

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

**CHAPTER 265**  
**HOUSE BILL 2416**

AN ACT

AMENDING SECTIONS 28-1095, 28-2153 AND 28-3512, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 12; AMENDING SECTION 41-1830.51, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING TITLE 41, CHAPTER 12, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-1830.52, 41-1830.53 AND 41-1830.54; RELATING TO TOWING SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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:

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

33 2. The length of a semitrailer or trailer operating in a truck  
34 tractor-semitrailer-trailer combination shall not exceed twenty-eight feet  
35 six inches.

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

38 4. If the length of a semitrailer is more than fifty-three feet, the  
39 overall length of a truck tractor-semitrailer combination shall not exceed  
40 sixty-five feet on all highways, except for the national intercity truck  
41 route network designated by the United States secretary of transportation as  
42 required by the surface transportation assistance act of 1982 or on a system  
43 of highways that is designated by a local authority. In designating the  
44 streets, the local authority shall consider any reasonable restriction  
45 including such safety restrictions as structural hazards and street width and

1 any other safety factors identified by the local authority as a hazard to the  
2 motoring public.

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

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

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

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

16 F. Pursuant to a permit issued pursuant to section 28-1103, a truck or  
17 a truck tractor-semitrailer may draw not more than two additional trailers or  
18 semitrailers. The department shall adopt rules governing the movement and  
19 safety of a combination of vehicles under this subsection and authorizing the  
20 issuance in advance of prepaid permits. The rules shall include the adoption  
21 of minimum speeds on grades, lighting, signing, identification and braking  
22 requirements and any other rules the department deems necessary. The permit  
23 issued pursuant to this subsection is limited to the following highways:

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

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

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

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

35 1. A motor vehicle may draw one single axle tow dolly on which a motor  
36 vehicle may be transported. A person shall secure the raised end of any  
37 motor vehicle being transported pursuant to this paragraph to the tow dolly  
38 by two separate chains, cables or equivalent devices adequate to prevent  
39 shifting or separation of the drawn vehicle and the tow dolly. For the  
40 purposes of this paragraph, "single axle tow dolly" means a vehicle drawn by  
41 a motor vehicle and designed and used exclusively to transport another motor  
42 vehicle by which the front or rear wheels of the drawn motor vehicle are  
43 mounted on the tow dolly while the other wheels of the drawn motor vehicle  
44 remain in contact with the ground.



1 husbandry designed primarily for or used in agricultural operations and only  
2 incidentally operated or moved on a highway.

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

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

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

9 6. A motor vehicle that is being towed by a tow truck that has been  
10 registered and for which a permit has been obtained pursuant to section  
11 ~~28-1108~~ 41-1830.51.

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

14 8. Wheeled equipment. For the purposes of this paragraph, "wheeled  
15 equipment" means:

16 (a) A compressor.

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

19 (c) A portable cement mixer.

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

21 (e) A tar pot.

22 (f) A water trailer used for watering livestock or for agricultural or  
23 domestic purposes.

24 (g) A welder.

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

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

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

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

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

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

42 Sec. 3. Section 28-3512, Arizona Revised Statutes, is amended to read:  
43 28-3512. Release of vehicle; civil penalties; definition

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

4           1. If the vehicle is a stolen vehicle.

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

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

12           4. If all of the following apply:

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

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

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

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

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

33           B. A vehicle shall not be released pursuant to subsection A of this  
34 section except pursuant to an immobilization or a poststorage hearing under  
35 section 28-3514 or if all of the following are presented to the immobilizing  
36 or impounding agency:

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

39           2. Proof of current vehicle registration or a valid salvage or  
40 dismantle certificate of title.

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

43           4. If the person is required by the department to install a certified  
44 ignition interlock device on the vehicle, proof of installation of a  
45 functioning certified ignition interlock device in the vehicle. The

1 impounding agency, storage yard, facility, person or agency having physical  
2 possession of the vehicle shall allow access during normal business hours to  
3 the impounded vehicle for the purpose of installing a certified ignition  
4 interlock device. The impounding agency, storage yard, facility, person or  
5 agency having physical possession of the vehicle shall not charge any fee or  
6 require compensation for providing access to the vehicle or for the  
7 installation of the certified ignition interlock device.

8 C. The owner or the owner's spouse if the vehicle is released to the  
9 owner's spouse is responsible for paying all immobilization, towing and  
10 storage charges related to the immobilization or impoundment of the vehicle  
11 and any administrative charges established pursuant to section 28-3513,  
12 unless the vehicle is stolen and the theft was reported to the appropriate  
13 law enforcement agency. If the vehicle is stolen and the theft was reported  
14 to the appropriate law enforcement agency, the operator of the vehicle at the  
15 time of immobilization or impoundment is responsible for all immobilization,  
16 towing, storage and administrative charges.

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

22 1. The person is either of the following:

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

25 (b) A motor vehicle dealer, bank, credit union or acceptance  
26 corporation or any other licensed financial institution legally operating in  
27 this state or is another person who is not the owner and who holds a security  
28 interest in the vehicle immediately before the immobilization or impoundment.

29 2. The person pays all immobilization, towing and storage charges  
30 related to the immobilization or impoundment of the vehicle and any  
31 administrative charges established pursuant to section 28-3513 unless the  
32 vehicle is stolen and the theft was reported to the appropriate law  
33 enforcement agency. If the vehicle is stolen and the theft was reported to  
34 the appropriate law enforcement agency, the operator of the vehicle at the  
35 time of immobilization or impoundment is responsible for all immobilization,  
36 towing, storage and administrative charges.

37 3. The person presents foreclosure documents or an affidavit of  
38 repossession of the vehicle.

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

41 E. Before a person described in subsection D of this section releases  
42 the vehicle to the owner who was operating the vehicle at the time of removal  
43 and immobilization or impoundment, the person described in subsection D of  
44 this section shall require the owner to present and shall retain for a period

1 of at least three years from the date of releasing the vehicle a copy of all  
2 of the following:

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

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

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

9 F. The person described in subsection D of this section may require  
10 the owner to pay charges that the person incurred in connection with  
11 obtaining custody of the vehicle, including all immobilization, towing and  
12 storage charges that are related to the immobilization or impoundment of the  
13 vehicle and any administrative charges that are established pursuant to  
14 section 28-3513.

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

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

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

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

24 4. If the person is required by the department to install a certified  
25 ignition interlock device on the vehicle, proof of installation of a  
26 functioning certified ignition interlock device in the vehicle. The  
27 impounding agency, storage yard, facility, person or agency having physical  
28 possession of the vehicle shall allow access during normal business hours to  
29 the impounded vehicle for the purpose of installing a certified ignition  
30 interlock device. The impounding agency, storage yard, facility, person or  
31 agency having physical possession of the vehicle shall not charge any fee or  
32 require compensation for providing access to the vehicle or for the  
33 installation of the certified ignition interlock device.

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

40 I. The immobilizing or impounding agency shall have no lien or  
41 possessory interest in a stolen vehicle if the theft was reported to the  
42 appropriate law enforcement agency. The immobilizing or impounding agency  
43 shall release the vehicle to the owner or person other than the owner as  
44 identified in subsection D of this section even if the operator at the time

1 of immobilization or impoundment has not paid all immobilization, towing,  
2 storage and administrative charges.

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

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

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

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

16 ARTICLE 12. TOWING SERVICES

17 Sec. 5. Transfer and renumber

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

21 41-1830.51. Vehicle towing; rules; contractual agreement for  
22 towing services; weight exemption

23 A. If a vehicle is towing another vehicle, the drawbar or other  
24 connection shall be of sufficient strength to pull all weight towed by the  
25 vehicle and the drawbar or other connection shall not exceed fifteen feet  
26 from one vehicle to the other, except the connection between any two vehicles  
27 transporting poles, pipe, machinery or other objects of a structural nature  
28 that cannot readily be dismembered. For the purposes of this subsection,  
29 "drawbar" means a rigid structure that connects a trailer and a towing  
30 vehicle and that articulates at the point of connection with the trailer and  
31 articulates at the point of connection with the towing vehicle.

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

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

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

38 2. **ADOPT GUIDELINES TO PROTECT CONSUMERS AGAINST BEING OVERCHARGED FOR**  
39 **TOWING SERVICES. THE GUIDELINES SHALL SPECIFY THAT A LARGER CLASS OF TOW**  
40 **VEHICLE USED FOR LIGHTER TOWS MUST BE BILLED AT THE LIGHTER DUTY TOWING**  
41 **SERVICE RATES.**

42 D. A person may not operate a tow truck for the purpose of towing  
43 vehicles without first registering with the director ~~of the department of~~  
44 ~~public safety~~, obtaining a bond and obtaining a permit pursuant to the rules

1 that govern tow trucks and that are adopted by the department ~~of public~~  
2 ~~safety~~.

3 E. The director ~~of the department of public safety~~ or a county, city  
4 or town may enter into a contractual agreement with a towing firm or firms  
5 for towing or storage services, or both. At the time of application for a  
6 contractual agreement, a towing firm must disclose in writing the owners of  
7 the towing firm and, if the owners own other towing firms that are also  
8 applying for the same contractual agreement, the names of those towing firms.  
9 The contractual agreement shall comply with this section and all rules  
10 adopted under this section. Contracts shall be awarded on the basis of  
11 competitive bidding. The director ~~of the department of public safety~~ or a  
12 county, city or town shall reserve the right to reject all bids. If only one  
13 bid is received, the director ~~of the department of public safety~~ or a county,  
14 city or town may reject the bid and negotiate a contract without bidding if  
15 the negotiated contract is at a price lower than the bid price under the  
16 terms and conditions specified in the call for bids.

17 F. Except as provided in subsection G of this section, a towing firm  
18 may only have one contractual agreement per geographic towing area with the  
19 department ~~of public safety~~ or a county, city or town for towing or storage  
20 services, or both. If an owner of a towing firm has a common ownership  
21 interest in another towing firm or the assets of another towing firm, the  
22 owner may not participate in any other application for a contractual  
23 agreement within the same geographic towing area.

24 G. If a towing firm that has a contractual agreement pursuant to this  
25 section acquires another towing firm that has a contractual agreement  
26 pursuant to this section, both contractual agreements remain valid for one  
27 year after the date of the acquisition.

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

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

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

36 41-1830.52. Department of public safety contractual agreements;  
37 towing; maximum allowable rates

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

41 B. THE DIRECTOR SHALL CONSULT EVERY EVEN-NUMBERED YEAR WITH A  
42 STATEWIDE TOWING INDUSTRY ASSOCIATION AND PROVIDERS OF TOWING SERVICES FROM  
43 EACH GEOGRAPHICAL TOWING AREA, TO REVIEW INFORMATION, INCLUDING CONTRACT  
44 RATES AND THE CURRENT INDUSTRY RETAIL RATES. THE DIRECTOR MAY CONSULT  
45 ADDITIONAL STAKEHOLDERS AS NEEDED.

1 C. PRIOR TO THE EXPIRATION OF AN EXISTING CONTRACT THE DEPARTMENT MAY  
2 ADJUST THE TOWING SERVICE FEES TO REFLECT INFORMATION RECEIVED PURSUANT TO  
3 SUBSECTION B OF THIS SECTION OR ANY OTHER RELEVANT INFORMATION.

4 41-1830.53. Heavy duty rotator recovery vehicle classification:  
5 rates and guidelines; definition

6 A. THE DEPARTMENT SHALL ESTABLISH A HEAVY DUTY ROTATOR RECOVERY  
7 VEHICLE CLASSIFICATION FOR TOWING SERVICES AND ESTABLISH RATES AND GENERAL  
8 GUIDELINES FOR THE USE OF HEAVY DUTY ROTATOR RECOVERY VEHICLES.

9 B. FOR THE PURPOSES OF THIS SECTION, "HEAVY DUTY ROTATOR RECOVERY  
10 VEHICLE" MEANS A TOW VEHICLE THAT HAS ALL OF THE FOLLOWING:

11 1. A MANUFACTURER'S GROSS VEHICLE WEIGHT RATING IN EXCESS OF FIFTY-TWO  
12 THOUSAND POUNDS.

13 2. A BOOM THAT IS CAPABLE OF MOVING ITS POSITION TO THE SIDE OF THE  
14 VEHICLE TO PERFORM RECOVERIES AND THAT HAS A BOOM RATING OF AT LEAST FORTY  
15 TONS.

16 3. AIR BRAKES THAT ARE CAPABLE OF PROVIDING AIR TO THE TOWED VEHICLE'S  
17 BRAKES.

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

19 The director of the department of public safety shall adopt rules  
20 establishing a heavy duty rotator recovery vehicle classification for towing  
21 services. The rules shall include rates and general guidelines for the use  
22 of heavy duty rotator recovery vehicles and shall define "heavy duty rotator  
23 recovery vehicle" as a tow vehicle that has all of the following:

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

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

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

31 Sec. 8. Conditional repeal; notice

32 A. Section 41-1830.53, Arizona Revised Statutes, and section 7 of this  
33 act are repealed as of the date the department of public safety adopts rules  
34 establishing a heavy duty rotator recovery vehicle classification for towing  
35 services and rates and general guidelines for the use of heavy duty rotator  
36 recovery vehicles, including defining "heavy duty rotator recovery vehicle"  
37 as a tow vehicle that has all of the following:

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

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

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

H.B. 2416

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

APPROVED BY THE GOVERNOR APRIL 10, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2015.