

Hon. J. Matias Tafoya, Presiding Judge
Mesa Municipal Court
Chairman, Rules Subcommittee
Committee on Limited Jurisdiction Courts
245 W. 2nd Street
Mesa, AZ 85201
480-644-2255

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
PETITION TO AMEND	)	Supreme Court R. No.
RULES 2, 22(a) AND 32(c)	)	2006- _____
RULES OF PROCEDURE -	)	
CIVIL TRAFFIC VIOLATION CASES	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court, the Hon. J. Matias Tafoya, Chair of the Rules Subcommittee of the Committee on Limited Jurisdiction Courts, petitions the Supreme Court to approve the amendments to Rule 2, Rule 22(a) and Rule 32(c) of the Rules Of Procedure In Civil Traffic Violation Cases as set forth in the proposed amendments attached in Appendix A to this Petition. This proposed rule change would add civil boating violation cases to the Rules of Procedure in Civil Traffic Violation Cases.

DESCRIPTION AND RATIONALE FOR THE AMENDMENT

Changes in statutes effective September 18, 2003 required the courts modify how civil boating violations would be addressed. As a result of

those changes, there were no rules that provided appropriate procedures for civil boating violations. On November 6, 2003, the Supreme Court through Administrative Order 2003-99 adopted a temporary solution to address civil boating violations until suitable amendments to procedural rules could be prepared. This petition addresses the need for appropriate amendments as discussed by the Supreme Court in the Administrative Order to codify the rules as it pertains to civil boating violations.

Respectfully submitted this 31st day of October, 2006.

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APPENDIX A

RULES OF PROCEDURE

In CIVIL TRAFFIC *and* CIVIL BOATING VIOLATION CASES

Rule 2. Definitions

- (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 **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.**

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 civil boating violation judgments shall not be reported to the Department of Transportation.**

Rule 32. Perfection of Appeal; Dismissal by Trial Court

- (c) In the event an appeal is dismissed, the judgment of the trial court may be enforced as if no appeal had been taken. The trial court may take appropriate action including the application of any payment, deposit, or bond to the sanction, notice to the Department of Transportation, Department of Public Safety, or Motor Vehicle Division, or notice to the appellant to reappear upon at least 14 calendar days written notice for further proceedings, **except that in civil boating violation cases notice shall not be sent to the Department of Transportation, Department of Public Safety or Motor Vehicle Division.**