

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1443

AN ACT

AMENDING SECTION 11-445, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTION 28-654, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES, AS SECTION 28-1204; AMENDING SECTION 28-1201, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1203; AMENDING SECTION 28-1204, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING TITLE 28, CHAPTER 3, ARTICLE 21, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-1205, 28-1206 AND 28-1207; AMENDING SECTIONS 28-1592 AND 28-1593, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 5, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1602; AMENDING SECTION 28-2354, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 8, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-3323; AMENDING SECTION 41-1722, 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 11-445, Arizona Revised Statutes, is amended to
3 read:

4 11-445. Fees chargeable in civil actions by sheriffs,
5 constables and private process servers: authority of
6 private process servers: background investigation:
7 constables' logs

8 A. The sheriff shall receive the following fees in civil actions:

9 1. For serving each true copy of the original summons in a civil suit,
10 sixteen dollars, except that the sheriff shall not charge a fee for service
11 of any document pursuant to section 13-3602 or any injunction against
12 harassment pursuant to section 12-1809 if the court indicates the injunction
13 arises out of a dating relationship.

14 2. For summoning each witness, sixteen dollars.

15 3. For levying and returning each writ of attachment or claim and
16 delivery, forty-eight dollars.

17 4. For taking and approving each bond and returning it to the proper
18 court when necessary, twelve dollars.

19 5. For endorsing the forfeiture of any bond required to be endorsed by
20 him, twelve dollars.

21 6. For levying each execution, twenty-four dollars.

22 7. For returning each execution, sixteen dollars.

23 8. For executing and returning each writ of possession or restitution,
24 forty-eight dollars plus a rate of forty dollars per hour per deputy or
25 constable for the actual time spent in excess of three hours.

26 9. For posting the advertisement for sale under execution, or any
27 order of sale, twelve dollars.

28 10. For posting or serving any notice, process, writ, order, pleading
29 or paper required or permitted by law, not otherwise provided for, sixteen
30 dollars except that posting for a writ of restitution shall not exceed ten
31 dollars.

32 11. For executing a deed to each purchaser of real property under
33 execution or order of sale, twenty-four dollars.

34 12. For executing a bill of sale to each purchaser of real and personal
35 property under an execution or order of sale, when demanded by the purchaser,
36 sixteen dollars.

37 13. For services in designating a homestead or other exempt property,
38 twelve dollars.

39 14. For receiving and paying money on redemption and issuing a
40 certificate of redemption, twenty-four dollars.

41 15. For serving and returning each writ of garnishment and related
42 papers, forty dollars.

43 16. For the preparation, including notarization, of each affidavit of
44 service or other document pertaining to service, eight dollars.

1 17. For every writ served on behalf of a justice of the peace, a fee
2 established by the board of supervisors not to exceed five dollars per
3 writ. Monies collected from the writ fees shall be deposited in the
4 constable ethics standards and training fund established by section 22-138.

5 B. The sheriff shall also collect the appropriate recording fees if
6 applicable and other appropriate disbursements.

7 C. The sheriff may charge:

8 1. Fifty-six dollars plus disbursements for any skip tracing services
9 performed.

10 2. A reasonable fee for executing a civil arrest warrant ordered
11 pursuant to court rule by a judge or justice of the peace. The fee shall
12 only be charged to the party requesting the issuance of the civil arrest
13 warrant.

14 3. A reasonable fee for storing personal property levied on pursuant
15 to title 12, chapter 9.

16 D. For traveling to serve or on each attempt to serve civil process,
17 writs, orders, pleadings or papers, the sheriff shall receive two dollars
18 forty cents for each mile actually and necessarily traveled but, in any
19 event, not to exceed two hundred miles, nor to be less than sixteen
20 dollars. Mileage shall be charged one way only. For service made or
21 attempted at the same time and place, regardless of the number of parties or
22 the number of papers so served or attempted, only one charge for travel fees
23 shall be made for such service or attempted service.

24 E. For collecting money on an execution when it is made by sale, the
25 sheriff and the constable shall receive eight dollars for each one hundred
26 dollars or major portion thereof not to exceed a total of two thousand
27 dollars, but when money is collected by the sheriff without a sale, only
28 one-half of such fee shall be allowed. When satisfaction or partial
29 satisfaction of a judgment is received by the judgment creditor after the
30 sheriff or constable has received an execution on the judgment, the
31 commission is due the sheriff or constable and is established by an affidavit
32 of the judgment creditor filed with the officer. If the affidavit is not
33 lodged with the officer within thirty days of the request, the commission
34 shall be based on the total amount of judgment due as billed by the officer
35 and may be collected as any other debt by that officer.

36 F. The sheriff shall be allowed for all process issued from the
37 supreme court and served by the sheriff the same fees as are allowed the
38 sheriff for similar services on process issued from the superior court.

39 G. The constable shall receive the same fees as the sheriff for
40 performing the same services in civil actions, except that mileage shall be
41 computed from the office of the justice of the peace originating the civil
42 action to the place of service.

43 H. Notwithstanding subsection G of this section, in a county with a
44 population of more than three million persons, if an office of a justice of
45 the peace is located outside of the precinct boundaries, the mileage for a

1 constable shall be calculated pursuant to subsection D of this section,
2 except that the distance between the precinct boundaries and the office of
3 the justice of the peace, as determined by the county and certified by the
4 board of supervisors of that county, shall be subtracted from the mileage
5 calculation. This certified mileage calculation shall be transmitted to the
6 justice courts and the clerks of those courts shall calculate the mileage
7 between the office of the justice of the peace and the location where the
8 civil process, writ, order, pleading or paper was served and reduce the
9 mileage used to calculate the mileage fee according to the certified mileage
10 calculation for that respective jurisdiction.

11 I. Private process servers WHO ARE duly appointed or registered
12 pursuant to rules established by the supreme court may serve all process,
13 writs, orders, pleadings or papers required or permitted by law to be served
14 before, during or independently of a court action, including all ~~such as~~ THAT
15 are required or permitted to be served by a sheriff or constable, except
16 writs or orders requiring the service officer to sell, deliver or take into
17 the officer's custody persons or property, or ~~as~~ THAT may otherwise be
18 limited by rule established by the supreme court. A private process server
19 is an officer of the court. As a condition of registration, the supreme
20 court shall require each private process server applicant to furnish a full
21 set of fingerprints to enable a criminal background investigation to be
22 conducted to determine the suitability of the applicant. The completed
23 applicant fingerprint card shall be submitted with the fee prescribed in
24 section 41-1750 to the department of public safety. The applicant shall bear
25 the cost of obtaining the applicant's criminal history record information.
26 The cost shall not exceed the actual cost of obtaining the applicant's
27 criminal history record information. Applicant criminal history records
28 checks shall be conducted pursuant to section 41-1750 and Public Law 92-544.
29 The department of public safety is authorized to exchange the submitted
30 applicant fingerprint card information with the federal bureau of
31 investigation for a federal criminal records check. A private process server
32 may charge ~~such~~ fees for services ~~as may be~~ THAT ARE agreed on between the
33 process server and the party engaging the process server.

34 J. A PERSON WHO SERVES AS A LAW ENFORCEMENT OFFICER IN THIS STATE AND
35 WHO IS CERTIFIED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
36 MAY, WHEN THE PERSON IS OFF DUTY, SERVE ALL PROCESS, WRITS, ORDERS, PLEADINGS
37 OR PAPERS PERMITTED BY LAW TO BE SERVED BEFORE, DURING OR INDEPENDENTLY OF A
38 COURT ACTION, INCLUDING ALL THAT ARE PERMITTED TO BE SERVED BY A SHERIFF OR
39 CONSTABLE, AND INCLUDING TRAFFIC COMPLAINTS RESULTING FROM THE STATE PHOTO
40 ENFORCEMENT SYSTEM AS DEFINED IN SECTION 28-1602. THE LAW ENFORCEMENT
41 OFFICER MAY NOT SERVE WRITS OR ORDERS REQUIRING THE LAW ENFORCEMENT OFFICER
42 TO SELL, DELIVER OR TAKE INTO THE OFFICER'S CUSTODY PERSONS OR PROPERTY. THE
43 SUPREME COURT MAY ESTABLISH OTHER LIMITATIONS BY RULE. A LAW ENFORCEMENT
44 OFFICER MAY CHARGE FEES FOR SERVICES THAT ARE AGREED ON BETWEEN THE LAW
45 ENFORCEMENT OFFICER AND THE PARTY ENGAGING THE LAW ENFORCEMENT OFFICER.

1 ~~J~~. K. Constables shall maintain a log of work related activities
2 including a listing of all processes served and the number of processes
3 attempted to be served by case number, the names of the plaintiffs and
4 defendants, the names and addresses of the persons to be served except as
5 otherwise precluded by law, the date of process and the daily mileage.

6 ~~K~~. L. The log maintained in subsection ~~I~~ K of this section is a
7 public record and shall be made available by the constable at the constable's
8 office during regular office hours. Copies of the log shall be filed monthly
9 with the clerk of the justice court and with the clerk of the board of
10 supervisors.

11 Sec. 2. Transfer and renumber

12 Section 28-654, Arizona Revised Statutes, is transferred and renumbered
13 for placement in title 28, chapter 3, article 21, Arizona Revised Statutes,
14 as section 28-1204.

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

16 28-1201. Definition of photo enforcement system

17 In this article, unless the context otherwise requires, "photo
18 enforcement system": ~~has the same meaning prescribed in section 28-601 and~~

19 1. MEANS A DEVICE SUBSTANTIALLY CONSISTING OF A RADAR UNIT OR SENSOR
20 LINKED TO A CAMERA OR OTHER RECORDING DEVICE THAT PRODUCES ONE OR MORE
21 PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPES OR DIGITAL OR OTHER RECORDED IMAGES
22 FOR THE PURPOSE OF IDENTIFYING VIOLATORS OF ARTICLES 3 AND 6 OF THIS CHAPTER.

23 2. Includes a state photo enforcement system established pursuant to
24 section 41-1722.

25 Sec. 4. Title 28, chapter 3, article 21, Arizona Revised Statutes, is
26 amended by adding section 28-1203, to read:

27 28-1203. Photo enforcement system placement; speed limit change

28 A PHOTO ENFORCEMENT SYSTEM SHALL NOT BE PLACED ON A STREET OR HIGHWAY
29 WITHIN SIX HUNDRED FEET OF A POSTED SPEED LIMIT CHANGE EXCEPT THAT A PHOTO
30 ENFORCEMENT SYSTEM MAY BE PLACED IN AN AREA AROUND A SCHOOL CROSSING THAT IS
31 DELINEATED BY SIGNS AS PRESCRIBED BY SECTION 28-797, SUBSECTION D.

32 Sec. 5. Section 28-1204, Arizona Revised Statutes, as transferred and
33 renumbered by this act, is amended to read:

34 28-1204. Photo enforcement zones; signage; standards; citation
35 dismissal

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

40 B. The standards and specifications adopted pursuant to subsection A
41 of this section shall include ~~both~~ ALL of the following:

42 1. At least two signs shall be placed in a location before a photo
43 enforcement system. One sign shall be in a location that is approximately
44 three hundred feet before the photo enforcement system. Placement of
45 additional signs shall be more than three hundred feet before a photo

1 enforcement system to provide reasonable notice to a person that a photo
2 enforcement system is present and operational.

3 2. A SIGN THAT CLEARLY STATES THE POSTED SPEED LIMIT SHALL BE PLACED
4 BETWEEN THE TWO SIGNS PRESCRIBED BY PARAGRAPH 1. IF THE PHOTO ENFORCEMENT
5 SYSTEM IS ON A HIGHWAY THAT CONSISTS OF THREE OR MORE LANES OF TRAFFIC IN ONE
6 DIRECTION, A SIGN THAT CLEARLY STATES THE POSTED SPEED LIMIT SHALL BE PLACED
7 ON EACH SIDE OF THE HIGHWAY BETWEEN THE TWO SIGNS PRESCRIBED BY PARAGRAPH 1.

8 ~~2-~~ 3. Signs indicating a photo enforcement system shall be removed or
9 covered when the photo enforcement system is no longer present or not
10 operating FOR MORE THAN TWENTY-FOUR HOURS.

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

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

20 E. During the time a vehicle containing photo enforcement equipment is
21 being used to identify violators of ~~this article and article~~ ARTICLES 3 AND 6
22 of this chapter, the rear of the vehicle shall be clearly marked to indicate
23 that the vehicle is functioning as a photo enforcement vehicle. This
24 subsection does not apply to a vehicle that does not contain a ~~an~~ AN AUTOMATED
25 photo enforcement system and that is used by a law enforcement officer.

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

30 Sec. 6. Title 28, chapter 3, article 21, Arizona Revised Statutes, is
31 amended by adding sections 28-1205, 28-1206 and 28-1207, to read:

32 28-1205. Photo enforcement systems; limitation on citation
33 issuance; applicability

34 A. NOTWITHSTANDING ANY OTHER LAW, THIS STATE OR A LOCAL AUTHORITY THAT
35 HAS JURISDICTION OVER A PHOTO ENFORCEMENT SYSTEM MAY CAUSE THE PHOTO
36 ENFORCEMENT SYSTEM TO ISSUE A COMPLAINT OR NOTICE OF VIOLATION FOR A
37 VIOLATION OF ARTICLE 6 OF THIS CHAPTER ONLY IF A VEHICLE IS TRAVELING AT
38 LEAST ELEVEN MILES PER HOUR FASTER THAN THE POSTED SPEED LIMIT.

39 B. THIS SECTION DOES NOT APPLY TO AN AREA AROUND A SCHOOL CROSSING
40 THAT IS DELINEATED BY SIGNS AS PRESCRIBED BY SECTION 28-797, SUBSECTION D.

41 28-1206. Annual report

42 BEGINNING AUGUST 1, 2010 AND ON OR BEFORE AUGUST 1 OF EACH YEAR
43 THEREAFTER, THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY, IN CONJUNCTION WITH THE
44 DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF PUBLIC SAFETY, SHALL
45 SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER

1 OF THE HOUSE OF REPRESENTATIVES AND SHALL PROVIDE A COPY OF THIS REPORT TO
2 THE SECRETARY OF STATE. THIS REPORT SHALL INCLUDE TRAFFIC STATISTICS
3 RELATING TO THE STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO
4 SECTION 41-1722 AND SHALL INCLUDE THE TOTAL MONIES RECEIVED FROM CITATIONS OR
5 NOTICES OF VIOLATION RESULTING FROM THE STATE PHOTO ENFORCEMENT SYSTEM
6 ESTABLISHED PURSUANT TO SECTION 41-1722.

7 28-1207. Local authorities; law enforcement

8 AFTER PAYING ALL EXPENSES AND COURT COSTS THAT COVER THE PROCESSING OF
9 PHOTO ENFORCEMENT VIOLATIONS AND CITATIONS, A LOCAL AUTHORITY SHALL SPEND AT
10 LEAST THIRTY-FIVE PER CENT OF ALL REMAINING MONIES IT RECEIVES FROM CITATIONS
11 OR COMPLAINTS ISSUED AS A RESULT OF A PHOTO ENFORCEMENT SYSTEM FOR LAW
12 ENFORCEMENT PURPOSES.

13 Sec. 7. Section 28-1592, Arizona Revised Statutes, is amended to read:

14 28-1592. Commencement of action

15 A. A civil traffic violation case is commenced by issuance or filing
16 of a uniform traffic **TICKET AND** complaint as provided in this article.

17 B. A civil traffic violation case shall be commenced as follows:

18 1. If a case is commenced by issuance, it shall be issued within sixty
19 days of the alleged violation.

20 2. If the case is commenced by filing, it shall be filed within sixty
21 days of the alleged violation and shall be served within ninety days from the
22 filing date.

23 3. Except as provided in paragraph 4, within one hundred eighty days
24 of the alleged violation if the alleged violation is under investigation in
25 conjunction with a traffic accident.

26 4. Within one year of the alleged violation if the alleged violation
27 is under investigation in conjunction with a traffic accident resulting in
28 death.

29 **5. IF THE ALLEGED VIOLATION IS DETECTED BY THE STATE PHOTO ENFORCEMENT**
30 **SYSTEM ESTABLISHED PURSUANT TO SECTION 41-1722, THE CASE SHALL BE FILED**
31 **WITHIN ONE HUNDRED TWENTY DAYS OF THE ALLEGED VIOLATION.**

32 Sec. 8. Section 28-1593, Arizona Revised Statutes, is amended to read:

33 28-1593. Service of uniform traffic ticket and complaint

34 A. **EXCEPT AS PROVIDED IN SECTION 28-1602**, a traffic complaint may be
35 served by delivering a copy of the uniform traffic **TICKET AND** complaint
36 ~~citation~~ to the person charged with the violation or by any means authorized
37 by the rules of civil procedure. At the discretion of the issuing authority,
38 a complaint for a violation issued after an investigation in conjunction with
39 a traffic accident may be sent by certified mail, return receipt requested
40 and delivered to addressee only, to the address provided by the person
41 charged with the violation. Service of the complaint is complete on filing
42 the receipt in the court having jurisdiction of the violation.

43 B. **EXCEPT AS PROVIDED IN SECTION 28-1602, SUBSECTION A**, the original
44 complaint shall be filed in a court having jurisdiction of the violation
45 within ten court days of the time the complaint was issued. A peace officer,

1 or duly authorized agent or someone paid to act on behalf of a traffic
2 enforcement agency, may issue the traffic complaint AND ACT AS AN AGENT TO
3 TESTIFY ON BEHALF OF THE TRAFFIC ENFORCEMENT AGENCY AT TRAFFIC HEARINGS.

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

7 ~~D.~~ C. If a person fails to respond to ~~the~~ A notice of violation or
8 contests responsibility, a uniform traffic TICKET AND complaint ~~citation~~
9 shall be served and filed as otherwise provided in this section, EXCEPT THAT
10 THE COMPLAINT RESULTING FROM THE STATE PHOTO ENFORCEMENT SYSTEM AS DEFINED IN
11 SECTION 28-1602 SHALL NOT BE FILED IN COURT BEFORE THE PERSON IS PERSONALLY
12 SERVED WITH THE COMPLAINT.

13 ~~E.~~ D. The supreme court shall establish rules governing the issuance,
14 service and processing of the notice of violation, including rules allowing a
15 person to admit responsibility before a ~~citation~~ UNIFORM TRAFFIC TICKET AND
16 COMPLAINT is filed in court.

17 Sec. 9. Title 28, chapter 5, article 4, Arizona Revised Statutes, is
18 amended by adding section 28-1602, to read:

19 28-1602. Photo enforcement; notice of violation; complaint;
20 penalties; crimes; definition

21 A. A NOTICE OF VIOLATION FOR A CIVIL TRAFFIC VIOLATION DETECTED BY THE
22 STATE PHOTO ENFORCEMENT SYSTEM MAY BE ISSUED BEFORE A UNIFORM TRAFFIC TICKET
23 AND COMPLAINT IS FILED IN COURT.

24 B. A NOTICE OF VIOLATION AND A UNIFORM TRAFFIC TICKET AND COMPLAINT
25 RESULTING FROM A PHOTO ENFORCEMENT SYSTEM AS DEFINED IN SECTION 28-1201 IS
26 NOT REQUIRED TO BE MAILED WITH PREPAID POSTAGE TO THE PERSON CHARGED WITH THE
27 VIOLATION.

28 C. THE CIVIL PENALTY OR FINE FOR A UNIFORM TRAFFIC TICKET AND
29 COMPLAINT FILED OR A NOTICE OF VIOLATION ISSUED AS A RESULT OF THE STATE
30 PHOTO ENFORCEMENT SYSTEM IS ONE HUNDRED SIXTY-FIVE DOLLARS AND IS NOT SUBJECT
31 TO ANY SURCHARGE EXCEPT THE SURCHARGE IMPOSED BY SECTION 16-954. THE CIVIL
32 PENALTIES AND FINES SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND
33 35-147, IN THE PHOTO ENFORCEMENT FUND ESTABLISHED BY SECTION 41-1722. A
34 COUNTY BOARD OF SUPERVISORS MAY ESTABLISH A PROCESSING FEE TO COVER THE COST
35 OF PROCESSING A PHOTO ENFORCEMENT COMPLAINT. THE PROCESSING FEE IS NOT
36 SUBJECT TO ANY SURCHARGE.

37 D. THIS SECTION DOES NOT LIMIT EITHER OF THE FOLLOWING:

38 1. THE PENALTIES OR FINES RESULTING FROM CRIMINAL VIOLATIONS DETECTED
39 BY THE STATE PHOTO ENFORCEMENT SYSTEM.

40 2. THE PENALTIES OR FINES FOR CRIMES IN WHICH IMAGES OR DATA OBTAINED
41 FROM THE STATE PHOTO ENFORCEMENT SYSTEM EQUIPMENT IS ADMITTED INTO EVIDENCE.

42 E. FOR THE PURPOSES OF THIS SECTION, "STATE PHOTO ENFORCEMENT SYSTEM"
43 MEANS THE STATE PHOTO ENFORCEMENT SYSTEM ESTABLISHED PURSUANT TO SECTION
44 41-1722.

1 Sec. 10. Section 28-2354, Arizona Revised Statutes, is amended to
2 read:

3 28-2354. License plates; attachment; civil penalty

4 A. A person shall display the license plate or plates as follows:

5 1. For a motor vehicle, motorcycle, trailer or semitrailer, on the
6 rear.

7 2. For a vehicle for which two license plates are issued, the vehicle
8 owner shall display either of the following:

9 (a) One plate on the rear.

10 (b) One plate on the front and one plate on the rear.

11 B. A person shall display all license plates as required by
12 subsection A until their lawful use expires or is canceled or revoked. A
13 person shall maintain each license plate so it is clearly legible. A person
14 shall securely fasten each license plate to the vehicle as follows:

15 1. To prevent the plate from swinging.

16 2. At a height of at least twelve inches from the ground to the bottom
17 of the plate.

18 3. In a position to be clearly visible.

19 C. A person shall maintain each license plate so that the name of this
20 state at the top of the license plate is not obscured.

21 D. A peace officer shall not stop or issue a citation to a person
22 operating a motor vehicle on a highway in this state for a violation of
23 subsection C of this section unless the peace officer has reasonable cause to
24 believe there is another alleged violation of a motor vehicle law of this
25 state.

26 E. If a person violates subsection C of this section, the person is
27 subject to a civil penalty of thirty dollars, except that if a person
28 violates subsection C of this section within twelve months after the date of
29 a prior violation of subsection C of this section, the person is subject to a
30 civil penalty of one hundred dollars.

31 F. UNLESS AUTHORIZED BY THE DEPARTMENT, A PERSON SHALL NOT APPLY A
32 COVERING OR ANY SUBSTANCE TO THE LICENSE PLATE OR USE AN ELECTRONIC DEVICE OR
33 ELECTROCHROMATIC FILM THAT OBSCURES FROM ANY ANGLE THE NUMBERS, CHARACTERS,
34 YEAR VALIDATING TABS OR NAME OF THE JURISDICTION ISSUING THE PLATE THAT MAY
35 PREVENT A PEACE OFFICER OR DULY AUTHORIZED AGENT FROM IDENTIFYING A VEHICLE
36 DETECTED BY THE STATE PHOTO ENFORCEMENT SYSTEM.

37 Sec. 11. Title 28, chapter 8, article 6, Arizona Revised Statutes, is
38 amended by adding section 28-3323, to read:

39 28-3323. Suspension or revocation of license; state photo
40 enforcement system

41 A. NOTWITHSTANDING ANY OTHER LAW, IF A PERSON IS FOUND RESPONSIBLE FOR
42 A CIVIL TRAFFIC VIOLATION DETECTED BY THE STATE PHOTO ENFORCEMENT SYSTEM
43 ESTABLISHED PURSUANT TO SECTION 41-1722, THE DEPARTMENT SHALL NOT CONSIDER
44 THE VIOLATION FOR THE PURPOSE OF DETERMINING WHETHER THE PERSON'S DRIVER
45 LICENSE SHOULD BE SUSPENDED OR REVOKED. A COURT SHALL ONLY TRANSMIT

1 ABSTRACTS OF RECORDS OF THESE VIOLATIONS TO THE DEPARTMENT FOR COMMERCIAL
2 DRIVER LICENSE HOLDERS.

3 B. THIS SECTION SHALL NOT BE CONSTRUED TO RESTRICT THE APPLICATION OF
4 SECTION 28-1632 TO THE RENEWAL OF VEHICLE REGISTRATION.

5 Sec. 12. Section 41-1722, Arizona Revised Statutes, is amended to
6 read:

7 41-1722. State photo enforcement system; fund; distribution of
8 fund monies

9 A. Notwithstanding any other law, the department shall enter into a
10 contract or contracts with a private vendor or vendors pursuant to chapter 23
11 of this title to establish a state photo enforcement system consisting of
12 cameras placed throughout this state as determined by the director to enforce
13 the provisions of title 28, chapter 3, articles 3 and 6 relating to vehicle
14 traffic and speed.

15 ~~B. Notwithstanding any other law, the civil penalty or fine for a~~
16 ~~citation or a notice of violation issued pursuant to this section is one~~
17 ~~hundred sixty-five dollars and is not subject to any surcharge except the~~
18 ~~surcharge imposed by section 16-954.~~

19 ~~C.~~ B. The photo enforcement fund is established consisting of monies
20 received from ~~citations~~ UNIFORM TRAFFIC TICKETS AND COMPLAINTS FILED or
21 notices of violation issued pursuant to this section. The director shall
22 administer the fund. Monies in the fund are subject to legislative
23 appropriation and, EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, are
24 appropriated to the department for administrative and personnel costs of the
25 state photo enforcement system. Monies remaining in the fund in excess of two
26 hundred fifty thousand dollars at the end of each calendar quarter shall be
27 deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

28 ~~D. Notwithstanding any other law, if a person is found responsible for~~
29 ~~a civil traffic violation or a notice of violation pursuant to a citation~~
30 ~~issued pursuant to this section, the department of transportation shall not~~
31 ~~consider the violation for the purpose of determining whether the person's~~
32 ~~driver license should be suspended or revoked. A court shall only transmit~~
33 ~~abstracts of records of these violations to the department of transportation~~
34 ~~for commercial driver license holders.~~

35 C. BEGINNING IN FISCAL YEAR 2011-2012 AND IN EVERY SUBSEQUENT FISCAL
36 YEAR, THIRTY-FIVE PER CENT OF THE MONIES IN THE FUND AFTER PAYING ALL
37 EXPENSES AND COURT COSTS THAT COVER THE PROCESSING OF PHOTO ENFORCEMENT
38 VIOLATIONS AND CITATIONS SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND
39 35-147, IN THE PUBLIC SAFETY EQUIPMENT FUND ESTABLISHED BY SECTION 41-1723.
40 MONIES DEPOSITED PURSUANT TO THIS SUBSECTION MAY NOT BE SUPPLANTED.