

PROPOSED AMENDMENT
SENATE AMENDMENTS TO H.B. 2416
(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 28-1095, Arizona Revised Statutes, is amended to
3 read:

4 28-1095. Vehicle length; exceptions; permits; rules;
5 definitions

6 A. A vehicle, including any load on the vehicle, shall not exceed a
7 length of forty feet extreme overall dimension, including front and rear
8 bumpers. This subsection does not apply to any of the following:

9 1. A semitrailer when used in combination with a truck or a truck
10 tractor.

11 2. A truck that is equipped with a conveyor bed, that is used solely
12 as a fiber and forage module mover and that does not exceed forty-eight feet
13 in length.

14 3. An articulated bus or articulated trolley coach that does not
15 exceed a length of sixty feet.

16 4. A bus that is not articulated and that does not exceed a length of
17 forty-five feet.

18 5. A recreational vehicle, a power unit, a farm vehicle, a horse
19 trailer or wheeled equipment as defined in section 28-2153 if used in
20 combination with two units and if the combination does not exceed sixty-five
21 feet in length.

22 6. A recreational vehicle as defined in section 41-2142, paragraph 30,
23 subdivision (b) that does not exceed a length of forty-five feet.

24 B. A vehicle transporter may draw only one semitrailer. A combination
25 of vehicles, excluding a vehicle transporter and the semitrailer it draws,
26 that is coupled together shall not consist of more than two units, except
27 that a truck or a truck tractor and semitrailer may draw either one trailer
28 or a forklift.

29 C. The following restrictions apply:

1 1. The length of a semitrailer operating in a truck
2 tractor-semitrailer combination or a truck tractor-semitrailer-forklift
3 combination shall not exceed fifty-seven feet six inches.

4 2. The length of a semitrailer or trailer operating in a truck
5 tractor-semitrailer-trailer combination shall not exceed twenty-eight feet
6 six inches.

7 3. The length of a trailer operating in a truck-trailer combination
8 shall not exceed twenty-eight feet six inches.

9 4. If the length of a semitrailer is more than fifty-three feet, the
10 overall length of a truck tractor-semitrailer combination shall not exceed
11 sixty-five feet on all highways, except for the national intercity truck
12 route network designated by the United States secretary of transportation as
13 required by the surface transportation assistance act of 1982 or on a system
14 of highways that is designated by a local authority. In designating the
15 streets, the local authority shall consider any reasonable restriction
16 including such safety restrictions as structural hazards and street width and
17 any other safety factors identified by the local authority as a hazard to the
18 motoring public.

19 5. A vehicle transporter and the semitrailer it draws shall not exceed
20 a length of seventy-five feet.

21 6. A truck-semitrailer combination shall not exceed an overall length
22 of sixty-five feet.

23 D. Subsection B and subsection C, paragraphs 1 through 6 of this
24 section do not apply to damaged, disabled or abandoned vehicles or
25 combinations of vehicles while being towed by a tow truck in compliance with
26 section ~~28-1108~~ 41-1830.51.

27 E. Notwithstanding subsections B and C of this section, extensions of
28 not more than three feet beyond the foremost part and six feet beyond the
29 rear bed or body of a vehicle or combination of vehicles used to transport
30 manufactured vehicles or fiber and forage shall not be included in measuring
31 the length of the vehicle or combination of vehicles when loaded.

32 F. Pursuant to a permit issued pursuant to section 28-1103, a truck or
33 a truck tractor-semitrailer may draw not more than two additional trailers or
34 semitrailers. The department shall adopt rules governing the movement and
35 safety of a combination of vehicles under this subsection and authorizing the
36 issuance in advance of prepaid permits. The rules shall include the adoption
37 of minimum speeds on grades, lighting, signing, identification and braking

1 requirements and any other rules the department deems necessary. The permit
2 issued pursuant to this subsection is limited to the following highways:

3 1. An interstate highway that connects with two states if both states
4 allow such combinations of trailers or semitrailers and if the interstate
5 highway does not exceed forty miles between the connecting states.

6 2. A state route or highway that is located within four miles of and
7 extends to the border of this state and an adjacent state that allows such
8 combinations of trailers or semitrailers.

9 3. A state route or highway that extends at least ten miles through an
10 Indian reservation, that does not cross the Colorado river and that is
11 located within twenty miles of and extends to the border of this state and an
12 adjacent state that allows such combinations of trailers or semitrailers.

13 G. Notwithstanding subsections B and C of this section:

14 1. A motor vehicle may draw one single axle tow dolly on which a motor
15 vehicle may be transported. A person shall secure the raised end of any
16 motor vehicle being transported pursuant to this paragraph to the tow dolly
17 by two separate chains, cables or equivalent devices adequate to prevent
18 shifting or separation of the drawn vehicle and the tow dolly. For the
19 purposes of this paragraph, "single axle tow dolly" means a vehicle drawn by
20 a motor vehicle and designed and used exclusively to transport another motor
21 vehicle by which the front or rear wheels of the drawn motor vehicle are
22 mounted on the tow dolly while the other wheels of the drawn motor vehicle
23 remain in contact with the ground.

24 2. A truck or a truck tractor may draw a trailer or semitrailer that
25 does not exceed a length of fifty-seven feet only on an interstate highway or
26 on a highway that is within ten miles of an interstate highway if the trailer
27 or semitrailer is manufactured in this state and is traveling with or without
28 a load from its place of manufacture to be delivered for use outside this
29 state.

30 3. A recreational vehicle may pull two units if all of the following
31 conditions are met:

32 (a) The middle unit is equipped with a fifth wheel and brakes. The
33 middle unit may be a farm vehicle or a horse trailer and shall have a weight
34 equal to or greater than the rear unit.

35 (b) If the rear unit has a gross weight of three thousand pounds or
36 more, it is equipped with brakes.

1 (c) The total combined gross weight of the towed units does not exceed
2 the manufacturer's stated gross vehicle weight of the towing unit.

3 H. For the purposes of this section:

4 1. "Farm vehicle" has the same meaning prescribed in section 28-2514.

5 2. "Recreational vehicle" means a motor vehicle that is designed and
6 customarily used for private pleasure, including vehicles commonly called
7 motor homes, pickup trucks with campers and pickup trucks with a fifth wheel
8 trailing device.

9 Sec. 2. Section 28-2153, Arizona Revised Statutes, is amended to read:

10 28-2153. Registration requirement; exceptions; assessment;
11 violation; classification

12 A. A person shall not operate, move or leave standing on a highway a
13 motor vehicle, trailer or semitrailer unless the motor vehicle, trailer or
14 semitrailer has been registered with the department for the current
15 registration year or is properly registered for the current registration year
16 by the state or country of which the owner or lessee is a resident.

17 B. A resident shall not operate, move or leave standing on a highway a
18 motor vehicle, trailer or semitrailer that is:

19 1. Owned by a nonresident and that is primarily under the control of a
20 resident of this state for more than seven months unless the motor vehicle,
21 trailer or semitrailer has been registered with the department for the
22 current registration year.

23 2. Leased by the resident for more than twenty-nine days unless the
24 motor vehicle, trailer or semitrailer has been registered with the department
25 for the current registration year.

26 C. This section applies to a trailer or semitrailer without motive
27 power unless the vehicle is disabled or is being towed as an abandoned
28 vehicle at the direction of a law enforcement agency.

29 D. This section does not apply to:

30 1. A farm tractor.

31 2. A trailer used solely in the operation of a farm for transporting
32 the unprocessed fiber or forage products of a farm or any implement of
33 husbandry designed primarily for or used in agricultural operations and only
34 incidentally operated or moved on a highway.

35 3. A road roller or road machinery, including a power sweeper, that is
36 temporarily operating or moved on the highway.

1 4. An owner permitted to operate a vehicle under special provisions
2 relating to lienholders, manufacturers, dealers and nonresidents.

3 5. Motorized or nonmotorized equipment designed primarily for and used
4 in mining operations and only incidentally operated or moved on a highway.

5 6. A motor vehicle that is being towed by a tow truck that has been
6 registered and for which a permit has been obtained pursuant to section
7 ~~28-1108~~ 41-1830.51.

8 7. A golf cart used in the operation of a golf course or only
9 incidentally operated or moved on a highway.

10 8. Wheeled equipment. For the purposes of this paragraph, "wheeled
11 equipment" means:

12 (a) A compressor.

13 (b) A forklift or a hay squeeze machine that is designed to load hay
14 in an off-road situation.

15 (c) A portable cement mixer.

16 (d) A single axle tow dolly as defined in section 28-1095.

17 (e) A tar pot.

18 (f) A water trailer used for watering livestock or for agricultural or
19 domestic purposes.

20 (g) A welder.

21 (h) Any other similar item designed and used primarily for
22 construction or building trade purposes.

23 9. An all-terrain vehicle or an off-road recreational motor vehicle
24 operating on a dirt road that is located in an unincorporated area of this
25 state. For the purposes of this paragraph, "dirt road" means an unpaved or
26 ungraveled road that is not maintained by this state or a city, town or
27 county of this state.

28 10. A person operating an off-highway vehicle who is participating in
29 an off-highway vehicle special event as defined in section 28-1171.

30 11. An all-terrain vehicle or an off-highway vehicle as defined in
31 section 28-1171 that is only incidentally operated or moved on a highway.

32 E. A person who owns or operates a trailer that is exempt from
33 registration pursuant to subsection D, paragraph 2 of this section shall
34 notify the county assessor of the exemption, and the assessor shall assess
35 the trailer.

36 F. A person who violates subsection E of this section is guilty of a
37 class 2 misdemeanor.

1 Sec. 3. Section 28-3512, Arizona Revised Statutes, is amended to read:
2 28-3512. Release of vehicle; civil penalties; definition

3 A. An immobilizing or impounding agency shall release a vehicle to the
4 registered owner before the end of the thirty day immobilization or
5 impoundment period under any of the following circumstances:

6 1. If the vehicle is a stolen vehicle.

7 2. If the vehicle is subject to bailment and is driven by an employee
8 of a business establishment, including a parking service or repair garage,
9 who is subject to section 28-3511, subsection A, B or C.

10 3. If the owner was operating the vehicle at the time of removal and
11 either immobilization or impoundment and presents proof satisfactory to the
12 immobilizing or impounding agency that the owner's driving privilege has been
13 reinstated.

14 4. If all of the following apply:

15 (a) The owner or the owner's agent was not the person driving the
16 vehicle pursuant to section 28-3511, subsection A.

17 (b) The owner or the owner's agent is in the business of renting motor
18 vehicles without drivers.

19 (c) The vehicle is registered pursuant to section 28-2166.

20 (d) There was a rental agreement in effect at the time of the
21 immobilization or impoundment.

22 5. For the spouse of the owner or any person who is identified as an
23 owner of the vehicle on the records of the department at the time of removal
24 and either immobilization or impoundment, if the spouse or person was not the
25 driver of the vehicle at the time of removal and either immobilization or
26 impoundment and the spouse or person enters into an agreement with the
27 immobilizing or impounding agency that stipulates that if the spouse or
28 person allows a driver who does not have a valid driving privilege or a
29 driver who commits a violation that causes the spouse's or person's vehicle
30 to be removed and either immobilized or impounded pursuant to this article
31 within one year after any agreement is signed by an immobilizing or
32 impounding agency, the spouse or person will not be eligible to obtain
33 release of the spouse's or person's vehicle before the end of the thirty day
34 immobilization or impoundment period.

35 B. A vehicle shall not be released pursuant to subsection A of this
36 section except pursuant to an immobilization or a poststorage hearing under

1 section 28-3514 or if all of the following are presented to the immobilizing
2 or impounding agency:

3 1. The owner's or owner's spouse's currently valid driver license
4 issued by this state or the owner's or owner's spouse's state of domicile.

5 2. Proof of current vehicle registration or a valid salvage or
6 dismantle certificate of title.

7 3. Proof that the vehicle is in compliance with the financial
8 responsibility requirements of chapter 9, article 4 of this title.

9 4. If the person is required by the department to install a certified
10 ignition interlock device on the vehicle, proof of installation of a
11 functioning certified ignition interlock device in the vehicle. The
12 impounding agency, storage yard, facility, person or agency having physical
13 possession of the vehicle shall allow access during normal business hours to
14 the impounded vehicle for the purpose of installing a certified ignition
15 interlock device. The impounding agency, storage yard, facility, person or
16 agency having physical possession of the vehicle shall not charge any fee or
17 require compensation for providing access to the vehicle or for the
18 installation of the certified ignition interlock device.

19 C. The owner or the owner's spouse if the vehicle is released to the
20 owner's spouse is responsible for paying all immobilization, towing and
21 storage charges related to the immobilization or impoundment of the vehicle
22 and any administrative charges established pursuant to section 28-3513,
23 unless the vehicle is stolen and the theft was reported to the appropriate
24 law enforcement agency. If the vehicle is stolen and the theft was reported
25 to the appropriate law enforcement agency, the operator of the vehicle at the
26 time of immobilization or impoundment is responsible for all immobilization,
27 towing, storage and administrative charges.

28 D. Before the end of the thirty day immobilization or impoundment
29 period, the immobilizing or impounding agency shall release a vehicle to a
30 person, other than the owner, identified on the department's record as having
31 an interest in the vehicle immediately before the immobilization or
32 impoundment if all of the following conditions are met:

33 1. The person is either of the following:

34 (a) In the business of renting motor vehicles without drivers and the
35 vehicle is registered pursuant to section 28-2166.

36 (b) A motor vehicle dealer, bank, credit union or acceptance
37 corporation or any other licensed financial institution legally operating in

1 this state or is another person who is not the owner and who holds a security
2 interest in the vehicle immediately before the immobilization or impoundment.

3 2. The person pays all immobilization, towing and storage charges
4 related to the immobilization or impoundment of the vehicle and any
5 administrative charges established pursuant to section 28-3513 unless the
6 vehicle is stolen and the theft was reported to the appropriate law
7 enforcement agency. If the vehicle is stolen and the theft was reported to
8 the appropriate law enforcement agency, the operator of the vehicle at the
9 time of immobilization or impoundment is responsible for all immobilization,
10 towing, storage and administrative charges.

11 3. The person presents foreclosure documents or an affidavit of
12 repossession of the vehicle.

13 4. The person requesting release of the vehicle was not the person
14 driving the vehicle at the time of removal and immobilization or impoundment.

15 E. Before a person described in subsection D of this section releases
16 the vehicle to the owner who was operating the vehicle at the time of removal
17 and immobilization or impoundment, the person described in subsection D of
18 this section shall require the owner to present and shall retain for a period
19 of at least three years from the date of releasing the vehicle a copy of all
20 of the following:

21 1. A driver license issued by this state or the owner's or owner's
22 agent's state of domicile.

23 2. A current vehicle registration or a valid salvage or dismantle
24 certificate of title.

25 3. Evidence that the vehicle is in compliance with the financial
26 responsibility requirements of chapter 9, article 4 of this title.

27 F. The person described in subsection D of this section may require
28 the owner to pay charges that the person incurred in connection with
29 obtaining custody of the vehicle, including all immobilization, towing and
30 storage charges that are related to the immobilization or impoundment of the
31 vehicle and any administrative charges that are established pursuant to
32 section 28-3513.

33 G. A vehicle shall not be released after the end of the thirty day
34 immobilization or impoundment period unless the owner or owner's agent
35 presents all of the following to the impounding or immobilizing agency:

36 1. A valid driver license issued by this state or by the owner's or
37 owner's agent's state of domicile.

1 2. A current vehicle registration or a valid salvage or dismantle
2 certificate of title.

3 3. Evidence that the vehicle is in compliance with the financial
4 responsibility requirements of chapter 9, article 4 of this title.

5 4. If the person is required by the department to install a certified
6 ignition interlock device on the vehicle, proof of installation of a
7 functioning certified ignition interlock device in the vehicle. The
8 impounding agency, storage yard, facility, person or agency having physical
9 possession of the vehicle shall allow access during normal business hours to
10 the impounded vehicle for the purpose of installing a certified ignition
11 interlock device. The impounding agency, storage yard, facility, person or
12 agency having physical possession of the vehicle shall not charge any fee or
13 require compensation for providing access to the vehicle or for the
14 installation of the certified ignition interlock device.

15 H. The storage charges relating to the impoundment of a vehicle
16 pursuant to this section shall be subject to a contractual agreement between
17 the impounding agency and a towing firm for storage services pursuant to
18 section ~~28-1108~~ 41-1830.51 and shall be fifteen dollars for each day of
19 storage, including any time the vehicle remains in storage after the end of
20 the thirty day impoundment period.

21 I. The immobilizing or impounding agency shall have no lien or
22 possessory interest in a stolen vehicle if the theft was reported to the
23 appropriate law enforcement agency. The immobilizing or impounding agency
24 shall release the vehicle to the owner or person other than the owner as
25 identified in subsection D of this section even if the operator at the time
26 of immobilization or impoundment has not paid all immobilization, towing,
27 storage and administrative charges.

28 J. A person who enters into an agreement pursuant to subsection A,
29 paragraph 5 of this section and who allows another person to operate the
30 vehicle in violation of the agreement is responsible for a civil traffic
31 violation and shall pay a civil penalty of at least two hundred fifty
32 dollars.

33 K. A person described in subsection D, paragraph 1 of this section who
34 violates subsection E of this section is responsible for a civil traffic
35 violation and shall pay a civil penalty of at least two hundred fifty
36 dollars.

1 L. For the purposes of this section, "certified ignition interlock
2 device" has the same meaning prescribed in section 28-1301.

3 Sec. 4. Title 41, chapter 12, Arizona Revised Statutes, is amended by
4 adding article 12, to read:

5 ARTICLE 12. TOWING SERVICES

6 Sec. 5. Transfer and renumber

7 Section 28-1108, Arizona Revised Statutes, is transferred and
8 renumbered for placement in title 41, chapter 12, article 12, Arizona Revised
9 Statutes, as section 41-1830.51 and, as so renumbered, is amended to read:

10 41-1830.51. Vehicle towing; rules; contractual agreement for
11 towing services; weight exemption

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

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

24 C. The director ~~of the department of public safety~~ shall:

25 1. Adopt and enforce rules that are not inconsistent with this ~~chapter~~
26 ARTICLE to govern the design and operation of all tow trucks.

27 2. ADOPT RULES TO PROTECT CONSUMERS AGAINST BEING OVERCHARGED FOR
28 TOWING SERVICES. THE RULES SHALL INCLUDE THE FOLLOWING PROVISIONS:

29 (a) A TOWING SERVICE PROVIDER WHO IS CONTRACTED WITH THE DEPARTMENT
30 MAY NOT CHARGE FOR SERVICES IN EXCESS OF THE MAXIMUM ALLOWABLE RATES.

31 (b) COMPLAINTS SHALL BE INVESTIGATED PURSUANT TO ESTABLISHED
32 DEPARTMENT POLICIES AND PROCEDURES TO THE EXTENT DEEMED NECESSARY BY THE
33 PATROL DISTRICT COMMANDER OR THE COMMANDER'S AUTHORIZED DESIGNEE. ON
34 INVESTIGATION, THE PATROL DISTRICT COMMANDER OR THE COMMANDER'S AUTHORIZED
35 DESIGNEE SHALL CLASSIFY EACH COMPLAINT AS FOLLOWS:

36 (i) UNFOUNDED IF THE ALLEGATION IS FALSE OR NONFACTUAL.

37 (ii) EXONERATED IF THE INCIDENT DID OCCUR, BUT WAS LAWFUL OR PROPER.

1 (iii) NOT SUSTAINED IF THERE IS INSUFFICIENT EVIDENCE EITHER TO PROVE
2 OR DISPROVE THE ALLEGATIONS.

3 (iv) PARTIALLY SUSTAINED IF THERE ARE TWO OR MORE ALLEGATIONS MADE AND
4 ONLY A PORTION OR SOME OF THE ALLEGATIONS ARE SUPPORTED BY SUFFICIENT
5 EVIDENCE.

6 (v) SUSTAINED IF THE ALLEGATION IS SUPPORTED BY SUFFICIENT EVIDENCE.

7 (c) A LARGER CLASS OF TOW VEHICLE USED FOR LIGHTER TOWS MUST BE BILLED
8 AT THE LIGHTER DUTY TOWING SERVICE RATES.

9 (d) ALL TOWING SERVICE INVOICES SHALL SPECIFY THAT THE PAYOR IS ABLE
10 TO FILE A COMPLAINT WITH THE DEPARTMENT FOR TOWING SERVICE OVERCHARGES.

11 D. A person may not operate a tow truck for the purpose of towing
12 vehicles without first registering with the director ~~of the department of~~
13 ~~public safety~~, obtaining a bond and obtaining a permit pursuant to the rules
14 that govern tow trucks and that are adopted by the department ~~of public~~
15 ~~safety~~.

16 E. The director ~~of the department of public safety~~ or a county, city
17 or town may enter into a contractual agreement with a towing firm or firms
18 for towing or storage services, or both. At the time of application for a
19 contractual agreement, a towing firm must disclose in writing the owners of
20 the towing firm and, if the owners own other towing firms that are also
21 applying for the same contractual agreement, the names of those towing firms.
22 The contractual agreement shall comply with this section and all rules
23 adopted under this section. Contracts shall be awarded on the basis of
24 competitive bidding. The director ~~of the department of public safety~~ or a
25 county, city or town shall reserve the right to reject all bids. If only one
26 bid is received, the director ~~of the department of public safety~~ or a county,
27 city or town may reject the bid and negotiate a contract without bidding if
28 the negotiated contract is at a price lower than the bid price under the
29 terms and conditions specified in the call for bids.

30 F. Except as provided in subsection G of this section, a towing firm
31 may only have one contractual agreement per geographic towing area with the
32 department ~~of public safety~~ or a county, city or town for towing or storage
33 services, or both. If an owner of a towing firm has a common ownership
34 interest in another towing firm or the assets of another towing firm, the
35 owner may not participate in any other application for a contractual
36 agreement within the same geographic towing area.

1 G. If a towing firm that has a contractual agreement pursuant to this
2 section acquires another towing firm that has a contractual agreement
3 pursuant to this section, both contractual agreements remain valid for one
4 year after the date of the acquisition.

5 H. Notwithstanding subsection F of this section, an agency may allow a
6 towing firm to use resources from another towing firm if an agency deems the
7 use of those resources is necessary for traffic incident management.

8 I. The total weight of a tow truck and the towed vehicle is exempt
9 from the maximum total gross weight load allowed under section 28-1100 if a
10 damaged, disabled or abandoned vehicle or vehicle combination is towed.

11 Sec. 6. Title 41, chapter 12, article 12, Arizona Revised Statutes, is
12 amended by adding sections 41-1830.52, 41-1830.53 and 41-1830.54, to read:

13 41-1830.52. Adjustment of department of public safety
14 contractual agreements; towing; rates

15 THE DEPARTMENT SHALL ADJUST DEPARTMENT CONTRACTUAL AGREEMENTS THAT ARE
16 ENTERED INTO OR RENEWED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION WITH A
17 TOWING FIRM FOR TOWING OR STORAGE SERVICES, OR BOTH, TO CONFORM TO BASE RATES
18 THAT ARE SET BY THE DIRECTOR AND TO REFLECT THE RESULTS FROM THE DEPARTMENT
19 RATE SURVEYS.

20 41-1830.53. Department of public safety contractual agreements;
21 towing; maximum allowable rates

22 THE DIRECTOR SHALL ESTABLISH THE MAXIMUM ALLOWABLE RATES FOR TOWING
23 VEHICLE CLASSIFICATIONS USED IN DEPARTMENT AGREEMENTS WITH A TOWING FIRM FOR
24 TOWING OR STORAGE SERVICES, OR BOTH.

25 41-1830.54. Department survey of existing service contract
26 providers

27 A. THE DIRECTOR SHALL CONDUCT A SURVEY OF TOWING SERVICE PROVIDERS IN
28 EACH GEOGRAPHICAL TOWING AREA BY JULY 1 OF EACH EVEN-NUMBERED YEAR. THE
29 DEPARTMENT SHALL DETERMINE SURVEY DATA CATEGORIES IN CONSULTATION WITH A
30 STATEWIDE TOWING INDUSTRY ASSOCIATION AND PROVIDERS OF TOWING SERVICES. THE
31 DIRECTOR MAY CONSULT ADDITIONAL STAKEHOLDERS AS NEEDED. THE DATA CATEGORIES
32 SHALL BE USED IN SUBSEQUENT SURVEYS.

33 B. THE DEPARTMENT SHALL CALCULATE THE PERCENTAGE DIFFERENCE IN EACH
34 DATA CATEGORY FROM THE PREVIOUS SURVEY CONDUCTED AND SHALL ADJUST THE TOWING
35 SERVICE FEES TO REFLECT THE PERCENTAGE PRICE DIFFERENCE IN THE AGGREGATE OF
36 THE DATA CATEGORIES BY JANUARY 1 OF EACH EVEN-NUMBERED YEAR.

1 Sec. 7. Department of public safety rules; towing services

2 The director of the department of public safety shall adopt rules
3 establishing a heavy duty rotator recovery vehicle classification for towing
4 services. The rules shall include rates and general guidelines for the use
5 of heavy duty rotator recovery vehicles and shall define "heavy duty rotator
6 recovery vehicle" as a tow vehicle that has all of the following:

7 1. A manufacturer's gross vehicle weight rating in excess of fifty-two
8 thousand pounds.

9 2. A boom that is capable of moving its position to the side of the
10 vehicle to perform recoveries and that has a boom rating of at least forty
11 tons.

12 3. Air brakes that are capable of providing air to the towed vehicle's
13 brakes.

14 Sec. 8. Department of public safety initial rate survey

15 On or before December 31, 2015, the department of public safety shall
16 conduct a survey of existing towing service contract providers in each
17 geographical towing area in an effort to establish baseline towing industry
18 costs. The department of public safety shall determine survey data
19 categories in consultation with a statewide towing industry association and
20 providers of towing services. The director of the department of public
21 safety may consult additional stakeholders as needed. The initial survey
22 shall determine survey data category prices for all towing service vehicle
23 classifications on or within ten days before or after July 1, 2010 except for
24 a heavy duty rotator recovery vehicle.

25 Sec. 9. Conditional repeal; notice

26 A. Section 7 of this act is repealed as of the date the department of
27 public safety adopts rules establishing a heavy duty rotator recovery vehicle
28 classification for towing services and rates and general guidelines for the
29 use of heavy duty rotator recovery vehicles, including defining "heavy duty
30 rotator recovery vehicle" as a tow vehicle that has all of the following:

31 1. A manufacturer's gross vehicle weight rating in excess of fifty-two
32 thousand pounds.

33 2. A boom that is capable of moving its position to the side of the
34 vehicle to perform recoveries and that has a boom rating of at least forty
35 tons.

36 3. Air brakes that are capable of providing air to the towed vehicle's
37 brakes.

1 B. The department of public safety shall notify in writing the
2 director of the Arizona legislative council of this date.

3 Sec. 10. Conditional repeal; notice

4 A. Section 8 of this act is repealed on December 31, 2016 if the
5 department of public safety has adjusted towing service prices in its
6 contractual agreements with towing firms as a result of rate surveys
7 conducted by the department of public safety.

8 B. The department of public safety shall notify in writing the
9 director of the Arizona legislative council if the towing service prices are
10 adjusted pursuant to subsection A of this section.

11 Sec. 11. Conditional repeal; notice

12 A. Section 41-1830.53, Arizona Revised Statutes, is repealed on
13 December 31, 2016 if the department of public safety has adjusted towing
14 service prices in its contractual agreements with towing firms as a result of
15 rate surveys conducted by the department of public safety.

16 B. The department of public safety shall notify in writing the
17 director of the Arizona legislative council if the towing service prices are
18 adjusted pursuant to subsection A of this section.

19 Sec. 12. Conditional repeal; notice

20 A. Section 41-1830.54, Arizona Revised Statutes, is repealed as of the
21 date the department of public safety establishes the maximum allowable rates
22 for towing vehicle classifications used in department of public safety
23 contractual agreements with a towing firm for towing or storage services, or
24 both.

25 B. The department of public safety shall notify in writing the
26 director of the Arizona legislative council of this date."

27 Amend title to conform

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