall not drive a motor vehicle at a

1 speed in excess of fifty-five miles per hour on that highway. If the speed
2 at which the person is alleged to have driven as provided in section 28-707,
3 subsection A or the speed at which the court finds the person drove is
4 sixty-five miles per hour or less, the offense is designated as the waste of
5 a finite resource and is a civil traffic violation subject to subsection B of
6 this section.

7 B. If a person is found responsible for a civil traffic violation
8 pursuant to subsection A of this section:

9 1. A department or agency of this state shall not consider the
10 violation for the purpose of determining whether the person's driver license
11 should be suspended or revoked and a court shall not transmit abstracts of
12 records of judgment for the violation to the department.

13 2. An insurer shall not consider the violation as a moving traffic
14 violation against the person for the purpose of establishing rates of motor
15 vehicle insurance charged by the insurer and shall not cancel or refuse to
16 renew a policy of insurance because of the violation.

17 3. The civil penalty shall not exceed fifteen dollars plus the penalty
18 assessments imposed pursuant to sections 12-116.01 and 12-116.02.

19 4. A report shall not be made under section 28-1559, subsection B.

20 C. If the maximum speed limit on a public highway in this state is
21 fifty-five miles per hour, a person shall not drive a motor vehicle at a
22 speed in excess of fifty-five miles per hour on that highway. If the speed
23 at which the person is alleged to have driven as provided in section 28-707,
24 subsection A or the speed at which the court finds the person drove is more
25 than sixty-five miles per hour, the offense is designated as a civil traffic
26 violation and the person is subject to a civil penalty of not more than the
27 amount provided in section 28-1598.

28 D. This section does not apply to an interstate system highway located
29 outside of an urbanized area, as defined in ~~section 28-702.04~~ **THE DECENNIAL**
30 **CENSUS BY THE UNITED STATES BUREAU OF THE CENSUS**, with a population of fifty
31 thousand or more persons.

32 Sec. 3. Section 28-702.04, Arizona Revised Statutes, is amended to
33 read:

34 28-702.04. Maximum speed limit on interstate highways and
35 controlled access highways

36 A. The speed limit for all types of motor vehicles is sixty-five miles
37 per hour on ~~the~~ interstate system highways ~~located outside of an urbanized~~
38 ~~area with a population of fifty thousand or more persons, except that the~~
39 ~~director may declare a lower speed limit on the highways pursuant to section~~
40 ~~28-702~~ **AND CONTROLLED ACCESS HIGHWAYS.**

41 B. A person shall not drive a motor vehicle at a speed in excess of
42 the maximum speed limit prescribed by this section.

1 C. The director may order the increase of the maximum speed limit
2 prescribed in subsection A of this section to seventy-five miles per hour on
3 an individual interstate system highway ~~subject to this section~~ OR CONTROLLED
4 ACCESS HIGHWAY or on all of the interstate system highways OR CONTROLLED
5 ACCESS HIGHWAYS in this state as prescribed in section 28-702.

6 D. A violation of this section is a civil traffic violation, and the
7 person is subject to a civil penalty that does not exceed the amount provided
8 by section 28-1598.

9 ~~E. For the purposes of this section, "urbanized area" means an~~
10 ~~urbanized area as defined in the decennial census by the United States bureau~~
11 ~~of the census.~~

12 Sec. 4. Title 28, chapter 3, Arizona Revised Statutes, is amended by
13 adding article 21, to read:

14 ARTICLE 21. PHOTO ENFORCEMENT

15 28-1201. Use by local authorities; local roadways

16 A PHOTO ENFORCEMENT SYSTEM AS DEFINED IN SECTION 28-601 MAY ONLY BE
17 USED BY LOCAL AUTHORITIES ON LOCAL ROADWAYS THAT ARE NOT STATE HIGHWAYS.

18 Sec. 5. Section 28-1593, Arizona Revised Statutes, is amended to read:

19 28-1593. Service of uniform traffic complaint

20 A. A traffic complaint may be served by delivering a copy of the
21 uniform traffic complaint citation to the person charged with the violation
22 or by any means authorized by the rules of civil procedure. At the
23 discretion of the issuing authority, a complaint for a violation issued after
24 an investigation in conjunction with a traffic accident may be sent by
25 certified mail, return receipt requested and delivered to addressee only, to
26 the address provided by the person charged with the violation. Service of
27 the complaint is complete on filing the receipt in the court having
28 jurisdiction of the violation.

29 B. The original complaint shall be filed in a court having
30 jurisdiction of the violation within ten court days of the time the complaint
31 was issued. A peace officer, or duly authorized agent or someone paid to act
32 on behalf of a traffic enforcement agency, may issue the traffic complaint.

33 ~~C. Notwithstanding subsection B of this section, a civil traffic~~
34 ~~violation issued pursuant to section 41-1722 may be issued pursuant to a~~
35 ~~notice of violation before a citation is filed in court.~~

36 ~~D. If a person fails to respond to the notice of violation or contests~~
37 ~~responsibility, a uniform traffic complaint citation shall be served and~~
38 ~~filed as otherwise provided in this section.~~

39 ~~E. The supreme court shall establish rules governing the issuance,~~
40 ~~service and processing of the notice of violation, including rules allowing a~~
41 ~~person to admit responsibility before a citation is filed in court.~~

42 Sec. 6. Repeal

43 Section ~~41-1722~~, Arizona Revised Statutes, is repealed.