

REFERENCE TITLE: towing companies; abandoned vehicles; fee

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1123

Introduced by
Senator Farnsworth

AN ACT

AMENDING SECTIONS 28-4802, 28-4804 AND 28-4805, ARIZONA REVISED STATUTES;
REPEALING SECTION 28-4806, ARIZONA REVISED STATUTES; RELATING TO ABANDONED
VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 28-4802, Arizona Revised Statutes, is amended to read:

28-4802. Fees

A. Except as provided in subsection B of this section, the owner of record of a vehicle at the time of abandonment of the vehicle is liable to the department for the transfer of ownership or disposal in ~~an~~ THE amount ~~prescribed by the director by rule~~ OF \$50 if the vehicle was:

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

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

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

B. The owner of record of a vehicle at the time of abandonment is liable to the department for the transfer of ownership or disposal in ~~an~~ THE amount ~~prescribed by the director by rule~~ OF \$150 if the vehicle was:

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

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

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

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

1 D. The department:

2 1. Shall notify the owner of an abandoned vehicle for which
3 ownership has been transferred or of a junk vehicle that has been disposed
4 of about the additional fee at the time of a subsequent vehicle
5 registration or driver 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~~ \$10 for
14 processing an abandoned vehicle report.

15 Sec. 2. Section 28-4804, Arizona Revised Statutes, is amended to
16 read:

17 28-4804. Abandoned vehicle administration monies; deposit

18 A. The ~~abandoned vehicle administration fund is established~~
19 ~~consisting of~~ DEPARTMENT MAY RECEIVE monies ~~collected~~ pursuant to section
20 28-4802 and all ~~other~~ monies collected pursuant to this chapter FOR
21 DEPOSIT IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION 28-6991. ~~The~~
22 ~~department shall administer the fund. Monies in the fund are continuously~~
23 ~~appropriated. The director shall deposit the monies collected in the~~
24 ~~state highway fund established by section 28-6991 except that the monies~~
25 ~~that are deposited pursuant to section 28-4805 may not be deposited in the~~
26 ~~state highway fund and shall be used to partially reimburse registered~~
27 ~~towing companies pursuant to section 28-4805.~~

28 B. ~~In addition to the use prescribed in subsection A of this~~
29 ~~section,~~ The department shall use monies collected pursuant to this
30 chapter to carry out the ~~other~~ duties prescribed by this chapter.

31 Sec. 3. Section 28-4805, Arizona Revised Statutes, is amended to
32 read:

33 28-4805. Towing company; partial reimbursement; registration;
34 payment forfeiture

35 A. If a vehicle is abandoned pursuant to section 28-4802 ON
36 NATIONAL FOREST, STATE PARK, BUREAU OF LAND MANAGEMENT OR STATE TRUST LAND
37 and a fee is collected by the department, the towing company that towed
38 the abandoned vehicle OFF OF THE LAND, if still in business, is entitled
39 to receive ~~twenty percent of \$100 FROM~~ the fee collected ~~as a partial~~
40 ~~reimbursement of the costs incurred by the towing company.~~

41 B. A towing company that is owed ~~partial reimbursement~~ \$100 under
42 subsection A of this section is required to register with the state's
43 procurement office in order to qualify for payment. Failure to register
44 with the state's procurement office will result in denial of payment and
45 forfeiture of the payment.

1 C. The department shall make three good faith attempts to contact
2 the towing company identified as having towed an abandoned vehicle
3 pursuant to section 28-4802 in order to facilitate payment of the ~~partial~~
4 ~~reimbursement~~ \$100 under subsection A of this section. Notwithstanding
5 any other law and after the good faith effort required by this subsection,
6 if the department does not receive a response from or is unable to make
7 contact with the towing company after thirty days, the payment is subject
8 to forfeiture and will revert to the ~~abandoned vehicle administration~~
9 DEPARTMENT FOR DEPOSIT IN THE STATE HIGHWAY fund established by section
10 ~~28-4804~~ 28-6991.

11 Sec. 4. Repeal

12 Section 28-4806, Arizona Revised Statutes, is repealed.