

REFERENCE TITLE: **towing; motor vehicles**

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1071

Introduced by
Senator Ableser: Representatives Mendez, Sherwood

AN ACT

AMENDING SECTIONS 28-1108 AND 28-4802, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 28, CHAPTER 11, ARIZONA REVISED STATUTES, TO "ABANDONED, SEIZED, JUNK AND TOWED VEHICLES"; AMENDING TITLE 28, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4; PROVIDING FOR THE DELAYED REPEAL OF TITLE 28, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES; RELATING TO VEHICLE TOWING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-1108, Arizona Revised Statutes, is amended to
3 read:

4 28-1108. Vehicle towing; rules; contractual agreement for
5 towing services; weight exemption

6 A. If a vehicle is towing another vehicle, the drawbar or other
7 connection shall be of sufficient strength to pull all weight towed by the
8 vehicle and the drawbar or other connection shall not exceed fifteen feet
9 from one vehicle to the other, except the connection between any two vehicles
10 transporting poles, pipe, machinery or other objects of a structural nature
11 that cannot readily be dismembered. For the purposes of this subsection,
12 "drawbar" means a rigid structure that connects a trailer and a towing
13 vehicle and that articulates at the point of connection with the trailer and
14 articulates at the point of connection with the towing vehicle.

15 B. If a vehicle is towing another vehicle and the connection consists
16 of a chain, rope or cable, a white flag or cloth at least twelve inches
17 square shall be displayed on the connection.

18 C. The director of the department of public safety shall adopt and
19 enforce rules that are not inconsistent with this chapter to govern the
20 design and operation of all tow trucks.

21 D. A ~~person~~ TOWING COMPANY OR SOLE PROPRIETOR, OR AN INDIVIDUAL WHO IS
22 EMPLOYED BY OR CONTRACTS WITH THE TOWING COMPANY OR SOLE PROPRIETOR, may not
23 operate a tow truck for the purpose of towing vehicles ~~without first~~
24 ~~registering~~ UNLESS THE TOWING COMPANY OR SOLE PROPRIETOR DOES ALL OF THE
25 FOLLOWING:

26 1. REGISTERS with the director of the department of public safety;
27 ~~obtaining.~~

28 2. OBTAINS a SURETY bond IN AN AMOUNT OF ONE HUNDRED THOUSAND DOLLARS
29 ~~and obtaining.~~

30 3. OBTAINS a permit pursuant to the rules that govern tow trucks and
31 that are adopted by the department of public safety.

32 E. The director of the department of public safety or a county, city
33 or town may enter into a contractual agreement with a towing firm or firms
34 for towing or storage services, or both. At the time of application for a
35 contractual agreement, a towing firm must disclose in writing the owners of
36 the towing firm and, if the owners own other towing firms that are also
37 applying for the same contractual agreement, the names of those towing firms.
38 The contractual agreement shall comply with this section and all rules
39 adopted under this section. Contracts shall be awarded on the basis of
40 competitive bidding. The director of the department of public safety or a
41 county, city or town shall reserve the right to reject all bids. If only one
42 bid is received, the director of the department of public safety or a county,
43 city or town may reject the bid and negotiate a contract without bidding if
44 the negotiated contract is at a price lower than the bid price under the
45 terms and conditions specified in the call for bids.

1 F. The total weight of a tow truck and the towed vehicle is exempt
2 from the maximum total gross weight load allowed under section 28-1100 if a
3 damaged, disabled or abandoned vehicle or vehicle combination is towed.

4 Sec. 2. Section 28-4802, Arizona Revised Statutes, is amended to read:
5 28-4802. Fees

6 A. Except as provided in subsection B of this section, the owner of
7 record of a vehicle at the time of abandonment of the vehicle is liable to
8 the department for the transfer of ownership or disposal in an amount
9 prescribed by the director by rule if the vehicle was:

10 1. Abandoned and junked pursuant to article 3 of this chapter on
11 private property or public land or on or within the right-of-way of a street
12 or highway.

13 2. Abandoned on private property or public land or on or within the
14 right-of-way of a street or highway and the department issues a transfer of
15 ownership pursuant to the procedures prescribed by this chapter.

16 3. Abandoned and junked pursuant to article 3 of this chapter and
17 towed with the written permission of the state land commissioner from state
18 trust land located within the boundaries of an incorporated city or town.

19 B. The owner of record of a vehicle at the time of abandonment is
20 liable to the department for the transfer of ownership or disposal in an
21 amount prescribed by the director by rule if the vehicle was:

22 1. Abandoned and junked pursuant to article 3 of this chapter and
23 towed with the written permission of the governing authority off of national
24 forest, state park, bureau of land management or state trust land located
25 outside the boundaries of an incorporated city or town.

26 2. Abandoned and towed with the written permission of the governing
27 authority off of national forest, state park, bureau of land management or
28 state trust land located outside the boundaries of an incorporated city or
29 town and the department issues a transfer of ownership pursuant to the
30 procedures prescribed by this chapter.

31 3. Abandoned outside the right-of-way of a street or highway located
32 outside the boundaries of an incorporated city or town.

33 C. In addition to the registration fee or driver license fee
34 prescribed by sections 28-2003 and 28-3002, the department shall collect the
35 fee prescribed in subsections A and B of this section as an additional
36 registration fee at the time the owner of the vehicle subsequently registers
37 another vehicle in this state or as an additional driver license fee at the
38 time the owner of the vehicle subsequently applies for or renews a driver
39 license issued by this state. The department shall deposit, pursuant to
40 sections 35-146 and 35-147, the additional fee collected for the transfer of
41 ownership or disposal in the abandoned vehicle administration fund
42 established by section 28-4804, except that ninety per cent of the fees
43 collected pursuant to subsection A of this section and sixty per cent of the
44 fees collected pursuant to subsection B of this section shall be deposited in
45 the state highway fund.

1 D. The department:

2 1. Shall notify the owner of an abandoned vehicle for which ownership
3 has been transferred or of a junk vehicle that has been disposed of about the
4 additional fee at the time of a subsequent vehicle registration or driver
5 license application or renewal.

6 2. Shall provide a complete description of the abandoned or junked
7 vehicle, the vehicle identification number of the vehicle and the date on
8 which the vehicle was disposed of or ownership was transferred by the
9 department.

10 3. May waive the additional fee if the person provides proof
11 satisfactory to the director that the vehicle had been transferred or
12 assigned to another person before the day of abandonment.

13 4. May prescribe by rule a fee ~~of not more than ten dollars~~ for
14 processing an abandoned vehicle report. **THE MONIES RECEIVED PURSUANT TO THIS
15 PARAGRAPH SHALL BE USED FOR THE PURPOSES OF IMPLEMENTING AND ADMINISTERING
16 ARTICLE 4 OF THIS CHAPTER.**

17 Sec. 3. Heading change

18 The chapter heading of title 28, chapter 11, Arizona Revised Statutes,
19 is changed from "ABANDONED, SEIZED AND JUNK VEHICLES" to "ABANDONED, SEIZED,
20 JUNK AND TOWED VEHICLES".

21 Sec. 4. Title 28, chapter 11, Arizona Revised Statutes, is amended by
22 adding article 4, to read:

23 ARTICLE 4. PRIVATE PROPERTY TRESPASS TOWERS

24 **28-4901. Definitions**

25 **IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

26 1. "BUSINESS HOURS" MEANS 8:00 A.M. TO 5:00 P.M. MONDAY THROUGH
27 FRIDAY, EXCLUDING HOLIDAYS PRESCRIBED IN SECTION 1-301, OR BY APPOINTMENT.

28 2. "PRIVATE PROPERTY TRESPASS TOWER" MEANS A PERSON WHO DOES BOTH OF
29 THE FOLLOWING:

30 (a) COMMERCIALLY OFFERS SERVICES TO TOW, TRANSPORT OR IMPOUND MOTOR
31 VEHICLES FROM PRIVATE PROPERTY WITHOUT THE PERMISSION OF THE OWNER OR
32 OPERATOR OF THE VEHICLE.

33 (b) USES A VEHICLE DESIGNED FOR OR ADAPTED TO PERFORM THE SERVICES
34 PRESCRIBED BY SUBDIVISION (a) OF THIS PARAGRAPH.

35 **28-4902. Department duties**

36 A. THE DEPARTMENT SHALL:

37 1. ADOPT RULES NECESSARY TO ADMINISTER THIS ARTICLE.

38 2. BEGINNING JULY 1, 2015, SET MAXIMUM RATES FOR:

39 (a) THE COMMERCIAL TOWING OR REMOVAL OF TRESPASSING VEHICLES FROM
40 PRIVATE PROPERTY.

41 (b) THE STORAGE OF VEHICLES IN CONNECTION WITH TOWING OR REMOVAL.

42 (c) OTHER SERVICES PROVIDED BY A PRIVATE PROPERTY TRESPASS TOWER.

43 3. REVIEW THE RATES SET PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION
44 EVERY THREE YEARS.

1 B. THE DEPARTMENT MAY ESTABLISH AND ADJUST FEES WITH RESPECT TO THIS
2 ARTICLE.

3 C. SUBSECTION A, PARAGRAPH 2 OF THIS SECTION DOES NOT APPLY TO A
4 COUNTY OR AN INCORPORATED CITY OR TOWN THAT REGULATES THE MAXIMUM RATES AND
5 CHARGES FOR TOWING, TRANSPORTING OR IMPOUNDING A MOTOR VEHICLE FROM PRIVATE
6 PROPERTY WITHOUT THE PERMISSION OF THE OWNER OR OPERATOR OF THE VEHICLE BY
7 ANY PRIVATE PROPERTY TRESPASS TOWER OR PRIVATE TOWING CARRIER PURSUANT TO
8 SECTION 9-499.05 OR 11-251.04.

9 28-4903. Towing performed pursuant to police action

10 THIS ARTICLE DOES NOT REGULATE OR OTHERWISE AFFECT TOWING PERFORMED BY
11 ANY PRIVATE PROPERTY TRESPASS TOWER OR PRIVATE TOWING CARRIER PURSUANT TO THE
12 ORDER OR REQUEST OF A LAW ENFORCEMENT OFFICIAL OR AGENCY PURSUANT TO SECTION
13 28-872, 28-3511 OR 28-4834.

14 28-4904. Record requirements

15 A. EACH PRIVATE PROPERTY TRESPASS TOWER WHO TOWS VEHICLES PURSUANT TO
16 THIS ARTICLE SHALL KEEP AND MAINTAIN AT THE PRIVATE PROPERTY TRESPASS TOWER'S
17 PRINCIPAL PLACE OF BUSINESS A PERMANENT RECORD, AND AT EACH PLACE OF BUSINESS
18 OF THE TOWER THAT IS NOT ITS PRINCIPAL PLACE OF BUSINESS AN ELECTRONIC COPY
19 OF THE PERMANENT RECORD, FOR EACH VEHICLE REMOVED BY THE PRIVATE PROPERTY
20 TRESPASS TOWER THAT RECORDS AND DESCRIBES THE FOLLOWING:

- 21 1. THE MAKE, MODEL AND DESCRIPTION OF THE VEHICLE.
- 22 2. THE NAME OF THE OWNER OF THE VEHICLE OR OWNER'S AGENT REQUESTING
23 RELEASE OF THE VEHICLE.
- 24 3. THE LICENSE PLATE NUMBER OF THE VEHICLE.
- 25 4. THE PLACE FROM WHICH AND TO WHICH THE VEHICLE WAS TOWED OR
26 TRANSPORTED.
- 27 5. IF, AFTER REMOVAL, THE VEHICLE'S TITLE IS OBTAINED PURSUANT TO
28 SECTION 28-4838, HOW THE VEHICLE WAS DISPOSED OF.

29 B. THE PRIVATE PROPERTY TRESPASS TOWER SHALL MAINTAIN THE RECORD AT
30 THE TOWER'S PRINCIPAL PLACE OF BUSINESS FOR A PERIOD OF AT LEAST THREE YEARS
31 AFTER THE DATE OF REMOVING EACH VEHICLE RECORDED.

32 C. AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT OR ANY LAW ENFORCEMENT
33 AGENCY MAY INSPECT THE RECORDS KEPT BY THE PRIVATE PROPERTY TRESPASS TOWER AT
34 ANY TIME DURING BUSINESS HOURS.

35 D. DURING BUSINESS HOURS AND AFTER REASONABLE DEMAND, EACH PRIVATE
36 PROPERTY TRESPASS TOWER SHALL ALLOW ANY PERSON DESCRIBED IN SUBSECTION C OF
37 THIS SECTION TO PHYSICALLY COMPARE THE RECORDS REQUIRED TO BE MAINTAINED WITH
38 THE VEHICLES THAT ARE LOCATED AT THE TOWER'S PLACE OF BUSINESS.

39 28-4905. Enforcement powers

40 IN THE ENFORCEMENT OF ANY LAW PERTAINING TO PRIVATE PROPERTY TRESPASS
41 TOWERS, THE DIRECTOR MAY CONDUCT HEARINGS, TAKE TESTIMONY AND CONDUCT
42 INVESTIGATIONS AS THE DIRECTOR DEEMS NECESSARY.

43 28-4906. Appeal

44 FINAL DECISIONS OF THE DIRECTOR PURSUANT TO THIS ARTICLE ARE SUBJECT TO
45 JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6.

1 28-4907. Hearings

2 A. THE DIRECTOR MAY CONDUCT A HEARING IF THE DIRECTOR ALLEGES THAT A
3 PRIVATE PROPERTY TRESPASS TOWER REFUSES OR FAILS TO COMPLY WITH THIS ARTICLE
4 OR A RULE ADOPTED BY THE DIRECTOR PURSUANT TO THIS ARTICLE RELATING TO
5 PRIVATE PROPERTY TRESPASS TOWERS.

6 B. THE DIRECTOR SHALL HOLD THE HEARING AT LEAST FIFTEEN BUT NOT MORE
7 THAN THIRTY DAYS AFTER SERVICE OF A WRITTEN NOTICE. THE DIRECTOR SHALL SEND
8 THE NOTICE BY PERSONAL DELIVERY OR CERTIFIED MAIL TO THE ADDRESS PROVIDED TO
9 THE DEPARTMENT IN THE REPORT ALLEGING THE NONCOMPLIANCE.

10 C. A FINDING THAT A PRIVATE PROPERTY TRESPASS TOWER IS IN VIOLATION OF
11 THIS ARTICLE OR A RULE ADOPTED BY THE DIRECTOR PURSUANT TO THIS ARTICLE
12 REQUIRES BOTH OF THE FOLLOWING DETERMINATIONS:

13 1. THE PERSON REFUSES OR FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS
14 ARTICLE OR A RULE ADOPTED BY THE DIRECTOR PURSUANT TO THIS ARTICLE.

15 2. THE PERSON ORDERED TO APPEAR AT THE HEARING IS RESPONSIBLE FOR THE
16 VIOLATION.

17 D. THE SCOPE OF THE HEARING IS LIMITED TO THE DETERMINATIONS
18 PRESCRIBED IN SUBSECTION C OF THIS SECTION.

19 E. AFTER CONSIDERATION OF THE EVIDENCE PRESENTED AT THE HEARING, THE
20 DIRECTOR SHALL SERVE NOTICE OF THE DIRECTOR'S FINDING AND ORDER WITHIN FIVE
21 DAYS AFTER THE HEARING.

22 28-4908. Penalties; civil and criminal liability

23 A. AFTER A HEARING CONDUCTED PURSUANT TO SECTION 28-4907, IF THE
24 DIRECTOR FINDS THAT A PERSON IS IN VIOLATION OF THIS ARTICLE OR A RULE
25 ADOPTED BY THE DIRECTOR PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY IMPOSE A
26 CIVIL PENALTY OF UP TO FIVE THOUSAND DOLLARS.

27 B. THE PERSON SHALL PAY THE CIVIL PENALTY IMPOSED PURSUANT TO THIS
28 SECTION TO THE DEPARTMENT NO LATER THAN THIRTY DAYS AFTER THE ORDER IS FINAL.
29 IF THE PERSON FAILS TO PAY THE CIVIL PENALTY WITHIN THIRTY DAYS AFTER THE
30 ORDER IS FINAL, THE DIRECTOR SHALL FILE AN ACTION IN THE SUPERIOR COURT IN
31 THE COUNTY IN WHICH THE HEARING IS HELD TO COLLECT THE CIVIL PENALTY.

32 C. THIS ARTICLE DOES NOT LIMIT OR ALTER THE VEHICLE OWNER'S CIVIL OR
33 CRIMINAL LIABILITY FOR TRESPASS. THIS ARTICLE DOES NOT LIMIT OR ALTER THE
34 CIVIL OR CRIMINAL LIABILITY OF ANY PERSON FOR ANY ACT OR OMISSION. ALL
35 PENALTIES ACCRUING UNDER THIS ARTICLE ARE CUMULATIVE.

36 D. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
37 PENALTIES AND FEES COLLECTED PURSUANT TO THIS ARTICLE IN THE STATE GENERAL
38 FUND.

39 28-4909. Required practices; unlawful practices

40 A. A PRIVATE PROPERTY TRESPASS TOWER SHALL:

41 1. WITHIN TWENTY MINUTES AFTER TOWING THE VEHICLE, NOTIFY LAW
42 ENFORCEMENT AUTHORITIES IN THE JURISDICTION IN WHICH THE TRESPASSING VEHICLE
43 WAS TOWED, TRANSPORTED OR IMPOUNDED. NOTIFICATION SHALL INCLUDE A COMPLETE
44 DESCRIPTION OF THE VEHICLE, THE LICENSE PLATE NUMBER, THE VEHICLE
45 IDENTIFICATION NUMBER, IF POSSIBLE, THE LOCATIONS FROM WHICH AND TO WHICH THE

1 VEHICLE WAS REMOVED, THE TIME OF REMOVAL AND ANY OTHER INFORMATION REQUIRED
2 BY DEPARTMENT RULE. THE NOTIFICATION REQUIRED BY THIS PARAGRAPH MAY BE MADE
3 BY ELECTRONIC MEANS.

4 2. IN THE OFFICE OR LOCATION AT WHICH TOWED VEHICLES ARE ROUTINELY
5 RETURNED TO THEIR OWNERS, PROMINENTLY POST THE NAME, ADDRESS AND TELEPHONE
6 NUMBER OF THE NEAREST OFFICE OF THE DEPARTMENT WHERE INQUIRIES OR COMPLAINTS
7 MAY BE SENT AND MAKE AVAILABLE IN WRITTEN FORM THE RELEVANT STATUTES AND
8 RULES GOVERNING PRIVATE PROPERTY TRESPASS TOWERS.

9 3. MAINTAIN ALL STORED VEHICLES IN A SECURED LOT WITH A PERIMETER
10 FENCE THAT IS AT LEAST SIX FEET HIGH AND THAT HAS FUNCTIONING LOCKS AT ALL
11 ENTRANCES AND EXITS.

12 4. MAINTAIN INSURANCE COVERAGE THAT SATISFIES THE FOLLOWING
13 REQUIREMENTS AND PROVIDE PROOF OF THE COVERAGE TO THE DIRECTOR:

14 (a) BUSINESS AUTOMOBILE LIABILITY INSURANCE THAT PROVIDES COVERAGE FOR
15 CLAIMS ARISING FROM BODILY INJURY, DEATH OR PROPERTY DAMAGE ARISING OUT OF
16 THE OWNERSHIP, MAINTENANCE OR USE OF ANY VEHICLE WITH A COMBINED SINGLE LIMIT
17 FOR EACH OCCURRENCE OF AT LEAST ONE MILLION DOLLARS AND AN ON-HOOK
18 ENDORSEMENT.

19 (b) GARAGE KEEPERS LEGAL LIABILITY INSURANCE THAT PROVIDES COVERAGE
20 FOR ALL LOSS OR DAMAGE TO THE VEHICLE OWNER'S PROPERTY WHILE IN THE PRIVATE
21 PROPERTY TRESPASS TOWER'S CARE AND FOR WHICH THE TOWER IS LEGALLY RESPONSIBLE
22 WITH LIMITS OF AT LEAST FIFTY THOUSAND DOLLARS PER VEHICLE.

23 (c) WORKERS' COMPENSATION INSURANCE WITH AN EMPLOYER LIABILITY LIMIT
24 OF AT LEAST ONE HUNDRED THOUSAND DOLLARS FOR EACH ACCIDENT, AN EMPLOYEE OR
25 DISEASE LIMIT OF AT LEAST ONE HUNDRED THOUSAND DOLLARS AND A TOTAL POLICY
26 LIMIT OF AT LEAST FIVE HUNDRED THOUSAND DOLLARS. THIS SUBDIVISION DOES NOT
27 APPLY IF THE PRIVATE PROPERTY TRESPASS TOWER IS A SOLE PROPRIETOR WITH NO
28 EMPLOYEES.

29 (d) INSURANCE COVERAGE THAT PROVIDES THAT:

30 (i) THE INSURANCE MAY NOT BE CANCELED WITHOUT PROVIDING WRITTEN NOTICE
31 AT LEAST THIRTY DAYS BEFORE THE CANCELLATION.

32 (ii) THE MAXIMUM DEDUCTIBLE FOR THE INSURANCE REQUIRED PURSUANT TO
33 SUBDIVISION (c) OF THIS PARAGRAPH IS TWO THOUSAND FIVE HUNDRED DOLLARS PER
34 EVENT.

35 5. POST A SIGN IN A CONSPICUOUS PLACE THAT IS VISIBLE FROM THE
36 RIGHT-OF-WAY THAT CONTAINS THE PRIVATE PROPERTY TRESPASS TOWER'S NAME,
37 TELEPHONE NUMBER, ADDRESS AND BUSINESS HOURS, INCLUDING ALL HOLIDAYS, IN
38 LETTERS AT LEAST THREE INCHES IN HEIGHT. THE INFORMATION ON THE SIGN SHALL
39 BE IN THE FORM AND MANNER THAT THE DEPARTMENT PRESCRIBES BY RULE.

40 6. PHOTOGRAPH THE LOCATION AND CONDITION OF THE VEHICLE BEFORE THE
41 VEHICLE'S REMOVAL. ON THE REQUEST OF A LAW ENFORCEMENT OFFICER OR THE
42 PRIVATE PROPERTY OWNER, THE PRIVATE PROPERTY TRESPASS TOWER SHALL PROVIDE A
43 COPY OF THE PHOTOGRAPHS OF THE VEHICLE.

44 7. INFORM THE VEHICLE OWNER OR OPERATOR WHO IS PRESENT OR ARRIVES AT
45 THE VEHICLE LOCATION AT ANY TIME BEFORE THE PRIVATE PROPERTY TRESPASS TOWER

1 HAS TRANSPORTED THE VEHICLE BUT AFTER COMPLETION OF THE VEHICLE HOOKUP,
2 ATTACHMENT OF ALL SAFETY EQUIPMENT AND NOTIFICATION TO THE LAW ENFORCEMENT
3 AGENCY THAT AN ON-SITE RELEASE FEE DOES NOT APPLY IF PROOF OF IDENTITY AND
4 OWNERSHIP DOCUMENTATION IS PROVIDED PURSUANT TO SECTION 28-4911.

5 B. A PRIVATE PROPERTY TRESPASS TOWER SHALL NOT:

6 1. TOW, TRANSPORT OR IMPOUND ANY VEHICLE FROM PRIVATE PROPERTY WITHOUT
7 HAVING FIRST OBTAINED THE WRITTEN AUTHORIZATION OF THE PROPERTY OWNER OR
8 OTHER PERSON IN LAWFUL POSSESSION OR CONTROL OF THE PROPERTY OR THE
9 AUTHORIZED AGENT OF THAT PERSON. THE AUTHORIZATION MAY BE ON A CONTRACTUAL
10 BASIS COVERING A PERIOD OF TIME OR LIMITED TO THE REMOVAL OF A SPECIFIC
11 VEHICLE.

12 2. CHARGE TO OR ACCEPT OR OTHERWISE COLLECT FROM THE PRIVATE PROPERTY
13 OWNER OR AUTHORIZED AGENT WHO REQUESTED THAT AN UNAUTHORIZED VEHICLE BE
14 TOWED, TRANSPORTED OR IMPOUNDED FROM THE OWNER'S PROPERTY ANY FEES FOR
15 REMOVING THE VEHICLE CONTRARY TO ANY TERMS THAT MAY BE PART OF THE CONTRACT
16 BETWEEN THE PROPERTY OWNER AND THE PRIVATE PROPERTY TRESPASS TOWER.

17 3. TOW, TRANSPORT OR IMPOUND A VEHICLE IF THE OWNER OR OPERATOR OF THE
18 VEHICLE IS PRESENT OR ARRIVES AT THE VEHICLE LOCATION AT ANY TIME BEFORE THE
19 COMPLETION OF HOOKUP, ATTACHMENT OF ALL SAFETY EQUIPMENT AND NOTIFICATION TO
20 THE LAW ENFORCEMENT AGENCY AND IS WILLING AND ABLE TO REMOVE THE VEHICLE
21 IMMEDIATELY. IN SUCH CASE, A FEE MAY NOT BE CHARGED TO THE VEHICLE OWNER OR
22 OPERATOR.

23 4. TOW, TRANSPORT OR IMPOUND ANY VEHICLE FROM PROPERTY ON WHICH SIGNS
24 ARE REQUIRED AND ON WHICH SIGNS ARE NOT POSTED AS PRESCRIBED BY SECTION
25 9-499.05 OR 11-251.04.

26 5. IMPOSE ANY CHARGE FOR SERVICE OR STORAGE OTHER THAN THE RATES SET
27 BY THIS STATE OR THE COUNTY, CITY OR TOWN, EXCEPT THAT A PRIVATE PROPERTY
28 TRESPASS TOWER SHALL NOT CHARGE A STORAGE FEE FOR A DAY THAT THE STORAGE LOT
29 IS CLOSED.

30 6. TRANSPORT ANY VEHICLE TO A LOCATION THAT IS MORE THAN TWENTY MILES
31 AWAY FROM THE LOCATION WHERE THE PRIVATE PROPERTY TRESPASS TOWER FIRST
32 REMOVED THE VEHICLE.

33 7. COVERTLY OBSERVE OR EMPLOY ANY TYPE OF OBSERVER WITHIN ONE THOUSAND
34 FEET OF PRIVATE PROPERTY FOR THE PURPOSE OF MONITORING OR ORDERING THE
35 TOWING, TRANSPORTING OR IMPOUNDING OF A VEHICLE FROM THAT PRIVATE PROPERTY
36 UNLESS THE PRIVATE PROPERTY TRESPASS TOWER DOES EITHER OF THE FOLLOWING:

37 (a) PROVIDES A VERBAL WARNING TO THE VEHICLE OWNER OR OPERATOR OF THE
38 POSSIBLE TOWING, TRANSPORTING OR IMPOUNDING OF THE VEHICLE.

39 (b) CLEARLY POSTS SIGNS WARNING THAT THE PRIVATE PROPERTY HAS ON-SITE
40 MONITORING AND THE HOURS OF THE MONITORING.

41 8. PARK A VEHICLE ON PRIVATE PROPERTY FOR THE SOLE PURPOSE OF INDUCING
42 UNAUTHORIZED PARKING ON THAT PRIVATE PROPERTY.

43 9. USE DRIVERS OR OTHER PERSONNEL WHO ARE NOT EMPLOYEES OR CONTRACTORS
44 OF THE PRIVATE PROPERTY TRESPASS TOWER.

1 28-4912. Dispute resolution; definitions

2 A. IF THE OWNER OF A VEHICLE THAT IS TOWED PURSUANT TO THIS ARTICLE OR
3 THE OWNER'S AGENT DISPUTES THE TOWING AND STORAGE COSTS OR ANY OTHER ACTION
4 OF THE PRIVATE PROPERTY TRESPASS TOWER, OPERATOR OR DISPATCHER, THE OWNER OR
5 THE OWNER'S AGENT MAY SUBMIT A WRITTEN REQUEST FOR A HEARING TO THE DIRECTOR.

6 B. FOR THE PURPOSES OF THIS SECTION:

7 1. "DISPATCHER" MEANS ANY PERSON WHO, AS AN EMPLOYEE OR AGENT OF A
8 PRIVATE PROPERTY TRESPASS TOWER, DISPATCHES VEHICLES TO OR FROM LOCATIONS
9 WHERE OPERATORS PERFORM REMOVAL ACTIVITIES.

10 2. "OPERATOR":

11 (a) MEANS ANY PERSON WHO DOES BOTH OF THE FOLLOWING:

12 (i) AS AN EMPLOYEE OF A PRIVATE PROPERTY TRESPASS TOWER, TOWS,
13 TRANSPORTS OR IMPOUNDS MOTOR VEHICLES FROM PRIVATE PROPERTY WITHOUT THE
14 PERMISSION OF THE OWNER OR OPERATOR OF THE VEHICLE.

15 (ii) USES A VEHICLE DESIGNED FOR OR ADAPTED TO PERFORM THE SERVICES
16 PRESCRIBED BY ITEM (i) OF THIS SUBDIVISION.

17 (b) INCLUDES THE DRIVER OF ANY VEHICLE USED IN TOWING, TRANSPORTING OR
18 IMPOUNDING A TRESPASSING VEHICLE FROM PRIVATE PROPERTY AND ANY PERSON OTHER
19 THAN THE DRIVER WHO ASSISTS IN THE TOWING, TRANSPORTING OR IMPOUNDING OF A
20 TRESPASSING VEHICLE FROM PRIVATE PROPERTY.

21 28-4913. Violation; classification

22 A PERSON WHO VIOLATES THIS ARTICLE IS GUILTY OF A CLASS 3 MISDEMEANOR.

23 28-4914. Local ordinances or rules

24 THIS ARTICLE DOES NOT PROHIBIT A COUNTY OR AN INCORPORATED CITY OR TOWN
25 FROM ENACTING AN ORDINANCE OR RULE THAT EITHER:

26 1. IS MORE RESTRICTIVE THAN THIS ARTICLE OR ANY RULE ADOPTED PURSUANT
27 TO THIS ARTICLE.

28 2. PLACES ANY REQUIREMENTS THAT ARE GREATER THAN THOSE PRESCRIBED IN
29 THIS ARTICLE OR ANY RULE ADOPTED PURSUANT TO THIS ARTICLE ON TOWING,
30 TRANSPORTING OR IMPOUNDING A MOTOR VEHICLE FROM PRIVATE PROPERTY WITHOUT THE
31 PERMISSION OF THE OWNER OR OPERATOR OF THE VEHICLE BY ANY PRIVATE PROPERTY
32 TRESPASS TOWER OR PRIVATE TOWING CARRIER.

33 Sec. 5. Delayed repeal

34 Title 28, chapter 11, article 4, Arizona Revised Statutes, as added by
35 this act, is repealed from and after June 30, 2024.