



SUPREME COURT  

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STATE OF ARIZONA



GOVERNOR'S OFFICE OF  
**HIGHWAY  
SAFETY**

# Civil Traffic Updates & Best Practices



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## The Significance of Civil Traffic Cases

- Many individuals first interaction with the legal system is in a traffic case
- Many people state that their *only* interactions with court system are for traffic court or jury duty
- Civil traffic cases can affect anyone
  - Cited as a driver
  - Involved in a collision or a witness
  - Parking violations

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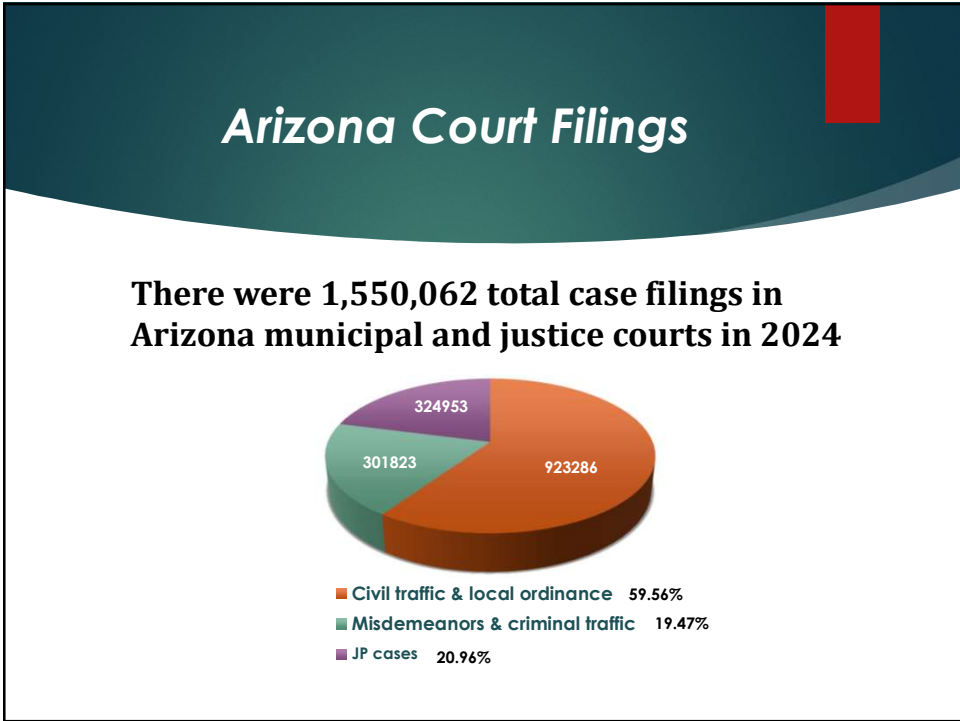


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## *Driving in Arizona*

- In 2024, there were 5,940,043 licensed drivers and 6,703,999 registered vehicles in Arizona
- There were 121,107 total vehicle crashes in Arizona in 2024
  - 54,426 persons injured in crashes
  - 1,228 fatalities

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- ### Arizona Limited Jurisdiction Court Filings 2024 Ranking
1. Phoenix Municipal Court
  2. Pima Consolidated Justice Ct.
  3. Mesa Municipal Court
  4. Scottsdale Municipal Court
  5. Tucson Municipal Court
  6. Paradise Valley Municipal Ct.
  7. Tempe Municipal Court
  8. Chandler Municipal Court
  9. Glendale Municipal Court
  10. Gilbert Municipal Court
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***Most Cited  
Civil Traffic  
Violations in  
Arizona  
Limited  
Jurisdiction  
Courts***

- 1. Speeding**
- 2. Other civil traffic**
- 3. Insurance**
- 4. Registration**
- 5. Red Light**
- 6. Driver License**
- 7. Seat Belt**

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***Speeding***



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## Speed Statutes

- ARS 28-701A
  - Speed Greater than Reasonable/Prudent
  - Failure to Control Speed to Avoid a Collision
- ARS 28-701.02 – Excessive Speed
- ARS 28-702.01 – Waste of Finite Resources
- ARS 28-704 – Impeding Traffic (speed too slow)
- ARS 28-797 – Speed in School Crossing Zone

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## Methods of Proving a Speed Violation

- Visual estimates
- Use of detection equipment (radar/laser/moving radar)

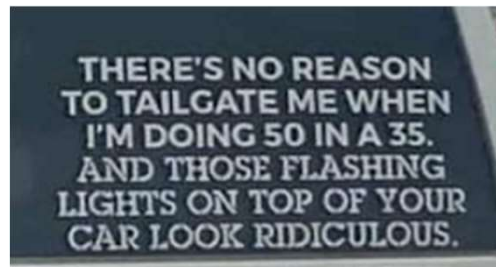


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## Methods of Proving a Speed Violation

### Pacing

- Follow for significant distance/time
- Constant distance
- Accurate speedometer



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## Dismissal of Speed Complaints

A.R.S. 28-707 requires the following on complaints for speed violations:

- \* Alleged speed
- \* Maximum speed
- \* ID of defendant
- \* Date, time and location

Alleged or maximum speed not required for Failure to Control Speed to Avoid a Collision violations

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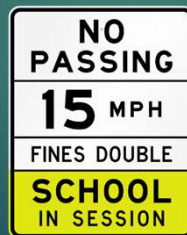
## Failure to Control Speed to Avoid a Collision

- Rear-end collisions
- Vehicles crossing or entering road
- Formulas based on damage to vehicles, skid/scuff, drag factor, reaction time
  - Requires additional training and experience by officer
- Beware of double citing

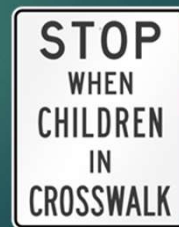
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## Speed in School Crossing

- Signage & yellow center line
- Length of zone
- School in session
- Officer's location
- 15 = Absolute limit
- Passing vs. Overtaking



Required



Required

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## *Right of Way*

- ▶ ARS 28-771: Right of Way at Intersection
- ▶ ARS 28-772: Making a Left Turn at Intersection
- ▶ ARS 28-773: Yield from Stop Sign
- ▶ ARS 28-774: Entering or Crossing Roadway from Private Road or Driveway
- ▶ ARS 28-775: Yield to Emergency Vehicles
- ▶ ARS 28-778: Yield to Large Vehicles at Roundabouts



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## Turning & Signaling

- ▶ **ARS 28-754**
  - ▶ Prohibits:
    - ▶ Turning a vehicle at an intersection unless the vehicle is in proper position on the road
    - ▶ Turning a vehicle to enter a private road or driveway, turning a vehicle from a direct course, or moving right or left on a road unless the movement can be made with safety
    - ▶ Stopping or suddenly slowing without signal
  - ▶ Requires:
    - ▶ Signaling in the event any other traffic may be affected by the movement
    - ▶ Signal shall be given continuously for no less than the last one hundred feet traveled

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## Failure to Drive in One Lane/ Unsafe Lane Change

- ▶ **ARS 28-729.1** requires driving entirely in one lane. Movement from the lane must be made in safety.
- ▶ ***State v. Livingston (2003)*** – Arizona Court of Appeals (Div. 2) held that a single momentary deviation from the lane not affecting any other traffic is not violation or reasonable suspicion to conduct traffic stop.

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## Cell Phone Use

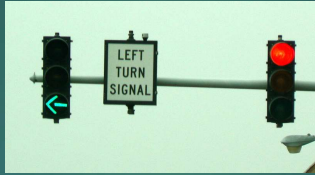
ARS 28-914A: Operating a Vehicle while Using a Wireless Communication Device

- ▶ Prohibits driving while holding or physically supporting an electronic device
- ▶ No writing, reading, or sending text or data
- ▶ Hands-free operation allowed (GPS)
- ▶ Exceptions:



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# Red Light Violations ARS 28-645A3A



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# Definition of an Intersection



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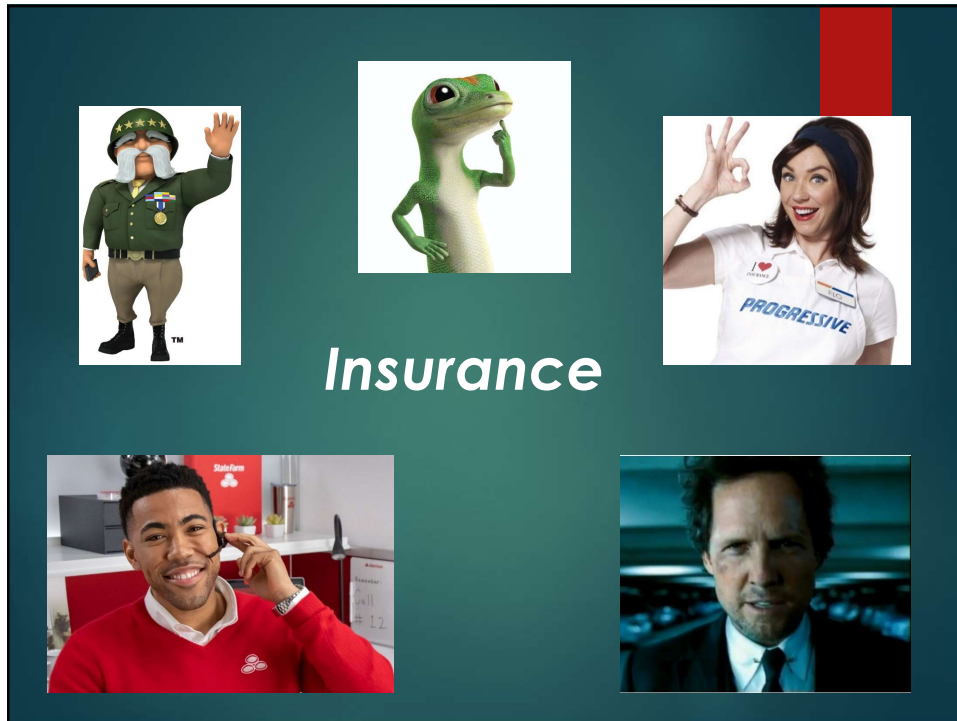


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## Registration (ARS 28-2532A)

- Valid registration is required for any motor vehicle, trailer, or semi-trailer operated on the highway
- Residency requirements
- Court **shall** dismiss charge if vehicle is subsequently registered and **may** suspend fine if driver was not the owner of the vehicle

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## *Proof of Insurance*

Per **ARS 28-4131**, originals, copies, or electronic versions of the following are valid:

- Insurance policy or insurance card
- Binder or certificate of liability insurance
- Self insurance certificate issued by MVD
- Certificate of deposit
- Commercial certificate of insurance (covering fleet)
- Proof that vehicle is State or government owned

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## Dismissal and Mitigation

- **ARS 28-4135D** authorizes dismissal with proof of coverage on date of violation (DOV)
  - Proof must show valid coverage for vehicle or driver listed on complaint
- **ARS 28-4137** allows Court to reduce penalty and/or waive suspension with:
  - Proof of current 6-month insurance policy
  - Arizona Motor Vehicle Record (MVR) showing no prior 28-4135 violations within the past 24 months or not more than one violation within 36 months

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## What is different about civil traffic hearings?

- **No attorneys**
  - **Most defendants are self-represented**
  - **Prosecutors usually do not appear for the State**
- **Judicial officer required to take a more active role**
- **Shorter, less formal hearings**
- **Immediate rulings after hearing**
- **Specific procedural rules**
- **Burden of proof**
- **Only fines can be imposed as sanctions**

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## Rules of Procedure

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**Arizona Rules of Procedure for Civil Traffic, Boating, Marijuana, and Parking and Standing Violations apply**

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**Rules of Criminal Procedure, Rules of Civil Procedure and Rules of Evidence do not apply**

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**Some procedures are contained in Arizona Revised Statutes Title 28**

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## *A Typical Civil Traffic Hearing*

- ▶ Call participants up and have them seated
- ▶ Ask if there are any exhibits to be marked
- ▶ Explain procedure
- ▶ Swear in witnesses (as a whole or individually)
- ▶ Officer/state's witness testifies
  - ▶ Cross examination by Defendant
- ▶ Defendant/defense witness testifies
  - ▶ No cross examination by officer
- ▶ Rebuttal & sur-rebuttal (if allowed)
- ▶ Ruling of the Court
  - ▶ If Defendant found Responsible, impose fines and advise of Right to Appeal

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## **Burden of Proof**

**Preponderance of  
evidence  
(more likely than not)**



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## *Making Your Ruling*

- ▶ Familiarize yourself with the violation(s) cited
- ▶ Listen for elements as hearing takes place
  - ▶ Date & time
  - ▶ Location & jurisdiction
  - ▶ Identification of Defendant
  - ▶ Elements of statute cited
- ▶ Listen to the testimony carefully
  - ▶ Credibility
  - ▶ Facts
  - ▶ Ask clarifying questions
- ▶ Apply facts to the elements of the cited statute
- ▶ Keep a good record

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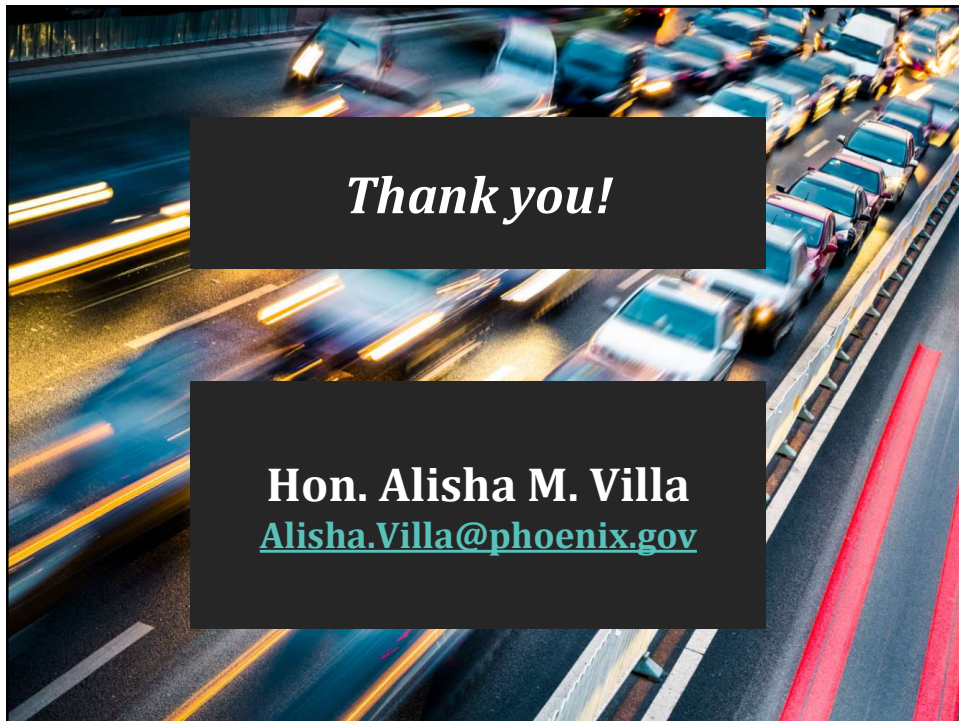
## *Recent Issues*

- ▶ Discovery requests (police department backlog for body camera footage)
- ▶ Mismatch of defendant name on citation to driver license/ID
- ▶ Financial difficulties
  - ▶ Reduction/suspension of fines
  - ▶ Payment plans
  - ▶ Community restitution/community service

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