

REFERENCE TITLE: photo enforcement; driving record; insurance

State of Arizona
House of Representatives
Forty-eighth Legislature
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HB 2603

Introduced by
Representatives Mason: Anderson, Biggs, Boone, McComish, Miranda B,
Murphy, Nichols, Pancrazi, Pearce, Robson, Yarbrough

AN ACT

AMENDING SECTION 28-1559, ARIZONA REVISED STATUTES; 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 28-1559, Arizona Revised Statutes, is amended to
3 read:
4 28-1559. Traffic case records; abstract of record; reports;
5 photo enforcement
6 A. Each magistrate, judge or hearing officer of a court shall:
7 1. Keep or cause to be kept a record of each traffic complaint or
8 other legal form of traffic charge deposited with or presented to the court
9 or its traffic violations bureau.
10 2. Keep a record of each official action by the court or its traffic
11 violations bureau in reference to each traffic complaint or other legal form
12 of traffic charge deposited with or presented to the court or its traffic
13 violations bureau, including but not limited to a record of:
14 (a) Each conviction, forfeiture of bail or deposit, judgment of
15 acquittal or civil adjudication.
16 (b) The amount of the civil penalty, fine or forfeiture resulting from
17 each traffic complaint deposited with or presented to the court or traffic
18 violations bureau.
19 B. Within ten days after the conviction, judgment or forfeiture of
20 bail or deposit of a person on a charge of violating chapter 3 or 4 of this
21 title or this chapter or any other law regulating the operation of vehicles
22 on highways, each magistrate of the court or clerk of the court of record in
23 which the conviction or judgment was had or bail or deposit was forfeited
24 shall prepare and immediately forward to the department an abstract of the
25 record of the court covering the case in which the person either:
26 1. Was convicted.
27 2. Was adjudicated to have committed a civil traffic violation.
28 3. Forfeited bail or deposit.
29 C. The person required to prepare the abstract shall certify that it
30 is true and correct.
31 D. A report is not required for a conviction or civil adjudication
32 involving the illegal parking or standing of a vehicle.
33 E. The abstract shall be made on a form furnished or in a manner
34 prescribed by the department and shall include:
35 1. The name and address of the party charged.
36 2. The number, if any, of the driver license of the party charged.
37 3. The registration number of the vehicle involved.
38 4. The nature of the offense or civil traffic violation.
39 5. The date of the hearing, the plea, the judgment or whether bail or
40 deposit was forfeited.
41 6. The amount of the fine, civil penalty or forfeiture.
42 F. Each court of record shall also forward a like report to the
43 department on the conviction of a person of homicide or aggravated assault
44 resulting from the operation of a motor vehicle or any other felony in the
45 commission of which a motor vehicle was used. To facilitate the preparation

1 of the report, the sentencing minute entry that is issued by the court shall
2 indicate if the person was convicted of an offense that required the
3 mandatory revocation of a driver license pursuant to section 28-3304,
4 subsection A, paragraph 1, 3, 4, 5 or 6.

5 G. The department shall keep all abstracts received under this section
6 for inspection as required by law.

7 H. Each judge, referee, hearing officer, probation officer or other
8 person responsible for the disposition of cases involving traffic offenses or
9 civil violations committed by persons under eighteen years of age shall:

10 1. Keep a full record of each case in which the person is charged with
11 a violation of chapter 3 or 4 of this title or this chapter or any other law
12 regulating the operation of vehicles on highways.

13 2. Report the offense or civil violation to the department at its
14 office in Phoenix not more than thirty days after the date on which it was
15 committed, except that a report is not required for parking violations or if
16 it is found that the offense or civil violation was not committed.

17 I. The report required by subsection H of this section shall:

18 1. Be made on a form furnished or in a manner prescribed by the
19 department.

20 2. Contain:

21 (a) All necessary information as to the identity of the offender.

22 (b) The citing or arresting agency.

23 (c) The date and nature of the offense or civil violation.

24 (d) The date of the hearing, the plea, the judgment or whether bail or
25 deposit was forfeited.

26 (e) The amount of the fine, civil penalty or forfeiture.

27 J. Failure, refusal or neglect of a judicial officer to comply with
28 this section is misconduct in office and grounds for removal from office.

29 K. IF A PERSON IS FOUND RESPONSIBLE FOR A CIVIL TRAFFIC VIOLATION
30 UNDER THIS TITLE BY MEANS OF A PHOTO ENFORCEMENT SYSTEM:

31 1. A DEPARTMENT OR AGENCY OF THIS STATE SHALL NOT CONSIDER THE
32 VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER LICENSE
33 SHOULD BE SUSPENDED OR REVOKED.

34 2. AN INSURER SHALL NOT CONSIDER THE TRAFFIC VIOLATION AS A TRAFFIC
35 VIOLATION AGAINST THE PERSON FOR THE PURPOSES OF ESTABLISHING RATES FOR MOTOR
36 VEHICLE LIABILITY INSURANCE OR DETERMINING THE INSURABILITY OF THE PERSON.
37 AN INSURER SHALL NOT CANCEL OR REFUSE TO RENEW ANY POLICY OF INSURANCE
38 BECAUSE OF THE VIOLATION.