

REFERENCE TITLE: traffic violations; fees; court retention

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

HB 2382

Introduced by
Representatives Crump, Ash: Burges, Gowan, Weiers JP

AN ACT

AMENDING SECTIONS 28-710 AND 28-1554, ARIZONA REVISED STATUTES; RELATING TO
CRIMINAL VIOLATIONS AND TRAFFIC COMPLAINTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-710, Arizona Revised Statutes, is amended to
3 read:

4 28-710. State highway work zone safety; civil penalty; fund

5 A. In a state highway work zone as defined in section 28-652 that is
6 designated as a state highway work zone by traffic control devices indicating
7 the beginning and end of the state highway work zone and in which workers are
8 not present, a person shall not drive a vehicle at a speed that is greater
9 than the speed allowed by traffic control devices.

10 B. In a state highway work zone as defined in section 28-652 that is
11 designated as a state highway work zone by traffic control devices indicating
12 the beginning and end of the state highway work zone and in which workers are
13 present, a person shall not drive a vehicle at a speed that is greater than
14 the speed allowed by traffic control devices. If a person is found
15 responsible for a civil traffic violation under this subsection, the person
16 is subject to a civil penalty equal to the amount of the civil penalty for
17 the same speeding violation committed in a state highway work zone in which
18 workers are not present and shall pay an additional assessment equal to the
19 amount of that civil penalty. The court shall collect the additional
20 assessment at the same time the court collects the civil penalty. Partial
21 payments of the total amount due pursuant to this subsection shall be divided
22 according to the proportion that the civil penalty, the penalty assessments
23 levied pursuant to sections 12-116.01 and 12-116.02 and the additional
24 assessment imposed pursuant to this subsection represent of the total amount
25 due. The court and the department shall treat failure to pay the additional
26 assessment imposed pursuant to this subsection in the same manner as failure
27 to pay a civil penalty, including taking action against the person's driver
28 license or permit or privilege to drive pursuant to sections 28-1601, 28-3153
29 and 28-3305.

30 C. A state highway work zone safety fund is established consisting of
31 monies deposited pursuant to subsection D, paragraph 1 of this section. The
32 governor's office of highway safety shall administer the fund. The monies in
33 the fund are continuously appropriated. Monies in the fund shall be used to
34 establish and maintain a public education campaign for highway work zone
35 safety.

36 D. **NOTWITHSTANDING SECTION 28-1554**, if a person is found responsible
37 for a violation of subsection B of this section in a justice court or **THE**
38 superior court, the court shall transmit monies received to pay the
39 additional assessment to the county treasurer. **NOTWITHSTANDING SECTION**
40 **28-1554**, if a person is found responsible for a violation of subsection B of
41 this section in a municipal court, the court shall transmit the monies
42 received to pay the additional assessment to the city treasurer.
43 ~~Notwithstanding section 28-1554~~, The city or county treasurer shall transmit
44 the monies received to pay the additional assessment to the state treasurer.

1 The state treasurer shall deposit the monies received to pay the additional
2 assessment as follows:

3 1. Fifty per cent in the state highway work zone safety fund
4 established by this section.

5 2. Fifty per cent in the state highway fund established by section
6 28-6991.

7 Sec. 2. Section 28-1554, Arizona Revised Statutes, is amended to read:

8 28-1554. Disposition of fees, fines, forfeitures and civil
9 penalties

10 A. All fees, fines, forfeitures and civil penalties imposed and
11 collected by the municipal courts in the exercise of their concurrent
12 jurisdiction shall be retained by and inure to the benefit of ~~the city or~~
13 ~~town in which~~ the municipal court ~~is located~~.

14 B. All fees, fines, forfeitures and civil penalties imposed and
15 collected by the justice court shall be retained by and inure to the benefit
16 of the ~~county in which the court is located~~ JUSTICE COURT.