



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 3, 2018

The Honorable Michele Reagan  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, which I signed on April 3, 2018:

HB 2036 substitute teachers; experience; certification (Carter)  
HB 2097 pension funding policies; employers (Livingston)  
HB 2169 driving violations; restricted licenses; penalties (Boyer)  
HB 2198 property tax; delinquent tax list (Shope)  
HB 2245 prohibited bail; sexual conduct; molestation (Farnsworth, E.)  
HB 2272 unmanned aircraft; emergencies; immunity (Thorpe)  
HB 2302 private postsecondary regulation; opt-in (Thorpe)  
HB 2421 national guard; employment rights (Andrade)  
HB 2457 corporation commission; database fee; prohibited (Norgaard)  
HB 2561 schools; civics literacy state seal (Boyer)  
HB 2591 fallen correctional employees memorial; extension (Shope)  
HB 2603 corporations; blockchain technology (Weninger)  
SB 1110 photo radar; review; penalty (Borrelli)  
SB 1159 school employees; contracts; revisions (Allen, S.)  
SB 1163 credit security freezes; fees; prohibition (Brophy McGee)  
SB 1240 weights and measures; duties; systems (Pratt)  
SB 1376 landlord tenant act; personal property (Griffin)  
SB 1393 dissolution; human embryos; disposition (Barto)  
SB 1432 ranchers; landowners; fire training (Griffin)

Sincerely,

A handwritten signature in black ink that reads "Douglas A. Ducey". The signature is written in a cursive style with a large initial 'D' and a distinct 'A'.

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

Senate Engrossed

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 123**

**SENATE BILL 1110**

AN ACT

AMENDING SECTION 28-1602, 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 28-1602, Arizona Revised Statutes, is amended to  
3 read:

4 28-1602. Photo enforcement violations; law enforcement  
5 review; violation; classification; service of  
6 process; no duty to identify photo or respond;  
7 definitions

8 A. Notwithstanding any other law, if a person receives a notice of  
9 violation in the mail for a violation of chapter 3, article 3 or 6 of this  
10 title or of a city or town ordinance for excessive speed or failure to  
11 obey a traffic control device that is obtained using a photo enforcement  
12 system, the person does not have to do either of the following:

- 13 1. Identify who is in the photo.
- 14 2. Respond to the notice of violation.

15 B. ~~The notice of violation that is described in subsection A of~~  
16 ~~this section~~ must state the following:

- 17 1. The notice is not a court issued document and the recipient is  
18 under no obligation to identify the person or respond to the notice.
- 19 2. Failure to respond to the notice may result in official service  
20 that may result in an additional fee being levied.

21 C. BEFORE A CITATION IS ISSUED, A LAW ENFORCEMENT AGENCY MUST  
22 REVIEW EVIDENCE THAT IS RECORDED BY A PHOTO ENFORCEMENT SYSTEM TO  
23 DETERMINE WHETHER A VIOLATION OF CHAPTER 3, ARTICLE 3 OR 6 OF THIS TITLE  
24 OR OF A CITY OR TOWN ORDINANCE FOR EXCESSIVE SPEED OR FAILURE TO OBEY A  
25 TRAFFIC CONTROL DEVICE OCCURRED.

26 D. A PHOTO ENFORCEMENT COMPANY MAY NOT DETERMINE WHETHER A  
27 VIOLATION OF CHAPTER 3, ARTICLE 3 OR 6 OF THIS TITLE OCCURRED FOR THE  
28 PURPOSE OF THE ISSUANCE OF A CITATION. A VIOLATION OF THIS SUBSECTION IS  
29 A CLASS 1 MISDEMEANOR.

30 ~~E.~~ E. In addition to any other means authorized by the Arizona  
31 rules of civil procedure, alternative service of process must be sent by  
32 certified mail with an additional copy by regular mail and a notice must  
33 be posted on the front door of the business or residence and, if present  
34 and accessible, a residence's garage door. Service of the complaint is  
35 complete on filing the mailing receipt and proof of posting in the court  
36 having jurisdiction of the violation. Notwithstanding any other law, a  
37 person's driving privileges may not be suspended or revoked as a result of  
38 a citation that is served by alternative service of process under this  
39 subsection.

40 ~~F.~~ F. If a law enforcement agency issues a citation as a result of  
41 a photo enforcement system and serves the citation in a manner other than  
42 what is prescribed by section 28-1593, subsection A, the agency shall  
43 inform the person that there is no obligation to identify the driver or  
44 respond to the citation. Failure to respond to the citation will result  
45 in the probability that the person will be formally served pursuant to

1 state law and the Arizona rules of civil procedure which will likely  
2 result in the person being required to pay the cost of the service.

3 ~~F.~~ G. For the purposes of this section:

4 1. "Notice of violation" means a notice issued by a photo  
5 enforcement company or municipality that is not a uniform traffic ticket  
6 ~~or~~ AND complaint.

7 2. "Photo enforcement system" has the same meaning prescribed in  
8 section 28-601.

**APPROVED BY THE GOVERNOR APRIL 3, 2018**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018**

Passed the House March 28, 2018,

Passed the Senate February 1, 2018,

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

29<sup>th</sup> day of March, 2018

at 10:29 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 31<sup>st</sup> day of

April, 2018,

at 1:40 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 3 day of April, 2018,

at 4:12 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1110