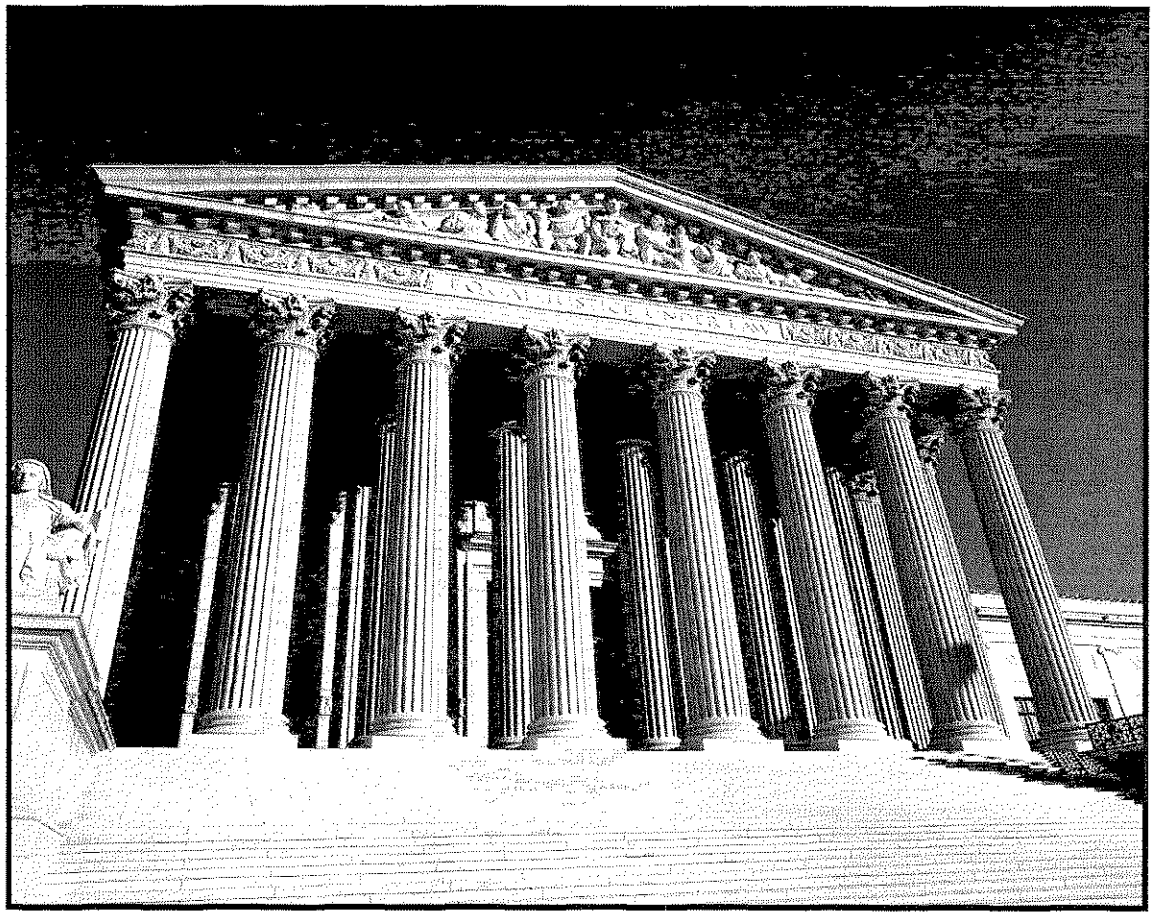

DEFENSIVE DRIVING SCHOOL

TITLE 28 LEGISLATIVE UPDATE

2011

JERRY LANDAU PATRICK SCOTT

Chapter 341
SB 1200: DRIVING UNDER THE INFLUENCE; INTERLOCK

- Effective January 1, 2012

1. Authorizes Continuous Alcohol Monitoring Program (C.A.M.P.)
2. Modifies requirements for the home detention program and sets requirements for continuous alcohol monitoring program

Chapter 341
SB 1200: DRIVING UNDER THE INFLUENCE; INTERLOCK

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3. Authorizes County Board of Supervisors to establish a home detention program
4. Repeals prohibition against home detention for Aggravated DUI
5. Applies admin per se and implied consent to drugs
6. 24 hours in jail changed to one day

Chapter 341
SB 1200: DRIVING UNDER THE INFLUENCE; INTERLOCK

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7. Removes statutory right to a jury trial for first offense § 28-1381 violation
8. Establishes two-tier sentencing structure for first offense Extreme DUI
9. Person convicted of second offense DUI or Extreme DUI eligible for Interlock after 45 day suspension

Chapter 341
SB 1200: DRIVING UNDER THE INFLUENCE; INTERLOCK

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10. Transfers one provision of Aggravated DUI out of DUI chapter
11. Reduces Aggravated DUI license suspension from three to one year
12. Permits interlock in lieu of admin per se suspension
13. Changes to law on extending interlock requirement

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SB 1200: DRIVING UNDER THE INFLUENCE; INTERLOCK

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14. Removes interlock requirement for certain § 28-1381(a)(3) offenses
14. Establishes criteria for deferring final six month of first offense interlock requirement
15. Grants ADOT authority to substitute continuous alcohol monitoring for interlock in certain circumstances

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SB 1200: DRIVING UNDER THE INFLUENCE; INTERLOCK

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17. Authorizes DOC Director to establish a continuous alcohol monitoring program for Aggravated DUI offenders
18. Modifies warrant fee for failure to pay a fine in superior and justice court
19. Grants authority to the constables to serve warrants within their counties

Chapter 308
SB 1398: MOVING VIOLATIONS; ASSESSMENTS; EQUIPMENT; ENFORCEMENT

- $13 assessment on all offenses subject to a surcharge (does not include diversion fees)
- Distributed as follows:
  - $4 to DPS equipment fund
  - $4 to GITTEM
  - $4 to the agency that issues the citation or investigates the offense
  - $1 to Justice Courts

Chapter 308
SB 1398: MOVING VIOLATIONS ASSESSMENT; EQUIPMENT; ENFORCEMENT

If a person is served with a photo enforcement system citation in a manner other than what is authorized by the Rules of Civil Procedure, the agency is required to inform the person:

Chapter 308
SB 1398: MOVING VIOLATIONS ASSESSMENT; EQUIPMENT; ENFORCEMENT

- There is no obligation to identify the driver or respond to the citation

- Failure to respond to the citation will result in the probability that the person will be formally served, which will likely result in the person being required to pay the cost of the service

Chapter 308
SB 1398: MOVING VIOLATIONS ASSESSMENT; EQUIPMENT; ENFORCEMENT

A person receiving a Notice of Violation by mail for a photo enforcement system violation of Title 28, Chapter 3, Article 3 (Traffic, signs, signals and markings) or Article 6 (Speed restrictions) or for a violation of a city or town ordinance for excessive speed or failure to obey a traffic control device, is not required to identify who is in the photo or respond to the notice of violation.

Chapter 308
SB 1398: MOVING VIOLATIONS ASSESSMENT; EQUIPMENT; ENFORCEMENT

- The Notice of Violation must state:
  - The notice is not a court issued document and the recipient is under no obligation to identify the person or respond to the notice
  - Failure to respond to the notice may result in official service that may result in an additional fee
- "Notice of Violation" and "Photo enforcement system" are defined

Chapter 131
SB 1133: APPROACHING STATIONARY VEHICLES; YIELD RIGHT-OF-WAY

Modifies 28-775(E) having to do with yielding to a stationary vehicle by:

- Including a stationary vehicle displaying warning lights
- Removing the requirement that alternately flashing lights be red or red and blue

WEBSITE INFORMATION

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www.azcourts.gov

Publications & Reports

Legislative Update