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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:)
)
PETITION TO AMEND THE RULES OF) Supreme Court No. 21-_____
COURT PROCEDURE FOR CIVIL)
TRAFFIC AND CIVIL BOATING)
VIOLATIONS)
_____)

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, petitions this Court to approve the amendments to the Rules of Court Procedure for Civil Traffic and Civil Boating Violations contained in the attached appendix. These amendments result from the passage and enactment of Arizona Proposition 207 (“Smart and Safe Arizona Act”). On December 17, 2020, these proposals were presented to and unanimously supported by the Arizona Judicial Council.

I. Need for Rule Amendments

The Smart and Safe Arizona Act creates a new category of cases, namely civil marijuana violation cases. Court procedures for these cases are not currently established in the Arizona Rules of Court. Petitioner appointed a task force to

identify the impacts of the Smart and Safe Arizona Act and to make recommendations regarding implementing the same. The task force was chaired by Jerry Landau, the then Government Affairs Director of the Administrative Office of the Courts (AOC) and was comprised of judges, AOC attorneys, and court specialists. The Chair in turn appointed several workgroups devoted to the various relevant subject matters. One such workgroup examined the Arizona Revised Statutes (ARS) and the Arizona Rules of Court to identify the changes necessary for courts to process civil marijuana violations.

Workgroup members agreed that civil marijuana violations can be processed analogously to the processing of civil traffic and civil boating violations, and that the most prudent placement for rules to handle these matters is in the Rules of Court Procedure for Civil Traffic and Civil Boating Violations.

II. Contents of the Proposed Rules

Proposed amendments include amending the title of the rule set to “Rules of Court Procedure for Civil Traffic, Boating, Marijuana, and Parking and Standing Violations.” Other proposed amendments are as follows:

- Rule 1, which provides the scope of the rules, is expanded to include civil marijuana violations.
- Rule 2, which defines the terms that are used throughout the rules, is amended to include a definition of “civil marijuana violation.” This rule is also amended

to add definitions for “case,” “complaint,” and “violation” to indicate inclusion of civil traffic, civil boating, civil marijuana, and parking and standing violations where these terms are used. This obviates the need to repeat all four violation types throughout the rules, while keeping the rules narrowly applicable to only these violation types. Lastly, the definition of “hearing officer” is amended to remove reference to ARS § 28-1553 and make more general reference to “judicial officers pursuant to law” because § 28-1553 is specific to civil traffic cases.

- Rule 3 is amended to allow a civil marijuana case to be commenced using the Arizona Traffic Ticket and Complaint (“ATTC”) or through the filing of a long form complaint pursuant to Rule 2.3 of the Arizona Rules of Criminal Procedure. This conforms to civil traffic and civil boating cases.
- Rule 46 is stricken, as it appears that retention of this rule was an oversight when all rules related to statewide photo enforcement were stricken in rule petition R-15-0009. Specifically, the original petition R-08-0021 proposed adoption of Rules 38-45 related to statewide photo enforcement. However, an amended petition was filed that added a new Rule 45, causing the old Rule 45 to become new Rule 46. Reference in the then Rule 1 was not changed to reflect that “Rules 38-46 shall apply only to photo enforcement cases” and instead remained as follows: “Rules 38-45 shall apply only to photo

enforcement cases.” Therefore, when the photo enforcement rules were stricken in R-15-0009, Rule 46 was not addressed. Rule 46 currently has no application to civil traffic, civil boating, civil marijuana, or parking and standing violations.

- Other changes include minor non-substantive changes for the rules as revised to comport with current rule drafting conventions, as well as adding the word “penalty” where the rules reference an imposition of a “sanction,” to comport with the verbiage used in statute.
- Forms 1-10 are amended to include “civil boating, civil marijuana, and parking or standing” violations where appropriate.
- Form 11, which is the ATTC form, is amended to add a “Civil Non-Traffic” checkbox so that law enforcement may use this form to cite and file civil marijuana violations. Adding this checkbox requires a corresponding change to the Important Notice to Defendant. The proposed Important Notice to Defendant adds “Civil Non-Traffic” to paragraph 2 and a new section that addresses civil non-traffic violations.

III. Conclusion

For the reasons stated above, Petitioner requests that the Court amend the rules as shown in the Appendix.

Respectfully submitted this 7th day of January, 2021.

By /s/ David K. Byers
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Appendix

Verbiage additions are underlined, and verbiage removals are stricken.

Rules of Court Procedure for Civil Traffic, ~~Civil Boating~~, Marijuana, and Parking and Standing Violations

Rule 1. Scope of these Rules.

These rules apply in all court cases involving the adjudication and appeal of civil traffic, civil boating, civil marijuana, and parking and standing violations, except those violations consolidated pursuant to Rule 14 of these rules.

Rule 2. Definitions; Computing Time; Attorneys

(a) “Case” means a civil traffic, civil boating, civil marijuana, or parking or standing case, unless otherwise specified.

(ab) “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.

(bc) “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.

(d) “Civil marijuana violation” means any violation designated as such under the provisions of A.R.S. § 36-2853, or of any other statute, charter, ordinance, rule, or regulation in relation to marijuana or marijuana paraphernalia, that is punishable by a civil penalty.

(ee) “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.

(f) “Complaint” means a civil traffic, civil boating, civil marijuana, or parking or standing complaint, unless otherwise specified.

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

(eh) “Hearing officer” for the purposes of these rules means a ~~person~~ judicial officer appointed ~~as such~~ under the provisions of A.R.S. § 28-1553 pursuant to law.

(fi) “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.

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

(hk) 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.”~~

(l) “Violation” means a civil traffic, civil boating, civil marijuana, or parking or standing violation, unless otherwise specified.

(im) **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~~ is the next day the 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 the court in a particular case, filing deadlines are not enlarged when sent by mail.

(jn) **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 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~~ long form complaint pursuant to ~~Arizona Rules of Criminal Procedure, Rule 2.3~~ of the Arizona Rules of Criminal Procedure.

(b) **Commencing a Civil Marijuana Case.** The State may commence a civil marijuana case pursuant to A.R.S. § 36-2853 by filing with the court an Arizona Traffic Ticket and Complaint or by filing a long form complaint pursuant to Rule 2.3 of the Arizona Rules of Criminal Procedure.

(bc) 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~~ Transportation, Motor Vehicle Division, by the individual made responsible for the alleged violation. Service of a summons and complaint is complete on mailing.

Rule 4. Arizona Traffic Ticket and Complaint

(a) The Arizona Traffic Ticket and Complaint ~~shall~~ must be in a form approved by the Supreme Court. A Court Report copy is required if no other method is used to forward dispositions to the Department of Transportation, Motor Vehicle Division. Additional copies are optional.

(b) No Change

(c) Every court, law-enforcement agency, or public body responsible for issuing the Arizona Traffic Ticket and Complaint ~~shall~~ must promptly forward one form copy, and any subsequent changes therein, to the Supreme Court.

(d) Any court ~~which~~ that maintains disposition information on computer may arrange with the Department of Transportation, Motor Vehicle Division; or the Department of Public Safety, ~~as the case may be~~ whichever is applicable, for the electronic forwarding of disposition information without a certification by the judge.

Rule 5. Local Rules

Upon the written approval of the Supreme Court, any court may supplement these ~~Rules~~ rules by local rules, which ~~shall~~ must be made available for distribution or examination at such court.

Rule 6. Hearing Officer Qualifications and Duties

(a) ~~(A)~~ A hearing officer ~~shall~~must be at least 21 years old, ~~shall~~must be of good moral character, and ~~shall~~must have completed a course of instruction approved by the Supreme Court.

(b) A hearing officer may hear, ~~and dispose, of civil traffic violation cases~~ and make such orders as necessary and proper to dispose of ~~such~~ cases.

Rule 7. Non-availability of Right to Notice of Change of Judge

The rules of procedure regarding change of judge as a matter of right ~~shall~~do not apply, ~~in civil traffic cases except for~~in cases consolidated with criminal matters pursuant to Rule 14.

Rule 8. Sufficiency of the Complaint

A complaint is legally sufficient if it contains either a written description or the statutory or local ordinance, charter, rule, or regulation designation of the alleged violation.

Rule 9. Amending the Complaint

(a) A court may amend a ~~civil traffic~~ complaint at any time before judgment if no additional or different violation is charged and if substantial rights of the defendant are not prejudiced.

(b) A court may amend a ~~civil traffic~~ complaint to conform to the evidence adduced at a hearing if no additional or different violation is charged and if substantial rights of the defendant are not prejudiced.

(c) No Change

(d) Where there is a conflict between the written description and the statutory or local ordinance, charter, rule, or regulation designation of a ~~civil traffic~~ violation, the descriptive text ~~shall take~~takes precedence unless doing so would prejudice the defendant's substantial rights ~~of the defendant are prejudiced~~ or such action would result in a criminal charge. If a judicial officer is unable to determine what ~~offense~~violation is charged, the charge ~~shall~~must be dismissed without prejudice and the issuing agency notified.

Rule 10. Entry of Plea; 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~~must, at the same time, tender the civil sanction or penalty 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. For civil traffic violations, ~~The~~the defendant may, at the same time, tender the civil sanction or penalty listed in the court's deposit schedule ~~for civil traffic violations~~ to ~~insure~~ensure that no driver's license suspension will result from failure to appear. Upon receipt of said notice, the court ~~shall~~must set the matter for hearing and notify the defendant, citing officer, and any counsel of the date, time, and place for 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~~will result in a default pursuant to Rules 21 and 22.

Rule 10.1. Appearance by Audiovisual and Telephonic Means

(a) **General Standards.** A court may allow parties, their attorneys, and witnesses to appear by audiovisual interactive means that follow these general standards: (1) all parties, attorneys, and witnesses ~~shall~~must be able to be seen and heard at the same time and the audio portion ~~shall~~must be captured accurately on the record; (2) a facsimile, email, or other suitable means ~~shall~~must be available to allow the court to transmit copies of exhibits during the hearing, and, if necessary, a "Notice of Right to Appeal" to the defendant; (3) the court may require any person requesting to appear under this rule to be responsible for the cost of same, and such cost ~~shall~~cannot be awarded as a recoverable cost by a prevailing party; (4) the court ~~shall~~must provide instructions to the participants as to how the remote appearance ~~shall~~will be initiated; (5) a party allowing a subpoenaed witness to ~~appear~~ing by remote means ~~shall~~must pay the cost therefor, and no witness fee ~~shall~~can be required or allowed for such an appearance; and (6) an appearance under this rule may be referred to as a "Rule 10.1 Appearance."

(b) **Appearance Request; Deposit.** Unless a different time limit is allowed by the court, a party, attorney, or witness may appear under this rule by filing a "Notice of Rule 10.1 Appearance" at least 14 calendar days prior to the hearing. The ~~Notice~~notice ~~shall~~must set forth the requestor's name, mailing address, and ~~day~~

~~time~~daytime phone number. As to a defendant who wishes to appear under this rule, the court may condition the appearance upon the posting of a deposit in an amount not to exceed the total possible sanction or penalty amount of all violations at issue based on the court's ~~sanction~~deposit schedule.

(c) Rule 10.1 Appearance Procedures. Upon receipt of a Notice of Rule 10.1 Appearance, the court ~~shall~~must provide instructions as to the date and time of the proceeding and designate how the appearance ~~shall~~will be initiated. The court may also set forth instructions as to pre-hearing deadlines to file exhibits and limitations on exhibit sizes and numbers. The hearing itself ~~shall~~must proceed as otherwise set forth in ~~the~~these rules ~~governing civil traffic and civil boating cases~~. In the event the defendant is found responsible at the conclusion of the hearing, a Notice of Right to Appeal may be sent to the defendant by fax or electronic means, and the 14 ~~calendar~~calendar day appeal period ~~shall commence~~commences from that transmission date.

(d) Telephonic Appearance by Defendant; Deposit; Waiver of Identity Defense. Notwithstanding the foregoing, a court may, upon written request at least 14 calendar days before the hearing date, permit a defendant to appear telephonically. The request ~~shall~~must include the defendant's telephone number, mailing address, and a copy of a valid drivers license or identification card acceptable to the court. The court may condition a telephonic appearance ~~upon~~ the posting of a deposit in an amount not to exceed the total possible sanction or penalty amount of all violations at issue based on the court's ~~sanction~~deposit schedule. Unless otherwise permitted by the court, a defendant appearing telephonically ~~shall~~will be deemed to have waived any defense based on failure of the ~~state~~State to establish an in-court identification of the defendant as the cited violator. Identity ~~shall be~~is sufficiently established if, at the hearing, the ~~state~~State offers proof of the name of the driver as listed on a driver's license, state or government identification card, or other acceptable means of identification matching the violator to the defendant.

Rule 10.2. Request for a Documentary Hearing

(a) No Change

(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 or penalty 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~~must 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~~must file a statement or statements made under ~~the~~ penalty of perjury, along with any other evidence the defendant requests that 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~~must file, prior to the hearing, any statements, made under penalty of perjury, along with any other evidence the State requests that the court ~~to~~ consider.

(e) Failure to personally appear, or file a statement or statements prior to the hearing, ~~shall~~will 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 or penalty (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~~must also include the statements and other evidence, as well as the recording or transcript, if any, of the hearing.

Rule 11. Notice of Right to Counsel and Waiver

(a) If a defendant denies the allegations contained in the complaint and requests a hearing, the court ~~shall~~must promptly provide the defendant written notice of a hearing date. The notice of hearing date ~~shall~~must also state that the right to be represented by counsel at the hearing is waived unless the court and the State are notified in writing at least 10 calendar days prior to the hearing date.

(b) Absent extraordinary circumstances, failure of a defendant to timely notify the court and the State constitutes a waiver of the right to counsel at the hearing.

Rule 12. Representation by the State

The State need not be represented by counsel at the hearing of a complaint or the appeal of a ~~civil traffic complaint~~ final order or judgment. Absent extraordinary circumstances, the State's right to be represented by counsel at the hearing is waived unless, at least 10 calendar days prior to the hearing date or within 10 calendar days of receipt of notice that the defendant will be represented by counsel, whichever is later, the State notifies the court and the defendant of its election to be represented by counsel.

Rule 13. Discovery; Officer's Notes

(a) No ~~pre-hearing~~pre-hearing discovery ~~shall~~will be permitted absent extraordinary circumstances.

(b) Immediately prior to the hearing, both parties ~~shall~~must produce for inspection any pre-prepared exhibits and written or recorded statements of any witness. Failure to comply with this rule may result, in the court's discretion, in the sanction of granting a recess or continuance to permit such inspection or denying admission of the evidence not so exchanged.

(c) During the hearing, upon request of the defendant, the citing officer ~~shall~~must produce any notes made by the officer in reference to the ~~civil traffic~~ complaint. This rule ~~shall~~does not be construed to create a duty on the officer to maintain or preserve notes.

Rule 14. Consolidation; Applicable Rules

(a) Civil and criminal ~~traffic~~ cases based on the same conduct or otherwise related in their commission; may be consolidated at any point in the proceedings on motion of a party or on the court's own motion.

(b) At the trial of any consolidated case, the rules governing the criminal case ~~shall~~ apply, except that the civil case ~~shall~~must be tried to the court, and the standard of proof in the civil case ~~shall be by~~is a preponderance of the evidence.

Rule 15. Continuances

(a) The court may, upon motion of a party or witness, or on its own motion, continue the hearing ~~on a civil traffic case~~ for a period not exceeding 60 days, if it appears that the interests of justice so require.

(b) Absent extraordinary circumstances, no hearing ~~shall~~can be continued by the court without notice to both parties.

(c) The court ~~shall~~must notify the parties and witnesses in writing of the new hearing date.

Rule 16. Oath and Questioning of Witnesses

(a) All testimony ~~shall~~must be given under oath or affirmation.

(b) The court may, on its own motion, call and examine witnesses, including the defendant, in cases other than those consolidated pursuant to Rule 14 of these ~~Rules~~rules.

(c) **No Change**

Rule 17. Rules of Evidence and Burden of Proof

(a) The Arizona Rules of Evidence ~~shall~~do not apply ~~in civil traffic cases~~. Evidence may be admitted subject to a determination that the evidence has some probative value to a fact at issue. Nothing in this rule is to be construed as abrogating any statutory provision relating to privileged communications.

(b) The State's burden of proof ~~shall be by~~is a preponderance of the evidence.

Rule 18. Witnesses

All witnesses for the State's case in chief ~~shall be~~are required to testify prior to the ~~defendant's~~defendant's case. However, a witness not called to testify in the State's case in chief may be called in rebuttal to testify to an issue raised by the defense.

Rule 19. Order of Proceedings

The order of proceedings ~~shall~~must be as follows:

(a) Direct, cross, and re-direct examination of the State's witnesses.

(b) **No Change**

(c) Direct, cross, and re-direct examination of the State's rebuttal witnesses, if any.

(d) **No Change**

(e) Argument of the parties or their counsel, if permitted by the court.

(f) **No Change**

Rule 20. Record; Summary Transfer

(a) A record of the proceedings ~~shall~~must be made by a method approved by the Supreme Court.

(b) Where it appears that the record of the hearing is insufficient, the trial court ~~shall~~must summarily transfer the entire file to the superior court for a trial de novo. In a case under this subsection, no appellate memorandum ~~shall be~~is required. Upon receipt of the file, the superior court ~~shall~~must notify the parties with instructions as to further proceedings.

Rule 21. Default by State at Hearing

If no witness for the State, excluding the defendant, appears at the time set for hearing, the court ~~shall~~must dismiss the complaint and return any deposit, unless the court, for good cause shown, continues the hearing to another date.

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~~are deemed admitted, and the court ~~shall~~must enter a judgment for the State, impose a civil sanction or penalty, and report such judgment to the Department of Transportation, Motor Vehicle Division, except that civil boating, civil marijuana, and parking or standing violation judgments ~~shall~~are not to be reported ~~to the Department of Transportation~~.

(b) **No Change**

Rule 24. Finding of Responsible or Not Responsible

(a) If the defendant is found responsible, the court ~~shall~~must enter judgment for the State and impose a civil sanction ~~(s)~~or penalty.

(b) If the defendant is found not responsible, the court ~~shall~~must enter judgment for the defendant and return any deposit.

Rule 25. Notice of Right to Appeal After Hearing; Waiver of Right to Appeal

(a) Immediately following judgment and imposition of a civil sanction or penalty after a hearing, the court ~~shall~~must deliver to the defendant a written notice of right to appeal. Such notice ~~shall~~must state that a right to appeal exists, the time limit, the manner of filing the notice of appeal, and where the defendant may find the rules governing the appeal process.

(b) **No Change**

Rule 26. Right to Appeal; Bond on Appeal

(a) Any party may appeal to the ~~Superior Court~~superior court from a final order or final judgment ~~in a civil traffic case~~ as provided by statute and these ~~Rules~~rules.

(b) The posting of a bond ~~shall~~cannot be a condition of the right to appeal, but enforcement of the judgment ~~shall~~will not be stayed unless an appeal bond is provided in accordance with these rules.

(c) The posting of an appeal bond ~~shall~~stays enforcement of the judgment. Unless the bond amount is reduced or waived by the trial court, the amount of the bond ~~shall~~must be the total amount of the sanction~~(s)~~ or penalty assessed in the final judgment. The bond ~~shall~~must be paid in cash or such other manner as directed by the trial court. When the defendant has paid the entire applicable sanction or penalty prior to the filing of a notice of appeal, such payment ~~shall~~ constitutes the bond on appeal.

Rule 27. Notice of Appeal; Current Address for Further Proceedings

(a) An appeal ~~shall~~is commenced by filing a written notice of appeal with the trial court. The notice of appeal ~~shall~~must identify the final order or final judgment appealed from.

(b) When the defendant is the appellant, the notice of appeal ~~shall~~must set forth the defendant's current mailing address and phone number. Unless the court is notified in writing of a change of address, the current address ~~shall~~must be valid for the sending of other notices to the defendant in subsequent proceedings.

(c) When a party appeals, the trial court ~~shall~~must send a copy of the notice of appeal to the appellee.

Rule 28. Time for Filing; Payment of Record or Transcript Fee to Trial Court

(a) The notice of appeal ~~shall~~must be filed within 14 calendar days after the entry of the final order or final judgment appealed from.

(b) Within the 14 calendar day deadline to file the notice of appeal, the appellant ~~shall~~must also pay the applicable record fee to the trial court in cash or other manner allowed by the trial court. The trial court may also assess a separate fee to prepare additional requested copies of recorded proceedings.

Rule 29. Record on Appeal; Contents of Record

(a) Appeals ~~shall~~must be on the record. The condition of the record ~~shall be~~is subject to review by the ~~Superior Court~~superior court. If the ~~Superior Court~~superior court adjudges the record insufficient or not in proper condition to adjudicate the issues, a trial de novo in the ~~Superior Court~~superior court ~~shall~~must be granted.

(b) The contents of the record ~~shall~~must consist of only the following: (i) the notice of appeal; (ii) the docket or listing of case events; (iii) the complaint; (iv) the disposition; (v) documentation or record of payment of any sanction, penalty, deposit, or bond applicable to the case; (vi) any motions or responses thereto; (vii) the record of the hearing(s); (viii) any exhibits offered in evidence at the hearing (admitted or not); and (ix) the appellate memoranda required or allowed by Rule 33. A party may attach as an exhibit to the appellate memorandum any other certified documents contained in the case file deemed relevant to the appeal.

(c) No Change

(d) If it appears to the trial court that the record is insufficient for an appeal on the record, the trial court may, on its own motion or on motion of a party, reset the matter for a new trial within 45 days from such determination. In such event, any appeal rights ~~shall~~ begin to run from the entry of a judgment or order following the new trial. In cases where it appears that the record is insufficient, the preference ~~shall~~will be for a new trial at the trial court level. Notwithstanding the foregoing, cases summarily transferred to the superior court for a trial de novo or determined by the superior court to have an insufficient record may be remanded to the original trial court for a new trial or hearing in lieu of a trial de novo in the superior court. Unlike the parties in a trial de novo held in the superior court, the parties in a case remanded pursuant to this rule for a new trial in the original trial court ~~shall~~ have the rights of appeal as provided by statute or rule for all litigants following a trial or the entry of an appealable judgment or order.

Rule 30. Trial De Novo and Duty of Trial Court to Transfer Funds

After a trial de novo, the ~~Superior Court~~superior court may:

(a) Adjudge the defendant responsible and impose a civil sanction or penalty as it deems proper; or

(b) Adjudge the defendant not responsible and order the trial court to return any sanction, penalty, deposit, or bond previously tendered by appellant.

(c) If, after a trial de novo, the ~~Superior Court~~superior court adjudges the defendant responsible and imposes a civil sanction or penalty, it ~~shall~~must notify the trial court.

The trial court ~~shall~~must, within 30 calendar days, transmit to the ~~Superior Court~~superior court any sanction, penalty, deposit, or bond in the case.

Rule 31. Consolidated Cases

When an appeal is taken in both civil ~~traffic~~ and criminal cases consolidated for trial, the rules of procedure governing criminal appeals ~~shall~~ apply.

Rule 32. Perfection of Appeal; Dismissal by Trial Court

(a) Perfection of the appeal ~~shall~~must include: (1) the timely filing of a notice of appeal and payment of any record or transcript fee with the trial court; (2) the timely filing of an appellant's memorandum with the trial court; (3) the timely payment of any superior court filing fee.

(b) In the event an appeal is not fully perfected, the appeal ~~shall~~will be deemed abandoned and dismissed by order of the trial court with notice to the appellant.

(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 or penalty, notice to the Department of Transportation, Motor Vehicle Division or the 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, civil marijuana, and parking or standing violation cases, notice ~~shall~~is not to be sent to the Department of Transportation, Motor Vehicle Division or the Department of Public Safety, ~~or Motor Vehicle Division~~.

Rule 33. Appellate Memoranda; Dismissal for Non-filing

(a) The appellant ~~shall~~must file an original and one copy of the appellant's memorandum in the trial court within 60 calendar days of the deadline to file the notice of appeal. The trial court ~~shall~~must mail or deliver the copy of the memorandum to the appellee. For good cause, the trial court may enlarge the time to file the memorandum.

(b) If the appellant fails to file an appellate memorandum, the appeal ~~shall be~~is deemed abandoned and must be dismissed by the trial court with notice to the appellant. Where the defendant is the appellant, the trial court may proceed as set forth in ~~rule~~Rule 32(c).

(c) An original and one copy of the appellee's memorandum ~~shall~~must be filed within 30 calendar days of transmittal of the appellant's memorandum. The trial court ~~shall~~must mail or deliver the copy of the memorandum to the appellant. For good cause, the trial court may enlarge the time to file the appellee's memorandum. If the appellee does not file a memorandum, the appeal ~~shall~~must be submitted on the appellant's memorandum and the record. The non-filing of an appellee's memorandum ~~shall~~is not ~~be deemed~~ a confession of error.

(d) Appellate memoranda ~~shall~~must be typed or printed on white, opaque, letter-size paper, double-spaced, and ~~shall~~must not exceed 15 pages, excluding exhibits. ~~The memorandum~~Memoranda ~~shall~~must set forth a factual and legal basis for appropriate judicial relief. Memoranda ~~shall~~must 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) No further memoranda ~~shall~~can be filed unless ordered by the ~~Superior Court~~superior court.

(f) Motions for more time ~~shall~~must be presented to the trial court and ~~shall~~must be ruled upon by a judge other than the judge that heard the matter being appealed.

Rule 34. Notification to Superior Court; Docketing the Appeal; Payment of the Appeal Fee; Transmission of the Record; Dismissal for Nonpayment

(a) After the time to file any appellee memorandum has expired and the appeal is otherwise perfected, the trial court ~~shall~~must send the notice of appeal to the ~~Superior Court~~superior court within 30 calendar days. Upon receipt, the ~~Superior Court~~superior court ~~shall~~must file the notice of appeal and notify the appellant regarding payment of any appeal fee.

(b) The appeal fee ~~shall~~must be ~~payable~~paid within 30 calendar days of the notification to the appellant. This notification ~~shall~~must advise the appellant that failure to pay the appeal fee will result in dismissal and remand for proceedings set forth in ~~rule~~Rule 32(c).

(c) Upon payment of the appeal fee, the ~~Superior Court~~superior court ~~shall~~must notify the trial court. The record ~~shall~~must be transmitted to the ~~Superior Court~~superior court within 30 calendar days of notification.

(d) If the appeal fee is not timely paid, the ~~Superior Court~~superior court ~~shall~~must dismiss the appeal, notify the appellant and trial court, and remand the case for further proceedings pursuant to ~~rule~~Rule 32(c).

Rule 35. Oral Argument

Appeals ~~shall~~are to be without oral argument, unless requested by the ~~Superior Court~~superior court or allowed by the ~~Superior Court~~superior court upon motion of either party.

Rule 36. Disposition by the Superior Court

After determination of an appeal, the ~~Superior Court~~superior court may:

(a) through (c) **No Change**

(d) If the record is deemed insufficient, order a trial de novo in the ~~Superior Court~~superior court.

Rule 37. Forms

The following forms are approved for use in ~~civil traffic proceedings~~cases covered by these rules:

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 46. Responsibilities of the Department; Retention of Records~~

~~(a) Enforcement copy. The Department shall retain the enforcement copy of the Notice of Violation in accordance with a procedure established by the Department.~~

~~(b) Case record. If a person admits responsibility, the Department shall retain the record of the case in accordance with a procedure established by the Department and not transmit the record to the court.~~

Form 1. Defendant's Notice of Right to Appeal (~~Civil traffic~~)

[CAPTION]

STATE OF ARIZONA) No. _____
)
)
 vs.) DEFENDANT'S NOTICE
) OF RIGHT TO APPEAL
) (CIVIL TRAFFIC/CIVIL BOATING/
) CIVIL MARIJUANA/PARKING OR
) STANDING)
 _____)

A party may appeal a final order or final judgment entered in a civil traffic, civil boating, civil marijuana, or parking or standing case. This notice explains your rights and responsibilities to file an appeal from such an order or judgment.

There are two separate stages to the appeal process. The first stage begins in this court; the second stage takes place in the county superior court. Remember, you must complete all steps at both stages, or you run the risk of having your appeal dismissed. This notice does not set forth all the rules on ~~traffic~~ appeals. To read them entirely, you may review at the library the Arizona statutes and rules of court procedure for civil traffic, civil boating, civil marijuana, and parking or standing violation~~court procedure at the library~~. It is recommended that you keep a copy of all your documents and receipts during the appeal.

STAGE ONE—THE TRIAL COURT

(A) THE NOTICE OF APPEAL. To appeal, you must file a “Notice of Appeal” with the trial court clerk within 14 calendar days from the date of the final order or final judgment. If you do not file a “Notice of Appeal” within these 14 days, you lose the right to appeal.

(B) THE RECORD. On or before the 14-day deadline to appeal, you must also pay for a copy of the proceedings at the hearing. The copy may be a recording or a transcript. The clerk will explain which type of record is required. Payment must be in cash or other method explained by the clerk. If you cannot afford to pay for the record, ask the clerk for information about a waiver or extension (“deferral”) to make payment later. If you fail to pay for the record or transcript, your appeal may be dismissed. Additional copies of the hearing may be obtained for an additional charge.

(C) POSTING A BOND ON APPEAL TO STAY JUDGMENT. You cannot be forced to post a bond in order to exercise your right to appeal. However, the ~~civil traffic~~ judgment normally includes a monetary sanction (~~monetary fine~~) or penalty

and, for moving traffic violations, points on your license. In some traffic cases too, the court may have suspended your license or registration as part of its decision. These penalties are NOT stopped just because you have filed a timely notice of appeal! In order to stop these penalties from being imposed while your appeal is pending, you must “post bond” with the trial court. The amount of the bond is the total amount of the sanction or penalty ordered by the court unless the trial court orders that the bond be reduced or waived. If you do not post bond to stay enforcement, then the order to pay is still in force and must be complied with. **IF YOU DO NOT POST BOND, AND YOU DO NOT TIMELY PAY ANY SANCTION OR PENALTY, YOUR LICENSE COULD BE SUSPENDED WITHOUT FURTHER NOTICE.**

(D) THE WRITTEN APPEAL MEMORANDUM. Within a few days after you have paid for the record to be prepared, the court will contact you to pick up your record. You will need the record for this next step—the “Appellate Memorandum.” The appellate memorandum is your written “brief” or explanation why the trial court ruling was legally wrong. Normally, the memorandum will refer to specific portions of the record of the hearing to point out where there was error by the court. (That is why a party who appeals pays for a copy of the record.) The memorandum should be typed or printed on letter-sized white paper, double spaced, and not exceed 15 pages in length, not counting any exhibits from your hearing you want to attach to the memorandum.

(E) FILING THE APPELLATE MEMORANDUM WITHIN 60 DAYS. The appellate memorandum must be filed with the court within 60 calendar days of the deadline to file the notice of appeal. You must file the original and 1 copy of the memorandum with the court. (The other side then has 30 days to file an “Appellee’s Memorandum.”)

(F) WAIT FOR FURTHER INSTRUCTIONS. Once the memorandum has been filed, you should await further instructions from the superior court as outlined in the next stage. To keep you informed, remember that the trial court must have your current mailing address at all times. Even if you hire an attorney, your address is still required for legal notifications.

STAGE TWO—THE SUPERIOR COURT

(G) PAYING THE SUPERIOR COURT FILING FEE. If you have completed all of the first stage, your case moves to the superior court where an appeals judge will look at the case. About 60 days after you file your memorandum, you will receive a notice from the superior court. This notice will (1) assign a superior court case number to use in all further correspondence, and (2) instruct you to pay the superior court appeal filing fee. You must pay this filing fee or your appeal may be dismissed and your case sent back to the trial court. Again, if you cannot afford to

pay the filing fee, contact the superior court clerk for information about a waiver or extension (“deferral”) to make payment later.

(H) SUPERIOR COURT ACTION ON THE APPEAL. If you have now completed all these steps, you will receive a ruling from the superior court. The superior court ~~has the right to~~can affirm the trial court, overrule the trial court, modify some of the trial court decision, or, if record is not clear, order a new trial in the superior court. If the final outcome of your case is that the ruling stands, or if your appeal is dismissed for any other reason, remember that the court may apply any bond, deposit, or payments already made and that you may have to return to the trial court to be given other instructions in person.

Dated: _____ I acknowledge receipt of a copy of this Notice.

Defendant’s signature

Form 2. Defendant's Notice of Right to Appeal ~~(Civil traffic)~~

[CAPTION]

STATE OF ARIZONA

) No. _____

)

vs.

) DEFENDANT'S NOTICE

) OF APPEAL

) (CIVIL TRAFFIC/CIVIL BOATING/

) CIVIL MARIJUANA/PARKING OR

) STANDING)

)

The undersigned appeals from the final order or final judgment in the above case. Appellant understands: (1) the instructions set forth in the "Notice of Right to Appeal," including payment for a copy of the record or transcript, the right to post bond to stay enforcement of the judgment, filing an appellate memorandum with the trial court, and paying a filing fee to the superior court; and (2) failure to complete all stages in the appeal may result in the dismissal of the appeal and reinstatement of the trial court judgment.

The following address may be used for all court notices. The court will be notified IN WRITING of any change of address.

Defendant's current mailing address must be PRINTED here, even if the defendant is represented by counsel:

Street _____ Apt./Unit No. _____

City, State _____ ZIP _____

(Daytime Phone) () _____

Dated: _____

Defendant's signature

Form 3. Motion to Waive or Reduce Bond and Order

[CAPTION]

STATE OF ARIZONA

) No. _____

)

vs.

) MOTION TO WAIVE OR REDUCE

) BOND PENDING APPEAL OF

) CIVIL TRAFFIC/CIVIL BOATING/

) CIVIL MARIJUANA/ PARKING OR

) STANDING CASE and ORDER

)

The undersigned appellant moves the trial court to waive, or in the alternative, reduce the bond in the above cause. The current bond amount is \$ _____. This request is made for these reasons: (PLEASE PRINT LEGIBLY)

Dated: _____

Defendant's signature

ORDER

The Court, having reviewed the above application, hereby:

Waives bond Reduces the bond amount to \$ _____

Denies the application, good cause not appearing.

Dated: _____

Judge

Form 4. Notice of Summary Transfer to Superior Court for Trial De Novo

[CAPTION]

STATE OF ARIZONA) No. _____
)
vs.) NOTICE OF SUMMARY
) TRANSFER FOR TRIAL DE NOVO
) IN SUPERIOR COURT
) (CIVIL TRAFFIC/CIVIL BOATING/
) CIVIL MARIJUANA/PARKING OR
) STANDING
)
_____)

To the Clerk of Superior Court:

A Notice of Appeal has been filed in the above case. A sufficient record of the hearing is not available. Pursuant to the rules, the appellant is entitled to a trial de novo in superior court. No appellant memorandum will be filed in this case.

Please assist as follows:

- (1) Contact the appellant regarding payment of the superior court filing fee.
- (2) Notify this court when the record is to be transmitted to your court.
- (3) Defendant's current mailing address is:

Street _____ Apt./Unit No. _____
City, State _____ ZIP _____
(Daytime Phone) () _____

Dated: _____ Clerk _____

Form 5. Notice to Appellant Re: Payment of Superior Court Appeal Fee

[CAPTION]

STATE OF ARIZONA

) No. _____

)

vs.

) NOTICE TO APPELLANT RE:

) PAYMENT OF SUPERIOR COURT

) APPEAL FEE

)

To the appellant in the above matter, please be advised as follows:

1. The appeal in the above matter has been docketed with the ~~Superior Court~~ superior court. Pursuant to the ~~rules of appeal procedure~~ Rules of Court, you are required to pay an appellate filing fee to the Clerk of Superior Court.

2. A payment of \$ ____ must be received within 30 calendar days of the date of this notice stated below.

3. Payment must be by cash [include other allowable means of payment], payable to the "Clerk of Superior Court." Please include any assigned ~~Superior Court~~ superior court case number on the face of any payment you send to the court. Do not send cash through the mail.

4. You are advised that, if the appeal fee is not timely paid, your appeal will be dismissed without further notice and your case sent back to the trial court.

5. If you cannot afford to pay the above fee, please contact the ~~Superior Court~~ superior court before the deadline expires for instructions regarding a deferral or waiver of applicable fees.

Dated: _____

Clerk of ~~Superior Court~~

Form 7. Defendant's Request for a Documentary Hearing

{[CAPTION]}

STATE OF ARIZONA,)	
Plaintiff,	)	DEFENDANT'S REQUEST FOR
	)	A DOCUMENTARY HEARING
vs.	)	AND WAIVER OF RIGHTS
)	
	)	Case No.
Defendant.)	
)	

Defendant's name:

State in detail why attending a civil traffic/civil boating/ civil marijuana/ parking or standing 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~~court grants my request and conducts a documentary hearing, 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 or penalty (Rule 25(a)).

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

Dated: _____

Defendant's signature

Form 8. Defendant's Declaration for a Documentary Hearing

{[CAPTION]}

STATE OF ARIZONA,
Plaintiff,
vs.

) DEFENDANT'S DECLARATION
) AND WAIVER OF RIGHTS
) FOR A DOCUMENTARY
) HEARING

)
) Case No.
)
)

Defendant.

Declarant's name:

State the facts of the case in your own words. If you have any exhibits, explain their significance in the statement and attach. Please print clearly or attach a written statement.

Continued on ___ attached pages.

By having a documentary hearing, 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 or penalty (Rule 25(a)). I acknowledge that if the ~~Court~~court does not receive this declaration by the hearing date, a default judgment may be entered against me, a civil sanction or penalty may be imposed, and in a civil traffic case, 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 Documentary Hearing

{[CAPTION]}

STATE OF ARIZONA,)	
Plaintiff,	)	OFFICER'S DECLARATION
vs.	)	FOR A DOCUMENTARY HEARING
)	
	)	Case No.
)	
Defendant.)	

Declarant's name & ID number:

State what occurred. Please print clearly or attach a written statement.

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 Documentary Hearing

{[CAPTION]}

STATE OF ARIZONA,)	
Plaintiff,	)	WITNESS'S DECLARATION
vs.	)	FOR A DOCUMENTARY HEARING
)	
	)	Case No.
)	
Defendant.)	

Declarant's name & ID number:

In your own words, Statestate what you saw and heard ~~in your own words~~. Please print clearly or attach a written statement.

Continued on ____ attached pages.

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

Dated: _____

Declarant's signature

Form 11. Arizona Traffic Ticket and Complaint

(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 <input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Haz. Material		Agency Use or Report Number																	
Driver's License Number		State		Class		Endorsements						Agency Use													
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language _____		M		H		N		P		T		X		D											
DEFENDANT		First		Middle						Last															
Residential / Commercial Address				City				State				ZIP				Telephone: (Cell Phone) <input type="checkbox"/>									
Mailing Address <input type="checkbox"/> SAME AS ABOVE										Email Address:															
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										Insert Name of Town or 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 Non-Traffic		<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 Non-Traffic		<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 Non-Traffic		<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 Non-Traffic		<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 Non-Traffic		<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 or before 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															
										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.															
X										Officer _____ Number _____															
Agency Use																									

Front Side of Original Complaint

(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		<input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Haz. Material		Agency Use							
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language _____		Class		Endorsements									
				M	H	N	P	T	X	D			
DEFENDANT		First		Middle				Last					
Residential / Commercial Address				City		State		ZIP		Telephone: (Cell Phone)			
Mailing Address <input type="checkbox"/> SAME AS ABOVE								Email Address:					
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			
	VIOLATION 1										<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Non-Traffic	
B	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic			
	VIOLATION 2										<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Non-Traffic	
C	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic			
	VIOLATION 3										<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Non-Traffic	
D	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic			
	VIOLATION 4										<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Non-Traffic	
E	Section	ARS CC	Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal	<input type="checkbox"/> Criminal Traffic			
	VIOLATION 5										<input type="checkbox"/> Municipal Code	<input type="checkbox"/> Civil Non-Traffic	
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 or before 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"/>					
X _____ Agency Use						TEN-PRINT FINGERPRINT <input type="checkbox"/> Yes <input type="checkbox"/> No							
						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					
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.													

Front Side of Violator/Defendant Copy

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 Civil Non-Traffic Violation or Civil 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.

If you are required to pay fines, penalties, fees or other financial obligations as a result of this citation and **you are unable to pay**, bring this to the attention of court staff or the judge as payment over time or other alternatives may be available. Do not ignore the citation and the responsibility to pay as this may result in additional penalties and costs to you. For more information contact the court or an attorney, or visit the following website: [insert the appropriate website].

By providing your cell phone number you are granting permission to receive texts and other communication regarding court dates, pending payments and other relevant information about your case. Normal text and SMS rates may apply. Please contact the court in which your case is filed should you desire to opt out of this service.

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]).

CIVIL NON-TRAFFIC

If the Civil Non-Traffic or Civil 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, and a civil penalty will be imposed.

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[F]).

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.)

Reverse Side Violator/Defendant 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 <input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Haz. Material		Agency Use or Report Number															
Driver's License Number		State		Class		Endorsements				Agency Use													
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language _____		M		H		N		P		T		X		D									
DEFENDANT		First		Middle				Last															
Residential / Commercial Address						City		State		ZIP		Telephone: (Cell Phone) <input type="checkbox"/>											
Mailing Address <input type="checkbox"/> SAME AS ABOVE										Email Address:													
Sex		Weight		Height		Eyes		Hair		Origin		Date of Birth											
Restrictions		Color		Year		Make		Model		Style		License Plate		State		Expiration							
VEHICLE						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 <input type="checkbox"/> Civil Non-Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense											
		Docket Number		Disp. Codes		Date of Disposition		Sanction															
B		Section		ARS CC		Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Non-Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense											
		Docket Number		Disp. Codes		Date of Disposition		Sanction															
C		Section		ARS CC		Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Non-Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense											
		Docket Number		Disp. Codes		Date of Disposition		Sanction															
D		Section		ARS CC		Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Non-Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense											
		Docket Number		Disp. Codes		Date of Disposition		Sanction															
E		Section		ARS CC		Violation				Domestic Violence <input type="checkbox"/>		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Non-Traffic <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense											
		Docket Number		Disp. Codes		Date of Disposition		Sanction															
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 or before 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 Law Enforcement Copy

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 <input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Haz. Material			Agency Use or Report Number					
Driver's License Number	State	Class	Endorsements						Agency Use		
Interpreter Required? <input type="checkbox"/> Spanish <input type="checkbox"/> Other Language _____			M	H	N	P	T	X	D		
DEFENDANT		First	Middle				Last				
Residential / Commercial Address						City	State	ZIP	Telephone: (Cell Phone) <input type="checkbox"/>		
Mailing Address <input type="checkbox"/> SAME AS ABOVE								Email Address:			
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 Non-Traffic	<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 Non-Traffic	<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 Non-Traffic	<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 Non-Traffic	<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 Non-Traffic	<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 or before 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 hereby certify that the information contained herein is a true and correct abstract of the record in this case.				
							_____ Judge / Clerk _____ Date				
Agency Use											

Front Side of Court Report Copy

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.