

Antonio F. Riojas, Jr., Chair
Committee on Limited Jurisdiction Courts
1501 W. Washington St., Ste. 410
Phoenix, AZ 85007
(602) 452-3242
MMeltzer@courts.az.gov

IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of:

PETITION TO REPEAL THE)	
RULES OF PROCEDURE IN TRAFFIC	)	Supreme Court No.
CASES AND BOATING CASES;	)	R-15-00_
TO AMEND THE RULES OF)	
PROCEDURE IN CIVIL TRAFFIC AND)	
CIVIL BOATING CASES; and TO)	
AMEND RULES 1, 2, AND 3 OF THE RULES)	
OF CRIMINAL PROCEDURE)	
-)	

Petitioner is the chair of the Committee on Limited Jurisdiction Courts (the “LJC”), a standing committee of the Arizona Judicial Council. Pursuant to Rule 28 of the Rules of the Supreme Court, Petitioner respectfully petitions this Court as follows:

- (a) To repeal the Rules of Procedure in Traffic Cases and Boating Cases in their entirety, as shown in Appendix 1;

- (b) To amend portions of the Rules of Procedure in Civil Traffic and Civil Boating Cases, as shown in Appendix 2;
- (c) To amend Rules 1, 2, and 3 of the Arizona Rules of Criminal Procedure, as shown in Appendix 3.

I. Background and Purpose of the Proposed Rule Amendments. A superior court judge formally inquired of LJC members at their April 30, 2014 meeting about the distinction between the Rules of Procedure in Traffic Cases and Boating Cases, promulgated in 1963, and the Rules of Procedure in Civil Traffic and Civil Boating Violation Cases, promulgated in 1983. A number of members of the legal community, as well as self-represented litigants who frequently appear in traffic cases, are confused by the rules' respective titles, and by the presence of both sets of rules in the Arizona Rules of Court. If the essential difference is that the older of the two bodies of rules governs **criminal** traffic and boating cases, while the more recent rules govern **civil** traffic and boating cases (as a result of legislative decriminalization of most moving violations), the inquiring judge suggested that the word "criminal" be added to the title of the older body of rules.

However, LJC members noted that although the Rules of Procedure in Traffic Cases and Boating Cases apply to criminal traffic offenses (Rule 1(a)), they also apply to "parking or standing offenses" (Rule 1(b)) arising under Title 28, Article 13, many of which have civil penalties; and they also apply to ordinance violations

concerning parking (Rule 1(b)), which usually also have civil penalties. Moreover, while the Rules of Procedure in Civil Traffic and Civil Boating Violation Cases expressly apply to civil cases (Rule 1), Rule 14 also provides that civil violations may be consolidated with criminal violations. The “criminal” and “civil” aspects of these rules are therefore intertwined, which contributes to the confusion. In addition, both sets of rules have several provisions in common, most notably concerning the Arizona Traffic Ticket and Complaint (the “ATTC”).

LJC members agreed that the matter warranted further study. Petitioner established a workgroup of four experienced judge-members of the LJC, two from justice courts and two from municipal courts. The workgroup met three times and reported its findings to the LJC twice. The LJC reviewed this rule petition and appendices, and it authorized Petitioner to proceed with this petition on the LJC’s behalf. In addition to addressing the issue that gave rise to the workgroup, this petition also proposes enhancements to several other rules.

II. Repeal of the Rules of Procedure for Traffic Cases and Boating Cases.

There are two reasons to repeal these rules. First, to the extent they apply to criminal traffic violations, they are adequately covered by the Arizona Rules of Criminal Procedure, which pertain to all criminal offenses. A criminal traffic violation --like theft, assault, or trespass -- is fundamentally a type of criminal offense.

Second, to the extent they apply to civil traffic violations, the Rules of Procedure for Traffic Cases and Boating Cases are surplusage to the Rules of Procedure for Civil Traffic and Civil Boating Cases, which are a more modern and comprehensive set of rules specifically designed for civil traffic offenses. The need to refer to two sets of procedures can be avoided by relocating in the Civil Traffic Rules any civil traffic provisions of the 1963 rules.

Some of the thirteen existing Rules of Procedure for Traffic Cases and Boating Cases are cumulative, contradict other rules, or are not particularly helpful. Rule 3 is one example of a rule being cumulative. This rule concerns the ATTC. Rule 4 of the Civil Traffic Rules also concerns the ATTC. There is no practical need for both rules.

Rule 4 (“responsibilities of the arresting officer”) and Rule 7 (“procedure on failure to appear”) apply to criminal situations. Rule 4 scenarios are covered primarily by corresponding Rules of Criminal Procedure. The repeal of Rule 7 (“procedure on failure to appear”) requires an amendment to Criminal Rule 3 described in Section IV of this petition.

Rule 8 (“procedure on plea of guilty”) permits a defendant to waive a right to trial and to enter a plea of guilty to a criminal traffic offense by simply saying so in writing, and sending the court a signed statement to this effect. This process may have worked well when most moving violations were treated as misdemeanors.

Inasmuch as most moving violations are now civil rather than criminal offenses (and therefore covered by the Civil Traffic Rules), the remaining criminal violations are offenses with significant consequences. Procedures described in Criminal Rule 17.1(a) for entry of a guilty plea, including provisions for a plea by mail or telephonically, more fully adhere to the requirements of due process and should supersede the cursory procedures in Rule 8. Petitioner parenthetically notes the desirability of adopting a new rule concerning entry of a guilty plea for a petty offense, but this requires further study and Petitioner defers proposing such a rule.

Rule 1 (“definitions”), Rule 2 (“applicability of rules”), and Rule 6 (“duties of the court”) are easily integrated into the Civil Traffic Rules, or are otherwise adequately covered by existing criminal rules or statutes.

Rule 9 (“trial of traffic or boating offenses”) and Rule 10 (“reports”) are largely administrative in nature, and therefore they need not be included in a rule. Rule 11 (“canons of judicial ethics”) requires judges to abide by the Canons of Judicial Ethics, a provision that appears in no other set of procedural rules. It is unnecessary. Rule 12 (“scope of rules”) in part allows for supplementation by local rules, which is also an unnecessary provision. Rule 13 is simply the “effective date.”

In summary, with the exception of Rule 7 concerning failure to appear, the Rules of Procedure for Criminal Traffic and Boating Cases can be repealed and adequately supplanted by the existing civil traffic or criminal rules, or they can be

covered by straightforward amendments to the civil traffic and criminal rules proposed in this rule petition.

The forms appearing in the appendix to the Rules of Procedure for Traffic Cases and Boating Cases include the ATTC. The ATTC is an essential form; it is used many times daily in both traffic cases and for other misdemeanors, as permitted by A.R.S. § 13-3903 and Criminal Rule 2.1(b). Accordingly, Petitioner requests that the ATTC form be readopted in the appendix to the Rules of Procedure in Civil Traffic and Civil Boating Cases, as shown in Appendix 2.

III. Amendments to the Rules of Procedure for Civil Traffic and Civil Boating Cases. Petitioner proposes amendments to Civil Traffic Rules 1, 2, 3, 10, and 33, and to the forms contained in the Appendix to this set of rules. Petitioner also proposes the addition of a new Rule 10.2, and the deletion of Rules 38-45.

Rule 1. The proposed amendment to Civil Traffic Rule 1 deletes the words “hearing and appeals” from the rule’s title, which appear after the word “scope” and which are unnecessary; and instead adds the words “of these rules” after the word “scope.” Petitioner also proposes adding the words “civil boating, and parking and standing violations” to the body of Civil Traffic Rule 1. These words are taken from Rule 1 of the rules Petitioner proposes to repeal. Because these are civil offenses, these violations should be governed by the Civil Traffic Rules.

Rule 2. Consistent with the changes to Rule 1, the definitions in Rule 2 should include “civil boating violation” and “parking or standing violation.” Petitioner also requests an amendment to the existing definition of a “civil traffic violation” to include traffic violations under state or local laws that are punishable by a civil sanction.

Another proposed new paragraph in Rule 2 provides a definition of a “uniform traffic ticket and complaint.” A.R.S. § 28-1557(A) refers to a “uniform traffic ticket and complaint form,” but with one exception in the criminal rules noted later in this petition, the existing rules of traffic procedure customarily refer to the form as an “Arizona Traffic Ticket and Complaint,” or “ATTC.” The new definition clarifies that the document statutes refer to as a “uniform traffic ticket and complaint” is the “Arizona Traffic Ticket and Complaint” under these rules.

Existing Rule 2 also includes provisions about computation of time and attorneys that are not actually definitions but are interspersed with Rule 2’s definitions. For better organization, this petition proposes that those provisions be moved within Rule 2 so they appear after the defined terms. The petition also proposes that the title of Rule 2 be changed from “definitions” to “definitions; computing time; attorneys” to assist users in readily locating these provisions.

Rule 3. Proposed amendments to Rule 3 (formerly titled “applicability of rules,” and with a proposed new title of “commencing a violation in court”) specify

that in addition to a civil traffic violation, a civil boating case and a parking or standing offense are also commenced by filing an ATTC with the court. (The amended rule, like the existing rule, also permits commencement of a civil traffic violation by a “long form” complaint, but this process is rarely used.) Because the violator is typically not present when a parking violation occurs, the proposed amendments also include a mechanism for serving a summons and complaint for a parking or standing violation.

Rule 10 and new Rule 10.2. Current Rule 10 begins with two essential paragraphs for admitting or denying responsibility for a traffic violation; but it also includes six subsequent paragraphs concerning a hearing “in absentia,” a proceeding with a Latin name that is rarely used. Petitioner proposes clarifying the “in absentia” provisions, first by retitling the proceeding as a “documentary hearing,” and also by transferring these provisions to a new Rule 10.2 that contains the details for requesting and proceeding with a “documentary hearing.” Petitioner also proposes a new Rule 10(c) that specifies the consequences for failing to appear either at the date and time specified in the ATTC, or at other designated times.

Rule 33. Rule 33 concerns appellate memoranda in a civil traffic appeal. Rule 29 provides that civil traffic appeals are “on the record,” but Rule 33 currently has no requirement that a memorandum include references to the record on appeal.

Petitioner proposes an amendment to Rule 33(d) by adding a sentence on this requirement that is taken directly from Rule 8(a)(3) of the SCRAP-Civil Rules.

Rule 37. This rule contains a list of six approved forms, but the appendix to the Civil Traffic Rules contains eleven forms and Rule 37 omits to mention five. The proposed amendments add four of these five omitted forms. The fifth omitted form is a “notice of violation;” the notice of violation form remains omitted because it was used in statewide photo enforcement, which has been repealed. (See the next paragraph.) However, Petitioner proposes adding a new form, specifically, the ATTC, as more fully discussed at pages 6-7, *supra*. The ATTC form --with original, violator/defendant, law enforcement, and court copies -- should be added as Form 11 to the Civil Traffic Rules.

Statewide photo enforcement. Petitioner also proposes amendments to the Civil Traffic Rules that refer or relate to A.R.S. § 41-1722. Several years ago A.R.S. § 41-1722 pertained to statewide photo enforcement, but statewide photo enforcement has since been repealed. A.R.S. § 41-1722 has been replaced with a new Section 41-1722 entitled “concealed weapons permit fund.” Current A.R.S. § 41-1722 has nothing to do with civil traffic. References to A.R.S. § 41-1722 in Civil Traffic Rules 1, 2(c), 2(f), and 2(g) should therefore be deleted, as shown in Appendix 2. Furthermore, the last sentence of current Civil Traffic Rule 1 states:

Rules 38-45 shall apply only to photo enforcement cases that are commenced pursuant to A.R.S. § 41-1722.

Because photo enforcement cases are no longer commenced pursuant to A.R.S. § 41-1722, Civil Traffic Rules 38-45 should also be deleted.

IV. Amendments to Rules 1, 2, and 3, Rules of Criminal Procedure.

Rule 1. Rule 1.1 describes the “scope” of the criminal rules. In light of the proposed repeal of the Rules of Procedure in Traffic Cases and Boating Cases, described in Section II of this petition, Rule 1.1 should be modified as follows:

These rules shall govern the procedure in all criminal proceedings in all courts within the State of Arizona ~~except that the Rules of Procedure in Traffic Cases shall continue to apply.~~

Rule 2. This Rule currently states that a misdemeanor or petty offense may be commenced by a “Uniform Traffic Ticket and Complaint.” For consistent nomenclature, and as described at page 7 of this petition, the proposed amendment would substitute “Arizona” for “Uniform” in Criminal Rule 2.1(b).

Rule 3. Repeal of the 1963 traffic rules would result in the deletion of Rule 7, which concerns a “procedure on failure to appear.” It is necessary for the rules to have a procedure for failure to appear as required by an ATTC, and this gap would be filled by an amendment to Criminal Rule 3. Criminal Rule 3 is entitled, “Arrest warrant or summons upon commencement of criminal proceedings.” Criminal Rule 3.1 is entitled “Issuance of warrant or summons.” A new Rule 3.1(e) would provide a process for the court to issue an arrest warrant if a person who has given a written promise to appear in an ATTC, thereafter fails to make the required court

appearance. The proposed section (e) also would allow the court to issue an arrest warrant on a complaint charging a violation of A.R.S. § 13-3903(F).

V. Preliminary Comments. Judge Eric Jeffery, who led the workgroup that prepared these rule changes, presented a draft of the petition to the Committee on Superior Court, which supported the petition, and to the Arizona Judicial Council, which authorized this filing.

The draft petition was thereafter sent to four organizations (respectively representing prosecutors, defenders, and police chiefs), as well as to one county prosecutor, one city prosecutor, and one county public defender. There was one informal comment in response. The police organization expressed concern with the repeal of traffic rules concerning statewide photo radar (Civil Traffic Rules 38 through 45), because some jurisdictions use those rules as a template for processing citations for local photo radar violations. However, and as noted at pages 9-10 above, Civil Traffic Rule 1 provides that “Rules 38-45 shall apply only [emphasis added] to photo enforcement cases that are commenced pursuant to A.R.S. § 41-1722.” Under the express language of Rule 1, Rules 38-45 have no application to photo enforcement programs conducted by cities and counties. Deletion of Rules 38- 45 is appropriate because photo enforcement cases are no longer commenced pursuant to A.R.S. § 41-1722.

VI. Conclusion. The filing of this rule petition may be long overdue. The proposed repeals and amendments will clarify for the Arizona community the rules that apply to a given case type. These proposed changes will align criminal and civil traffic procedures into demarcated sets of rules, thereby making them more comprehensible. These rule changes will further serve the strategic goal of Advancing Justice Together.

RESPECTFULLY SUBMITTED this _ day of January, 2015

By_
Antonio F. Riojas, Jr., Chair
Committee on Limited Jurisdiction Courts
1501 W. Washington Street, Suite 410
Phoenix, AZ 85007
(602) 452-3242
MMeltzer@courts.az.gov

Appendix 1

Rules of Procedure in Traffic Cases and Boating Cases

Delete Rules 1 through 13, including Appendix A and Appendix B, in their entirety.

Appendix 2

This Appendix shows additions by underline, and deletions by ~~strikethrough~~.

Rules of Court Procedure ~~in~~ for Civil Traffic and Civil Boating Violations Cases

Rule 1. Scope of these Rules. ~~;- Hearings and Appeals~~

These rules ~~shall~~ apply in all court cases involving the adjudication and appeal of civil traffic, civil boating, and parking and standing violations, ~~except those violations consolidated pursuant to Rule 14 of these rules. Rules 38-45 shall apply only to photo enforcement cases that are commenced pursuant to A.R.S. § 41-1722.~~

Rule 2. Definitions; computing time; attorneys.

(a) “Civil traffic violation” means any violation designated as such under the provisions of A.R.S. § 28-121 or expressly designated as such by a traffic ordinance of a city or town, or by any other statute, charter, ordinance, rule, or regulation relating to the operation or use of a motor vehicle or other motorized or human powered device, or to the operation of any other vehicle, or to the use of streets and highways by pedestrians, which is punishable by a civil sanction. ~~and any boating violation punishable by a civil sanction under Articles 1 through 11 of Chapter 3, Title 5, of the Arizona Revised Statutes, or expressly designated a civil violation by a boating ordinance or a city or town.~~

(b) “Civil boating violation” means any violation of Articles 1 through 11, Chapter 3, Title 5, Arizona Revised Statutes (entitled “boating and water sports”) or of any other statute, charter, ordinance, rule or regulation in relation to the operation or use of motorized watercraft, motorboats, or sailboards, or by operation of any other watercraft, that is punishable by a civil sanction.

~~(b)~~(c) “Court” means a justice court or a court established by a city or town. Unless the context otherwise requires, “trial court” also means the justice or municipal court.

(c) ~~“Department” means the Arizona Department of Public Safety acting directly or through its duly authorized officers, agents and contractors.~~

(d) “Judge” means a justice of the peace, judge, or magistrate.

(e) “Hearing officer” means a person appointed as such under the provisions of A.R.S. § 28-1553.

~~(f) “Notice of violation” means a document charging a civil traffic offense pursuant to A.R.S. § 41-1722 that is issued to an alleged violator in accordance with these rules and not filed in court.~~

(f) “Parking or standing violation” means any violation of Article 13, Chapter 3, Title 28, Arizona Revised Statutes (entitled “stopping, standing or parking”), or of any other statute, ordinance, rule or regulation, arising solely from the parking, stopping, or standing of a vehicle.

~~(g) “Photo enforcement” means enforcement of violations detected by photo enforcement equipment for the purpose of capturing violations within Title 28, Chapter 3, Articles 3 and 6 relating to vehicle traffic and speed, pursuant to A.R.S. § 41-1722.~~

~~(h) In computing time limits, when the last day of any period of time prescribed herein falls on a Saturday, Sunday, or day when the court is closed, the “last day” shall be the next day court is open. The day of the act or event from which the designated time period begins is not to be included. Except as stated by these rules or by order of court in a particular case, filing deadlines are not enlarged when sent by mail.~~

(i) ~~(g)~~ “Party” means the state or the defendant. A law enforcement officer, police aide, traffic investigator, or parking enforcement volunteer is not a party.

(h) The “uniform traffic ticket and complaint” as referenced in Articles 3 and 4, Chapter 5, Title 28, Arizona Revised Statutes, is identified in these rules by the name “Arizona Traffic Ticket and Complaint,” or by the abbreviation, “ATTC.”

(i) Computing time. In computing time limits, when the last day of any period of time prescribed herein falls on a Saturday, Sunday, or day when the court is closed, the “last day” shall be the next day court is open. The day of the act or event from which the designated time period begins is not to be included. Except as stated by these rules or by order of court in a particular case, filing deadlines are not enlarged when sent by mail.

(j) Attorneys. Unless the context otherwise requires, the requirements of these rules may be performed by an attorney who has filed a proper notice of appearance.

Rule 3. Commencing a violation in court

(a) **Commencing a civil traffic or civil boating case.** A civil traffic or civil boating case ~~violation shall be~~ is commenced by filing with the court an Arizona Traffic Ticket and Complaint in accordance with Article 4, Chapter 5, Title 28, Arizona Revised Statutes (entitled “Procedures for Civil Traffic Violations”) or by filing a long-form complaint pursuant to Arizona Rules of Criminal Procedure, Rule 2.3.

(b) **Commencing a parking or standing case.** A parking or standing case is commenced by filing with the court an Arizona Traffic Ticket and Complaint, or a notice of violation for a local ordinance, charter, or regulation in accordance with Article 4, Chapter 5, Title 28, Arizona Revised Statutes entitled “procedures for civil traffic violations”. Vehicle parking and standing offenses do not require that the initial notification or a subsequent summons and complaint be personally served. If it becomes necessary to issue a summons and complaint because there is not a satisfactory response to the initial notice of a parking or standing violation, a summons and complaint may be sent by regular mail to the address provided to the Department of Motor Vehicles by the individual made responsible for the alleged violation. Service of a summons and complaint is complete on mailing.

Rules 4 through 9: No change

Rule 10. Entry of Plea; Appearance of Counsel; Hearing in Absentia-Failure to Appear

(a) The defendant may admit responsibility by appearing in person, or by submitting a form or a statement signed by the defendant admitting the allegations of the complaint. The defendant shall, at the same time, tender the civil sanction listed in the court's deposit schedule for the civil traffic violation(s).

(b) The defendant may deny responsibility by appearing in person or by notifying the court in writing. The defendant may, at the same time, tender the civil sanction listed in the court's deposit schedule for civil traffic violations to insure that no driver's license suspension will result from failure to appear. Upon receipt of said

notice, the court shall set the matter for hearing and notify the defendant, citing officer, and any counsel of the date, time, and place for the hearing.

~~(c) At the time of denial of responsibility, or such other time as the court determines appropriate in the interest of justice, the defendant may file a written request for a hearing in absentia. The defendant shall show why attending a civil traffic hearing would cause a substantial hardship. A substantial hardship is more than mere inconvenience and must be based on extraordinary circumstances. Along with the request, the defendant may tender the civil sanction listed in the court's deposit schedule for the civil traffic violation(s) at issue in the hearing.~~

(c) A defendant's failure to admit or deny responsibility under Rules 10(a) or 10(b), or to personally appear at the date and time specified in the Arizona Traffic Ticket and Complaint, or at the date and time specified in a summons, or to appear at any subsequently scheduled court proceeding, or a defendant's failure to file a written statement prior to a documentary hearing under Rule 10.2, shall result in a default pursuant to Rules 21 and 22.

~~(d) If the court grants the request for a hearing in absentia, the court shall set the matter for hearing and notify the defendant, the citing officer, and any counsel in the case of the date, time, and place for the hearing.~~

~~(e) Prior to a scheduled hearing in absentia, the defendant shall file a statement or statements made under the penalty of perjury, along with any physical evidence the defendant requests the court to consider. The Court may also allow the State's witness, or witnesses, to testify through written statements or in person on the date, time, and place scheduled for the hearing in absentia. The State shall file any statement or statements, made under penalty of perjury, along with any physical evidence the State requests the court to consider, prior to the hearing.~~

~~(f) Failure to personally appear, or file a statement or statements prior to the hearing in absentia, shall result in default pursuant to Rules 21 and 22.~~

~~(g) If a hearing in absentia is held, the defendant waives the following rights: to personally appear to present evidence; to review evidence before the hearing (Rule 13 (b)); to compel production of any citing officer notes (Rule 13 (c)); to testimony under oath (Rule 16(a)); to cross examine the State's witnesses (Rule 16(c)); to present rebuttal evidence (Rule 19(d)); to present a closing argument (Rule 19(e)); and to immediate delivery of written notice of appeal following judgment and imposition of civil sanction (Rule 25(a)).~~

~~(h) If a hearing in absentia is held, the 14 day period for filing a notice of appeal pursuant to Rule 28 (a) is extended by 7 calendar days. The record of a hearing in absentia for purposes of Rule 29(b)(vii) shall also include the statements, as well as the recording or transcript, if any, of the hearing.~~

Rule 10.1. Appearance by Audiovisual and Telephonic Means [No change]

Rule 10.2. Request for a Documentary Hearing

(a) At the time of denial of responsibility, or such other time as the court determines appropriate in the interest of justice, the defendant may file a written request for a documentary hearing.

(b) For the court to grant a request for a documentary hearing, the defendant must show why personally attending a civil traffic hearing would cause a substantial hardship. A substantial hardship is more than mere inconvenience and must be based on extraordinary circumstances. Along with the request, the defendant may tender the civil sanction listed in the court's deposit schedule for the civil traffic violation(s) at issue in the hearing.

(c) If the court grants the request for a documentary hearing, the court shall set the matter for hearing and notify the defendant, the citing officer, and any counsel in the case of the date, time, and place for the hearing.

(d) Prior to a scheduled documentary hearing, the defendant shall file a statement or statements made under the penalty of perjury, along with any other evidence the defendant requests the court to consider. Other evidence may include such things as diagrams, photographs, or physical evidence. The court may allow the State's witnesses to testify through written statements or in person on the date, time, and place scheduled for the hearing. The State shall file prior to the hearing any statements, made under penalty of perjury, along with any other evidence the State requests the court to consider.

(e) Failure to personally appear, or file a statement or statements prior to the hearing, shall result in default pursuant to Rules 21 and 22.

(f) If a defendant requests a documentary hearing, the defendant waives the following rights: to personally appear to present evidence; to review evidence before the hearing (Rule 13 (b)); to compel production of any citing officer notes (Rule 13

(c); to testimony under oath (Rule 16(a)); to cross examine the State's witnesses (Rule 16(c)); to present rebuttal evidence (Rule 19(d)); to present a closing argument (Rule 19(e)); and to immediate delivery of written notice of appeal following judgment and imposition of civil sanction (Rule 25(a)).

(g)If a documentary hearing is held, the 14-day period for filing a notice of appeal pursuant to Rule 28(a) is extended by 7 calendar days. The record of a documentary hearing for purposes of Rule 29(b)(vii) shall also include the statements and other evidence, as well as the recording or transcript, if any, of the hearing.

Rule 11 through Rule 21: No change

Rule 22. Default by Defendant at Hearing

(a) Except where Rule 21 is applicable, if the defendant fails to appear as required, the allegations of the complaint shall be deemed admitted, and the court shall enter a judgment for the State, impose a civil sanction, and report such judgment to the Department of Transportation, except that civil boating ~~and photo enforcement~~ violation judgments shall not be reported to the Department of Transportation.

(b) If it appears that the defendant is in active military service, no default judgment may be entered.

Rule 23 through Rule 32: No change

Rule 33. Appellate Memoranda; Dismissal for Non-filing

(a) through (c): No change

(d)Appellate memoranda shall be typed or printed on white, opaque, letter-size paper, double-spaced, and shall not exceed 15 pages, excluding exhibits. The memorandum shall set forth a factual and legal basis for appropriate judicial relief. Memoranda shall include a short statement of the facts with reference to the record, a concise argument setting forth the legal issues presented with citation of authority, and a conclusion stating the precise remedy sought on appeal.

(e) through (f): No change

Rules 34 through 36: No change

Rule 37. Forms

The following forms are approved for use in civil traffic proceedings:

1. Defendant's Notice of Right to Appeal (Civil Traffic)
2. Defendant's Notice of Appeal (Civil Traffic)
3. Motion to Waive or Reduce Bond and Order
4. Notice of Summary Transfer to Superior Court for Trial De Novo
5. Notice to Appellant Re: Payment of Superior Court Appeal Fee
6. Request for Transmittal of Record to Superior Court
7. Defendant's Request for a Documentary Hearing
8. Defendant's Statement for a Documentary Hearing
9. Officer's Statement for a Documentary Hearing
10. Witness's Statement for a Documentary Hearing
11. Arizona Traffic Ticket and Complaint (original, violator, law enforcement, and court copies)

~~Rule 38. Photo Enforcement; Notice of Violation~~

~~A photo enforcement case may be commenced by a Notice of Violation, which is issued prior to the filing of an Arizona Traffic Ticket and Complaint.~~

~~Rule 39. Notice of Violation; Form~~

~~(a)The Notice of Violation shall be substantially in a form approved by the Supreme Court as set forth in Appendix B of these rules.~~

~~(b)Any substantial variation from the form of the Notice of Violation must first be approved by the Supreme Court.~~

~~(c)Notice of Violation forms need not be sworn to if they contain a form of certification by the Department in substance as follows "I hereby certify that I have reasonable grounds to believe and do believe that the person named herein committed the civil violation described herein contrary to law."~~

~~(d)The Department shall promptly forward one form copy, and any subsequent changes therein, to the Supreme Court.~~

~~Rule 40. Issuance and Delivery of the Notice of Violation~~

~~The Department shall properly complete, certify and deliver the Notice of Violation as follows:~~

~~(a)Issuance of the notice of violation. The Notice of Violation may be issued by the Department.~~

~~(b)Delivery of the notice of violation; defendant copy. The Notice of Violation may be delivered by any of the following means:~~

~~(1)Delivering a copy to the person charged with the violation.~~

~~(2)Mailing the Notice of Violation by first class mail to the person charged with the violation at the address provided to the Arizona Department of Transportation. If an address has not been provided to the Department of Transportation, the notice may be sent to any address known to the Department of Transportation, including the address listed on a traffic citation received by the Department of Transportation.~~

~~(3)Service of process authorized by the Rules of Civil Procedure.~~

~~Rule 41. Sufficiency of the Notice of Violation~~

~~The Notice of Violation is legally sufficient if it contains either a written description or the statutory designation of the alleged violation.~~

~~Rule 42. Notice of Violation; Time for Delivery~~

~~A Notice of Violation is void if its delivery is not initiated in accordance with Rule 40 of these rules within ten days of the date of violation.~~

~~Rule 43. Response to Notice of Violation~~

Upon receipt of a Notice of Violation the alleged violator may submit as directed by the Department a signed statement within 40 days of the date of violation that:

~~(a) Admits responsibility for the allegations of the Notice of Violation, agrees to tender the full amount of the civil penalty and surcharge as directed on the Notice of Violation, and agrees that this admission is final and may not be withdrawn;~~

~~(b) Denies responsibility because the alleged violator was not the driver of the vehicle at the time of the violation; or~~

~~(c) Denies responsibility for the allegations of the Notice of Violation.~~

Rule 44. Procedure if Violator does not Admit Responsibility

~~(a) If the Department excludes the alleged violator as the driver, the Department shall notify the alleged violator.~~

~~(b) The Department may file a complaint in the court having jurisdiction of the violation within 60 days of the date of the violation and serve upon the defendant an Arizona Traffic Ticket and Complaint as otherwise provided by law, if any of the following occur:~~

~~(1) The alleged violator denies responsibility, except if the alleged violator is excluded as the driver of the vehicle.~~

~~(2) The alleged violator fails to respond to the Notice of Violation within 40 days of the date of violation.~~

~~(3) The alleged violator admits responsibility but fails to tender the full amount of the civil penalty and surcharge as required by Rule 43 of these rules.~~

Rule 45. Service of Complaint; Hearing Date; Notice; Response to Complaint

~~(a) Service of the complaint. Within 10 days after filing the Arizona Traffic Ticket and Complaint, the Department shall mail by first class mail to the defendant a copy of the complaint and provide the defendant the option to respond to the complaint by filing an admission or denial of responsibility with the court.~~

~~(b)The scheduled appearance date stated on the complaint shall be calendared for a date that is not less than 30 days after the Department mails the citation to the defendant.~~

~~(c)Notice of options to respond. The notice of options to respond shall:~~

~~(1)be in writing and addressed directly to the defendant,~~

~~(2)set forth the date on which the complaint and notice of option to respond were mailed,~~

~~(3)include a copy of the photograph of the violation,~~

~~(4)inform the defendant of the date after which the defendant's failure to either file a written response with the court or appear in court may result in personal service at the defendant's expense, unless good cause for the failure to respond is shown,~~

~~(5)inform the defendant that filing an admission or denial of responsibility with the court is an appearance that has the same effect as personal service,~~

~~(6)provide a prepaid means of requesting the Department to review the evidence, if the defendant denies responsibility because the defendant was not the driver of the vehicle at the time of the violation, and~~

~~(7)provide the defendant with a prepaid means of filing the admission or denial of responsibility with the court.~~

~~(d)Time period. The defendant shall have 30 days after the date the complaint and notice of option to respond was mailed in which to file an admission or denial of responsibility with the court. Filing of an admission or denial of responsibility with the court shall constitute an appearance by which the defendant becomes subject to the personal jurisdiction of the court.~~

~~(e)Failure to respond. If a defendant fails to respond by either filing a written response with the court or appearing in court on the scheduled appearance date, service may be effected in the manner prescribed by Rule 4.1(d), Arizona Rules of Civil Procedure, and the court shall impose the costs subsequently incurred in effecting personal service on the defendant, unless good cause for the failure is shown.~~

Forms 1 through 6: No change

Form 7. Defendant's Request for a ~~Civil Traffic Hearing in Absentia~~ Documentary Hearing

{CAPTION}		
STATE OF ARIZONA,)	
Plaintiff,	)	DEFENDANT'S REQUEST FOR
	)	A CIVIL TRAFFIC HEARING
vs.	)	IN ABSENTIA <u>DOCUMENTARY</u>
	)	<u>HEARING AND WAIVER</u>
	)	OF RIGHTS
)	
	)	Case No.
Defendant.)	
)	
Defendant's name:		
.		
State in detail why attending a civil traffic hearing would be a substantial hardship. A substantial hardship is more than mere inconvenience. Examples of substantial hardship may include residing a considerable distance from the court or having a medical or physical condition that significantly impairs the ability to participate in a hearing.		



If the Court grants my request and conducts a documentary hearing ~~in absentia~~, I waive the following rights: to personally appear to present evidence; to review evidence before the hearing (Rule 13(b)); to compel production of any citing officer notes (Rule 13(c)); to testimony under oath (Rule 16(a)); to cross examine the State's witnesses (Rule 16(c)); to present rebuttal evidence Rule 19(d)); to present a closing argument Rule 19(e)); and to immediate delivery of written notice of appeal after the imposition of any civil sanction (Rule 25(a)).

I acknowledge that if the Court does not receive my declaration of the facts by the hearing date, a default judgment may be entered against me, a civil sanction may be imposed, and my driving privileges may be suspended.

Dated:	
	Defendant's signature

**Form 8. Defendant's Declaration for a ~~Civil Traffic Hearing in Absentia~~
Documentary Hearing**

{CAPTION}		
STATE OF ARIZONA,	)	DEFENDANT'S DECLARATION
Plaintiff,	)	AND WAIVER OF RIGHTS

Continued on attached pages.

By having a documentary hearing ~~in-absentia~~, I waive the following rights: to personally appear to present evidence; to review evidence before the hearing (Rule 13(b)); to compel production of any citing officer notes (Rule 13(c)); to testimony under oath (Rule 16(a)); to cross examine the State's witnesses (Rule 16(c)); to present rebuttal evidence Rule 19(d)); to present a closing argument Rule 19(e)); and to immediate delivery of written notice of appeal after the imposition of any civil sanction (Rule 25(a)). I acknowledge that if the Court does not receive this declaration by the hearing date, a default judgment may be entered against me, a civil sanction may be imposed, and my driving privileges may be suspended.

I declare under penalty of perjury that the foregoing is true and correct.

Dated:

Declarant's signature

Form 9. Officer's Declaration for a ~~Civil Traffic Hearing in Absentia~~ Documentary Hearing

{CAPTION}

STATE OF ARIZONA,)	
Plaintiff,	)	OFFICER'S DECLARATION
	)	FOR A <u>DOCUMENTARY</u>
	)	HEARING IN-ABSENTIA
vs.)	
	)	Case No.
Defendant.)	

Continued on attached pages.
I declare under penalty of perjury that the foregoing is true and correct.
Dated:
Declarant's signature

**Form 10. Witness's Declaration for a ~~Civil Traffic Hearing in Absentia~~
Documentary Hearing**

{CAPTION}		
STATE OF ARIZONA,)	
Plaintiff,	)	WITNESS'S DECLARATION
	)	FOR A <u>DOCUMENTARY</u>
	)	HEARING IN ABSENTIA
vs.)	
	)	Case No.
Defendant.)	
)	
Declarant's name:		
.		

Dated:	
	Declarant's signature

Form 11: ~~Notice of Violation~~

[Delete the current form in its entirety]

Form 11: Arizona Traffic Ticket and Complaint (original, violator/defendant, law enforcement, and court report copies) [new – please see the following eight pages]

(Here insert the name and symbol of the law-enforcement agency, city or town or court under whose authority arrest is made.)

Arizona Traffic Ticket and Complaint

Complaint No.	SSN	Military	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	Agency Use or Report Number					
Driver's License Number	State	Class	Endorsements				Agency Use				
			M	H	N	P					T	X	D
DEFENDANT											
First			Middle				Last				
Residential / Commercial Address			City			State			ZIP		Telephone
Mailing Address <input type="checkbox"/> SAME AS ABOVE											
Sex	Weight	Height	Eyes	Hair	Origin	Date of Birth		Restrictions			
VEHICLE		Color	Year	Make	Model	Style	License Plate		State	Expiration	
Registered Owner						Address		Vehicle Identification Number			
The undersigned certifies that:											
ON	Month	Day	Year	Time	AM PM	SPEED	Approx.	Posted	R&P	Speed Measurement Device	Direction of Travel
AT	Location						County		State of Arizona	Beat	
The defendant committed the following:											
A	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Codes	Date of Disposition		Sanction		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
B	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Codes	Date of Disposition		Sanction		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
C	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Codes	Date of Disposition		Sanction		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
D	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Codes	Date of Disposition		Sanction		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
E	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code		
	Docket Number		Disp. Codes	Date of Disposition		Sanction		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense			
You must appear at ►		(Insert here the place of appearance ; title and name of Court, Judge, or Juvenile Referee or officer, street address, city or town, Arizona, and court or room number, if applicable; and time of appearance; hour, day, month, and year.)							Court Number:		
At the date and time indicated ►		Month		Day		Year		Time	AM PM		
CRIMINAL <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon. CIVIL <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint						VICTIM? <input type="checkbox"/> VICTIM NOTIFIED? <input type="checkbox"/> TEN-PRINT FINGERPRINT <input type="checkbox"/> Yes <input type="checkbox"/> No					
X _____						I certify that upon reasonable grounds I believe the defendant committed the above violations and I have served a copy of this complaint upon the defendant.					
						_____ Officer Number					
Agency Use											

Front Side of Original Complaint

ARRAIGNMENT							SPECIAL NOTES
Charges	Not Guilty	Not Responsible	No Contest	Guilty	Responsible	Defendant Signature*	<input type="checkbox"/> Possible Criminal Rule 11 <input type="checkbox"/> State Seeks Jail <input type="checkbox"/> Interpreter Required <input type="checkbox"/> Spanish <input type="checkbox"/> Other _____ <input type="checkbox"/> Attorney Notice of Appearance _____
A							
B							
C							
D							
E							
*By my signature, I hereby waive my right to trial, enter a plea of guilty or responsible for the violation and consent to judgment imposing the prescribed fine or civil sanction.							CONDITIONS OF RELEASE <input type="checkbox"/> Own Recognizance <input type="checkbox"/> Plus Special Conditions, See Release Order <input type="checkbox"/> Bond / Deposit Amount _____ <input type="checkbox"/> Set Review Hearing _____ <input type="checkbox"/> Appoint Attorney _____

SETTINGS			
<input type="checkbox"/> Pretrial Set for _____	<input type="checkbox"/> Trial Set for _____	<input type="checkbox"/> Jury <input type="checkbox"/> Bench _____	<input type="checkbox"/> Civil Hearing Set for _____

Date / Judge's Initials

JUDGMENTS AND ORDERS OF THE COURT

A	B	C	D	E
<input type="checkbox"/> COP <input type="checkbox"/> No Contest <input type="checkbox"/> Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Civil Hearing <input type="checkbox"/> Not Resp <input type="checkbox"/> Responsible	<input type="checkbox"/> COP <input type="checkbox"/> No Contest <input type="checkbox"/> Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Civil Hearing <input type="checkbox"/> Not Resp <input type="checkbox"/> Responsible	<input type="checkbox"/> COP <input type="checkbox"/> No Contest <input type="checkbox"/> Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Civil Hearing <input type="checkbox"/> Not Resp <input type="checkbox"/> Responsible	<input type="checkbox"/> COP <input type="checkbox"/> No Contest <input type="checkbox"/> Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Civil Hearing <input type="checkbox"/> Not Resp <input type="checkbox"/> Responsible	<input type="checkbox"/> COP <input type="checkbox"/> No Contest <input type="checkbox"/> Guilty <input type="checkbox"/> Responsible <input type="checkbox"/> Civil Hearing <input type="checkbox"/> Not Resp <input type="checkbox"/> Responsible
TRIAL <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury <input type="checkbox"/> Guilty <input type="checkbox"/> Bench <input type="checkbox"/> Grant Rule 20	TRIAL <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury <input type="checkbox"/> Guilty <input type="checkbox"/> Bench <input type="checkbox"/> Grant Rule 20	TRIAL <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury <input type="checkbox"/> Guilty <input type="checkbox"/> Bench <input type="checkbox"/> Grant Rule 20	TRIAL <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury <input type="checkbox"/> Guilty <input type="checkbox"/> Bench <input type="checkbox"/> Grant Rule 20	TRIAL <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury <input type="checkbox"/> Guilty <input type="checkbox"/> Bench <input type="checkbox"/> Grant Rule 20
<input type="checkbox"/> See Minute Entry for Sentence Details <input type="checkbox"/> Probation ____ Months <input type="checkbox"/> Defendant Ordered Not to Return to: <input type="checkbox"/> Incident Location _____ <input type="checkbox"/> Restitution _____ <input type="checkbox"/> Fine / Sanction _____ <input type="checkbox"/> Suspend <input type="checkbox"/> Only if Requirements are met <input type="checkbox"/> Pay _____ <input type="checkbox"/> By _____ At Rate Of _____ Beginning _____ <input type="checkbox"/> Or Proof of: <input type="checkbox"/> Community Services Total Hours ____ By _____ <input type="checkbox"/> Insurance By _____ <input type="checkbox"/> Registration By _____ <input type="checkbox"/> _____ By _____ <input type="checkbox"/> With Proof, Reduce Amount to be paid to: _____	<input type="checkbox"/> See Minute Entry for Sentence Details <input type="checkbox"/> Probation ____ Months <input type="checkbox"/> Defendant Ordered Not to Return to: <input type="checkbox"/> Incident Location _____ <input type="checkbox"/> Restitution _____ <input type="checkbox"/> Fine / Sanction _____ <input type="checkbox"/> Suspend <input type="checkbox"/> Only if Requirements are met <input type="checkbox"/> Pay _____ <input type="checkbox"/> By _____ At Rate Of _____ Beginning _____ <input type="checkbox"/> Or Proof of: <input type="checkbox"/> Community Services Total Hours ____ By _____ <input type="checkbox"/> Insurance By _____ <input type="checkbox"/> Registration By _____ <input type="checkbox"/> _____ By _____ <input type="checkbox"/> With Proof, Reduce Amount to be paid to: _____	<input type="checkbox"/> See Minute Entry for Sentence Details <input type="checkbox"/> Probation ____ Months <input type="checkbox"/> Defendant Ordered Not to Return to: <input type="checkbox"/> Incident Location _____ <input type="checkbox"/> Restitution _____ <input type="checkbox"/> Fine / Sanction _____ <input type="checkbox"/> Suspend <input type="checkbox"/> Only if Requirements are met <input type="checkbox"/> Pay _____ <input type="checkbox"/> By _____ At Rate Of _____ Beginning _____ <input type="checkbox"/> Or Proof of: <input type="checkbox"/> Community Services Total Hours ____ By _____ <input type="checkbox"/> Insurance By _____ <input type="checkbox"/> Registration By _____ <input type="checkbox"/> _____ By _____ <input type="checkbox"/> With Proof, Reduce Amount to be paid to: _____	<input type="checkbox"/> See Minute Entry for Sentence Details <input type="checkbox"/> Probation ____ Months <input type="checkbox"/> Defendant Ordered Not to Return to: <input type="checkbox"/> Incident Location _____ <input type="checkbox"/> Restitution _____ <input type="checkbox"/> Fine / Sanction _____ <input type="checkbox"/> Suspend <input type="checkbox"/> Only if Requirements are met <input type="checkbox"/> Pay _____ <input type="checkbox"/> By _____ At Rate Of _____ Beginning _____ <input type="checkbox"/> Or Proof of: <input type="checkbox"/> Community Services Total Hours ____ By _____ <input type="checkbox"/> Insurance By _____ <input type="checkbox"/> Registration By _____ <input type="checkbox"/> _____ By _____ <input type="checkbox"/> With Proof, Reduce Amount to be paid to: _____	<input type="checkbox"/> See Minute Entry for Sentence Details <input type="checkbox"/> Probation ____ Months <input type="checkbox"/> Defendant Ordered Not to Return to: <input type="checkbox"/> Incident Location _____ <input type="checkbox"/> Restitution _____ <input type="checkbox"/> Fine / Sanction _____ <input type="checkbox"/> Suspend <input type="checkbox"/> Only if Requirements are met <input type="checkbox"/> Pay _____ <input type="checkbox"/> By _____ At Rate Of _____ Beginning _____ <input type="checkbox"/> Or Proof of: <input type="checkbox"/> Community Services Total Hours ____ By _____ <input type="checkbox"/> Insurance By _____ <input type="checkbox"/> Registration By _____ <input type="checkbox"/> _____ By _____ <input type="checkbox"/> With Proof, Reduce Amount to be paid to: _____
Date of Disposition:				
Disposition Code:	Disposition Code:	Disposition Code:	Disposition Code:	Disposition Code:
Fine:	Fine:	Fine:	Fine:	Fine:
Jail:	Jail:	Jail:	Jail:	Jail:

Date / Judge's Initials

AMENDMENT / DISMISSAL

A	B	C	D	E
On Motion of: <input type="checkbox"/> State <input type="checkbox"/> Defendant <input type="checkbox"/> Court <input type="checkbox"/> Amend _____ <input type="checkbox"/> Dismiss <input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice	On Motion of: <input type="checkbox"/> State <input type="checkbox"/> Defendant <input type="checkbox"/> Court <input type="checkbox"/> Amend _____ <input type="checkbox"/> Dismiss <input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice	On Motion of: <input type="checkbox"/> State <input type="checkbox"/> Defendant <input type="checkbox"/> Court <input type="checkbox"/> Amend _____ <input type="checkbox"/> Dismiss <input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice	On Motion of: <input type="checkbox"/> State <input type="checkbox"/> Defendant <input type="checkbox"/> Court <input type="checkbox"/> Amend _____ <input type="checkbox"/> Dismiss <input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice	On Motion of: <input type="checkbox"/> State <input type="checkbox"/> Defendant <input type="checkbox"/> Court <input type="checkbox"/> Amend _____ <input type="checkbox"/> Dismiss <input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice

Date / Judge's Initials

(Here insert the name and symbol of the law-enforcement agency, city or town or court under whose authority arrest is made.)

Arizona Traffic Ticket and Complaint

Complaint No.		Military	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	Agency Use or Report Number														
Driver's License Number	State	Class	<input type="checkbox"/> Serious Physical Injury	<input type="checkbox"/> Haz. Material	Agency Use															
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="7">Endorsements</th> </tr> <tr> <td style="width: 10%;">M</td> <td style="width: 10%;">H</td> <td style="width: 10%;">N</td> <td style="width: 10%;">P</td> <td style="width: 10%;">T</td> <td style="width: 10%;">X</td> <td style="width: 10%;">D</td> </tr> </table>							Endorsements							M	H	N	P	T	X	D
Endorsements																				
M	H	N	P	T	X	D														

DEFENDANT First _____ Middle _____ Last _____

Residential / Commercial Address _____ City _____ State _____ ZIP _____ Telephone _____

Mailing Address SAME AS ABOVE

Sex	Weight	Height	Eyes	Hair	Origin	Date of Birth	Restrictions
-----	--------	--------	------	------	--------	---------------	--------------

VEHICLE Color _____ Year _____ Make _____ Model _____ Style _____ License Plate _____ State _____ Expiration _____

Registered Owner _____ Address _____ Vehicle Identification Number _____

The undersigned certifies that:

ON	Month	Day	Year	Time	AM PM	SPEED	Approx.	Posted	R&P	Speed Measurement Device	Direction of Travel
-----------	-------	-----	------	------	----------	--------------	---------	--------	-----	--------------------------	---------------------

AT	Location	County	State of Arizona	Beat
-----------	----------	--------	------------------	------

The defendant committed the following:

A	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Codes	Date of Disposition	Sanction	<input type="checkbox"/> Municipal Code	
B	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Codes	Date of Disposition	Sanction	<input type="checkbox"/> Municipal Code	
C	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Codes	Date of Disposition	Sanction	<input type="checkbox"/> Municipal Code	
D	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Codes	Date of Disposition	Sanction	<input type="checkbox"/> Municipal Code	
E	Section	ARS CC	Violation	Domestic Violence <input type="checkbox"/>	<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic
	Docket Number	Disp. Codes	Date of Disposition	Sanction	<input type="checkbox"/> Municipal Code	

You must appear at ▶	(Insert here the place of appearance ; title and name of Court, Judge, or Juvenile Referee or officer, street address, city or town, Arizona, and court or room number, if applicable; and time of appearance; hour, day, month, and year.)	Court Number:
-----------------------------	---	---------------

At the date and time indicated ▶	Month	Day	Year	Time	AM PM
---	-------	-----	------	------	----------

CRIMINAL <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon. CIVIL <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint	VICTIM? <input type="checkbox"/> VICTIM NOTIFIED? <input type="checkbox"/> TEN-PRINT FINGERPRINT <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

X _____

I certify that upon reasonable grounds I believe the defendant committed the above violations and I have served a copy of this complaint upon the defendant.

Officer _____ Number _____

Agency Use

NOTICE TO DEFENDANT:

THIS IS A TRUE COPY OF THE COMPLAINT WHICH WILL BE FILED IN COURT.

YOU ARE ADVISED TO READ THE INSTRUCTIONS ON THE REVERSE.

IF YOU APPEAR IN COURT, PLEASE BRING THIS COPY WITH YOU.

IMPORTANT NOTICE TO DEFENDANT

The other side of this page is a true copy of the offense described in the complaint that will be filed in the designated court or hearing office.

The offense for which you have been cited is an Administrative Violation, a Civil Traffic Violation, a Criminal Offense, a Criminal Traffic Offense, or a Petty Offense. To determine which notice(s) applies to you, look at the box(es) checked under “the defendant committed the following” on the reverse side of this notice.

CIVIL TRAFFIC

If the Civil Traffic box is checked, notice is hereby given that if you fail to appear as directed in this complaint, a default judgment will be entered against you, a civil sanction will be imposed, and your license will be suspended. Your driver’s license or nonresident operating privilege will remain suspended until the civil sanction is paid and you satisfy Motor Vehicle Division requirements (A.R.S. 28-1557[B] [2]).

CRIMINAL OR PETTY OFFENSE

If the Criminal or Petty Offense box is checked, notice is hereby given that if you fail to appear in court as directed in this complaint, a warrant will be issued for your arrest (A.R.S. 13-3903.E).

CRIMINAL TRAFFIC

If the Criminal Traffic box is checked, notice is hereby given that if you fail to appear as directed in this complaint on a criminal charge, a warrant could be issued for your arrest and your license will be suspended (A.R.S. 28-1557[B] [1]).

(The court, law enforcement agency or public body responsible for issuing the Arizona Traffic Ticket and Complaint may include any additional information considered necessary to the defendant regarding appearances, pleas, and payment of fines or civil sanctions.)

(Here insert the name and symbol of the law-enforcement agency, city or town or court under whose authority arrest is made.)
Arizona Traffic Ticket and Complaint

Complaint No.		SSN	Military	<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial		Agency Use or Report Number				
Driver's License Number		State	Class	<input type="checkbox"/> Serious Physical Injury				<input type="checkbox"/> Haz. Material		Agency Use		
DEFENDANT		First	Middle				Last					
Residential / Commercial Address		City			State			ZIP		Telephone		
Mailing Address		<input type="checkbox"/> SAME AS ABOVE										
Sex	Weight	Height	Eyes	Hair	Origin	Date of Birth		Restrictions				
VEHICLE		Color	Year	Make	Model	Style	License Plate		State	Expiration		
Registered Owner				Address				Vehicle Identification Number				
The undersigned certifies that:												
ON	Month	Day	Year	Time	AM PM	SPEED	Approx.	Posted	R&P	Speed Measurement Device	Direction of Travel	
AT	Location						County		State of Arizona	Beat		
The defendant committed the following:												
A	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes		Date of Disposition		Sanction		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
B	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes		Date of Disposition		Sanction		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
C	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes		Date of Disposition		Sanction		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
D	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes		Date of Disposition		Sanction		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
E	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal		<input type="checkbox"/> Criminal Traffic	
	Docket Number		Disp. Codes		Date of Disposition		Sanction		<input type="checkbox"/> Municipal Code		<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense	
You must appear at ►		(Insert here the place of appearance ; title and name of Court, Judge, or Juvenile Referee or officer, street address, city or town, Arizona, and court or room number, if applicable; and time of appearance; hour, day, month, and year.)						Court Number:				
At the date and time indicated ►		Month		Day		Year		Time	AM PM			
CRIMINAL <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.						VICTIM? <input type="checkbox"/>		VICTIM NOTIFIED? <input type="checkbox"/>				
CIVIL <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint						TEN-PRINT FINGERPRINT		<input type="checkbox"/> Yes		<input type="checkbox"/> No		
X _____						I certify that upon reasonable grounds I believe the defendant committed the above violations and I have served a copy of this complaint upon the defendant.						
						Officer _____				Number _____		
Agency Use												

The reverse side of the Enforcement Copy may contain such information considered necessary by the court, law-enforcement agency or public body responsible for issuing the Arizona Traffic Ticket and Complaint

Reverse Side of Law Enforcement Copy

(Here insert the name and symbol of the law-enforcement agency, city or town or court under whose authority arrest is made.)

Arizona Traffic Ticket and Complaint

Complaint No.	SSN	Military	<input type="checkbox"/> Accident	<input type="checkbox"/> Fatality	<input type="checkbox"/> Commercial	Agency Use or Report Number						
Driver's License Number	State	Class	Endorsements			Agency Use						
			<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Haz. Material							
			M	H	N	P	T	X	D			
DEFENDANT	First	Middle	Last									
Residential / Commercial Address		City	State	ZIP	Telephone							
Mailing Address <input type="checkbox"/> SAME AS ABOVE												
Sex	Weight	Height	Eyes	Hair	Origin	Date of Birth	Restrictions					
VEHICLE	Color	Year	Make	Model	Style	License Plate	State	Expiration				
Registered Owner					Address			Vehicle Identification Number				
The undersigned certifies that:												
ON	Month	Day	Year	Time	AM PM	SPEED	Approx.	Posted	R&P	Speed Measurement Device	Direction of Travel	
AT	Location						County		State of Arizona	Beat		
The defendant committed the following:												
A	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic			
	Docket Number		Disp. Codes	Date of Disposition	Sanction		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
B	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic			
	Docket Number		Disp. Codes	Date of Disposition	Sanction		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
C	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic			
	Docket Number		Disp. Codes	Date of Disposition	Sanction		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
D	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic			
	Docket Number		Disp. Codes	Date of Disposition	Sanction		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
E	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic			
	Docket Number		Disp. Codes	Date of Disposition	Sanction		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense					
You must appear at ►	(Insert here the place of appearance ; title and name of Court, Judge, or Juvenile Referee or officer, street address, city or town, Arizona, and court or room number, if applicable; and time of appearance; hour, day, month, and year.)						Court Number:					
At the date and time indicated ►	Month	Day	Year	Time	AM PM							
CRIMINAL <input type="checkbox"/>	Without admitting guilt, I promise to appear as directed hereon.					VICTIM? <input type="checkbox"/>	VICTIM NOTIFIED? <input type="checkbox"/>					
CIVIL <input type="checkbox"/>	Without admitting responsibility, I acknowledge receipt of this complaint					TEN-PRINT FINGERPRINT <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>				
X	_____					I hereby certify that the information contained herein is a true and correct abstract of the record in this case:						
						_____ Judge / Clerk						
						_____ Date						
Agency Use												

The reverse side of the Court Report may contain the Disposition Code instructions for completing and forwarding the Court Report and such other information considered necessary by the Court, law-enforcement agency or public body responsible for issuing the Arizona Traffic Ticket and Complaint.

Reverse Side of Law Court Report Copy

Appendix 3

This Appendix shows additions by underline, and deletions by ~~strikethrough~~.

Arizona Rules of Criminal Procedure

RULE 1. SCOPE, PURPOSE AND CONSTRUCTION, COMPUTATION OF TIME, DEFINITIONS, SIZE OF PAPER, AND OTHER GENERAL PROVISIONS

Rule 1.1. Scope

These rules shall govern the procedure in all criminal proceedings in all courts within the State of Arizona ~~except that the Rules of Procedure in Traffic Cases shall continue to apply.~~

RULE 2. COMMENCEMENT OF CRIMINAL PROCEEDINGS

Rule 2.1. Misdemeanors

a. [no change]

b. **Courts of Limited Jurisdiction.** Misdemeanor and petty offense actions triable in limited jurisdiction courts shall be commenced by utilizing the ~~Uniform Arizona~~ Traffic Ticket and Complaint (“ATTC”) or other short form complaint approved by the Arizona Supreme Court, or by a long form complaint pursuant to Rule 2.3 of these rules. An ATTC form is included in the appendix to the Rules of Court Procedure for Civil Traffic and Civil Boating Violations.

RULE 3. ARREST WARRANT OR SUMMONS UPON COMMENCEMENT OF CRIMINAL PROCEEDINGS

Rule 3.1. Issuance of warrant or summons.

Section a. through section d. No change

e. Warrants in ATTC Cases. If a person served with an Arizona Traffic Ticket and Complaint provides a written promise to appear in court at a designated time and date, and thereafter fails to appear, personally or by counsel, on or before that

date, the court shall issue a warrant of arrest. In addition, if a separate proceeding has been commenced by a complaint for failure to appear pursuant to A.R.S. § 13-3903 (F), the court shall issue a warrant for arrest thereon.