

House Engrossed

excessive speed; speed inhibiting device

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2786

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 6, ARIZONA REVISED STATUTES, BY
ADDING SECTION 28-711; AMENDING SECTIONS 28-3318, 28-3511, 28-3512 AND
28-4848, ARIZONA REVISED STATUTES; RELATING TO EXCESSIVE SPEED.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 28, chapter 3, article 6, Arizona Revised
3 Statutes, is amended by adding section 28-711, to read:

4 28-711. Use of speed inhibiting device; proof of compliance;
5 installation; violations; classification; rules;
6 definitions

7 A. IF THE LICENSE OF A PERSON OR THE DRIVING PRIVILEGE OF A
8 NONRESIDENT IS SUSPENDED OR REVOKED FOR A VIOLATION DESCRIBED IN
9 PARAGRAPH 1, 2, 3 OR 4 OF THIS SUBSECTION, EXCEPT FOR A NOTICE OF
10 VIOLATION THAT WAS OBTAINED BY USING A PHOTO ENFORCEMENT SYSTEM, IN LIEU
11 OF THE SUSPENSION OR REVOCATION AND ON REQUEST OF THE PERSON, THE COURT
12 MAY ORDER THAT THE DEPARTMENT REQUIRE THE INSTALLATION OF A SPEED
13 INHIBITING DEVICE ON ANY MOTOR VEHICLE THE PERSON OPERATES IN ADDITION TO
14 ANY OTHER PENALTY PRESCRIBED BY LAW. ON RECEIPT OF AN ORDER FROM THE
15 COURT, THE DEPARTMENT SHALL REQUIRE A SPEED INHIBITING DEVICE TO BE
16 INSTALLED ON ANY MOTOR VEHICLE A PERSON OPERATES FOR A PERIOD THAT IS
17 EQUIVALENT TO THE LENGTH OF THE SUSPENSION OR REVOCATION OF THE PERSON'S
18 LICENSE OR DRIVING PRIVILEGES THAT WOULD HAVE OTHERWISE BEEN IMPOSED FOR
19 THE FOLLOWING IF THE PERSON:

20 1. IS CONVICTED OF A FIRST VIOLATION OF SECTION 28-693, 28-695 OR
21 28-708 AND A SUSPENSION OR REVOCATION OF THE PERSON'S LICENSE OR DRIVING
22 PRIVILEGE IS REQUIRED.

23 2. HAS ASSESSED POINTS AGAINST THE PERSON'S DRIVING RECORD THAT
24 WOULD REQUIRE THE ONE-YEAR SUSPENSION OF THE PERSON'S LICENSE OR DRIVING
25 PRIVILEGES FOR ACCUMULATING EXCESSIVE POINTS PURSUANT TO RULES ADOPTED BY
26 THE DEPARTMENT.

27 3. IS CONVICTED OF A SECOND VIOLATION OF SECTION 28-693, 28-695 OR
28 28-708 WITHIN A TWENTY-FOUR MONTH PERIOD. A PERSON WHO IS CONVICTED OF A
29 VIOLATION DESCRIBED IN THIS PARAGRAPH AND WHO IS ORDERED BY THE COURT TO
30 INSTALL A SPEED INHIBITING DEVICE PURSUANT TO THIS SECTION IS NOT SUBJECT
31 TO ANY MINIMUM SUSPENSION OF LICENSE OR DRIVING PRIVILEGES.

32 4. IS A MINOR AND THE OFFENSE IS THE MINOR'S FIRST EXCESSIVE
33 SPEEDING OFFENSE PURSUANT TO SECTION 28-701.02.

34 B. IF A PERSON IS REQUIRED TO INSTALL A SPEED INHIBITING DEVICE
35 PURSUANT TO THIS SECTION, THE PERSON SHALL PAY THE COST FOR INSTALLING AND
36 MAINTAINING THE SPEED INHIBITING DEVICE. THE DEPARTMENT MAY CHARGE A FEE
37 FOR INSTALLATION.

38 C. THE MANUFACTURER OF A SPEED INHIBITING DEVICE SHALL
39 ELECTRONICALLY PROVIDE TO THE DEPARTMENT PROOF OF COMPLIANCE BY THE PERSON
40 WHOSE DRIVING PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION IN THE MANNER
41 AND FORMAT PRESCRIBED BY THE DEPARTMENT BY RULE, AND THE DEPARTMENT SHALL
42 REJECT ANY INFORMATION THAT DOES NOT MEET THESE REQUIREMENTS, INCLUDING
43 PROOF OF:

44 1. THE INSTALLATION OF A FUNCTIONING SPEED INHIBITING DEVICE IN
45 EACH MOTOR VEHICLE OPERATED BY THE PERSON.

1 2. COMPLIANCE BY THE PERSON OF AT LEAST ONCE EVERY NINETY DAYS
2 DURING THE PERIOD THE PERSON IS ORDERED TO USE A SPEED INHIBITING DEVICE.

3 3. ANY TAMPERING OR CIRCUMVENTION OF THE SPEED INHIBITING DEVICE.

4 4. THE REMOVAL OF THE SPEED INHIBITING DEVICE FROM ANY MOTOR
5 VEHICLE.

6 5. A COPY OF THE NOTIFICATION PROVIDED TO THE PERSON THAT THE
7 PERSON HAS COMPLETED THE TERM REQUIRING THE INSTALLATION OF THE SPEED
8 INHIBITING TECHNOLOGY.

9 6. ANY OTHER COMMUNICATIONS DETERMINED NECESSARY BY THE DEPARTMENT.

10 D. THE DEPARTMENT MAY NOT REINSTATE THE PERSON'S LICENSE OR DRIVING
11 PRIVILEGE UNTIL THE PERSON HAS INSTALLED A FUNCTIONING SPEED INHIBITING
12 DEVICE IN EACH MOTOR VEHICLE THAT IS OPERATED BY THE PERSON AND THE
13 MANUFACTURER OF THE SPEED INHIBITING DEVICE HAS PROVIDED PROOF OF
14 INSTALLATION TO THE DEPARTMENT.

15 E. IF THE MANUFACTURER OF THE SPEED INHIBITING DEVICE DOES NOT
16 SUBMIT PROOF OF COMPLIANCE BY THE PERSON WHOSE LICENSE OR DRIVING
17 PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL
18 SUSPEND THE PERSON'S LICENSE OR DRIVING PRIVILEGES UNTIL PROOF OF
19 COMPLIANCE IS SUBMITTED TO THE DEPARTMENT. ON NOTIFICATION FROM THE
20 COURT, THE DEPARTMENT SHALL IMMEDIATELY SUSPEND THE PERSON'S LICENSE OR
21 DRIVING PRIVILEGES.

22 F. IF A PERSON IS REQUIRED TO INSTALL A SPEED INHIBITING DEVICE
23 PURSUANT TO THIS SECTION AND THE PERSON IS FOUND TO BE OPERATING A MOTOR
24 VEHICLE WITHOUT A SPEED INHIBITING DEVICE INSTALLED EXCEPT AS PROVIDED IN
25 SUBSECTION K OF THIS SECTION, THE PERSON IS GUILTY OF A CLASS 1
26 MISDEMEANOR. ON NOTIFICATION FROM THE COURT, THE DEPARTMENT SHALL
27 IMMEDIATELY SUSPEND THE PERSON'S LICENSE OR DRIVING PRIVILEGES. THE
28 DURATION OF THE SUSPENSION OF LICENSE OR DRIVING PRIVILEGES SHALL BE THE
29 LENGTH OF THE ORIGINAL SENTENCE.

30 G. AFTER CONSULTING WITH THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
31 SAFETY, THE ASSISTANT DIRECTOR FOR THE MOTOR VEHICLE DIVISION OF THE
32 DEPARTMENT OF TRANSPORTATION SHALL:

33 1. ADOPT RULES PRESCRIBING THE REQUIREMENTS FOR A SPEED INHIBITING
34 DEVICE. THE RULES SHALL INCLUDE:

35 (a) THE PROCEDURE FOR CERTIFYING SPEED INHIBITING DEVICES.

36 (b) PROVISIONS TO ENSURE THE RELIABILITY OF THE SPEED INHIBITING
37 DEVICE OVER THE RANGE OF MOTOR VEHICLE ENVIRONMENTS.

38 (c) PROVISIONS TO ENSURE THE SPEED INHIBITING DEVICE WORKS
39 ACCURATELY IN AN UNSUPERVISED ENVIRONMENT.

40 (d) THE PROCEDURE FOR DECERTIFYING OF A SPEED INHIBITING DEVICE FOR
41 CAUSE.

42 (e) THE REQUIRED TIME FRAME TO INSTALL A SPEED INHIBITING DEVICE ON
43 ANY NEW MOTOR VEHICLE OPERATED BY THE PERSON IF THE ORIGINAL MOTOR VEHICLE
44 WITH A SPEED INHIBITING DEVICE INSTALLED IS SOLD, LOST, STOLEN, WRECKED OR
45 SCRAPPED.

1 (f) PROCEDURES AND HEARING RIGHTS FOR EARLY REMOVAL OF SPEED
2 INHIBITING DEVICES.

3 2. CERTIFY SPEED INHIBITING DEVICES. ANY SPEED INHIBITING DEVICE
4 MAY NOT BE CERTIFIED UNTIL:

5 (a) THE SPEED INHIBITING DEVICE IS MADE BY A MANUFACTURER THAT IS
6 COVERED BY PRODUCT LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000 PER
7 EVENT AND \$3,000,000 IN AGGREGATE.

8 (b) THE MANUFACTURER OF THE SPEED INHIBITING DEVICE INDEMNIFIES
9 THIS STATE AGAINST ANY LIABILITY THAT MAY RESULT FROM THE USE OF THE SPEED
10 INHIBITING DEVICE.

11 (c) THE SPEED INHIBITING DEVICE IS REPAIRED OR MODIFIED ONLY BY THE
12 MANUFACTURER OF THE SPEED INHIBITING DEVICE.

13 (d) ALL OF THE SPEED INHIBITING DEVICE REPORTING REQUIRED BY THIS
14 SECTION ORIGINATES FROM THE SPEED INHIBITING DEVICE MANUFACTURER.

15 (e) THE SPEED INHIBITING DEVICE INCLUDES AN OVERRIDE FEATURE TO BE
16 USED BY THE PERSON. THE OVERRIDE FEATURE SHALL:

17 (i) BE AVAILABLE NO MORE THAN THREE TIMES DURING A THIRTY-DAY
18 PERIOD.

19 (ii) ALLOW THE MOTOR VEHICLE TO EXCEED THE POSTED SPEED LIMIT BY
20 NOT MORE THAN TEN MILES FOR A PERIOD NOT TO EXCEED SIXTY SECONDS.

21 3. PUBLISH A LIST OF SPEED INHIBITING DEVICES THAT INCLUDES
22 INFORMATION ABOUT THE MANUFACTURERS OF THE SPEED INHIBITING DEVICES AND
23 WHERE THE SPEED INHIBITING DEVICES MAY BE ORDERED.

24 4. MAKE THE LIST AVAILABLE TO THE COURTS AND PROBATION DEPARTMENTS
25 WITHOUT CHARGE.

26 5. ESTABLISH STANDARDS AND QUALIFICATIONS FOR TECHNICIANS.

27 6. ADOPT A WARNING LABEL DESIGN TO BE AFFIXED TO EACH CERTIFIED
28 SPEED INHIBITING DEVICE ON INSTALLATION. THE LABEL SHALL CONTAIN A
29 WARNING THAT A PERSON TAMPERING WITH, CIRCUMVENTING OR OTHERWISE MISUSING
30 THE SPEED INHIBITING DEVICE IS GUILTY OF A CLASS 1 MISDEMEANOR.

31 7. ADOPT RULES THAT ALLOW THE DIRECTOR TO IMPOSE A CIVIL PENALTY
32 AGAINST A MANUFACTURER OF A CERTIFIED SPEED INHIBITING DEVICE THAT FAILS
33 TO PROPERLY REPORT DATA TO THE DIRECTOR IN THE MANNER PRESCRIBED BY THE
34 DIRECTOR.

35 H. EXCEPT IN CASES OF SUBSTANTIAL EMERGENCY, A PERSON MAY NOT
36 KNOWINGLY RENT, LEASE OR LEND A MOTOR VEHICLE TO A PERSON WHOSE DRIVING
37 PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION UNLESS THE MOTOR VEHICLE IS
38 EQUIPPED WITH A FUNCTIONING CERTIFIED SPEED INHIBITING DEVICE.

39 I. A PERSON WHOSE LICENSE OR DRIVING PRIVILEGE IS LIMITED PURSUANT
40 TO THIS SECTION AND WHO RENTS, LEASES OR BORROWS A MOTOR VEHICLE FROM
41 ANOTHER PERSON SHALL NOTIFY THE PERSON WHO RENTS, LEASES OR LENDS THE
42 MOTOR VEHICLE TO THE PERSON THAT THE PERSON HAS SPECIFIC REQUIREMENTS FOR
43 THE OPERATION OF THE MOTOR VEHICLE AND THE NATURE OF THE REQUIREMENTS.

44 J. A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR OR RETAILER IS NOT
45 LIABLE FOR ANY LOSS, INJURY OR DAMAGE CAUSED BY THE DESIGN, MANUFACTURER,

1 INSTALLATION, INCLUDING IMPROPER INSTALLATION OR USE OR MISUSE OF A SPEED
2 INHIBITING DEVICE UNLESS A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR OR
3 RETAILER KNOWINGLY ENGAGES IN A REPAIR OR UPDATE TO THE SPEED INHIBITING
4 DEVICE AND THE REPAIR OR UPDATE IS THE PROXIMATE CAUSE OF ANY LOSS, INJURY
5 OR DAMAGE.

6 K. THIS SECTION DOES NOT:

7 1. APPLY TO FLEET VEHICLES OPERATED BY A PERSON WHOSE LICENSE OR
8 DRIVING PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION.

9 2. APPLY TO COMMERCIAL VEHICLES AS DEFINED IN SECTION 28-2231.

10 3. REQUIRE A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR OR RETAILER TO
11 MANUFACTURE, DISTRIBUTE OR OFFER FOR SALE A MOTOR VEHICLE THAT INCLUDES OR
12 IS COMPATIBLE WITH A SPEED INHIBITING DEVICE.

13 4. PROHIBIT A LESSOR OR LIENHOLDER FROM REQUIRING NOTIFICATION BY
14 THE PERSON THAT A SPEED INHIBITING DEVICE HAS BEEN INSTALLED ON A MOTOR
15 VEHICLE SUBJECT TO A LEASE OR FINANCE AGREEMENT.

16 5. PROHIBIT A LESSOR OR LIENHOLDER FROM CHARGING A REASONABLE FEE
17 TO THE CUSTOMER FOR THE REMOVAL OF A SPEED INHIBITING DEVICE.

18 L. FOR THE PURPOSES OF THIS SECTION:

19 1. "SPEED INHIBITING DEVICE" MEANS AN INTEGRATED MOTOR VEHICLE
20 SYSTEM THAT DETERMINES THE SPEED LIMIT OF THE ROADWAY THE MOTOR VEHICLE IS
21 ON AND THAT PREVENTS THE SPEED OF THE MOTOR VEHICLE FROM EXCEEDING THE
22 POSTED SPEED LIMIT.

23 2. "SUBSTANTIAL EMERGENCY" MEANS AN EMERGENCY SITUATION DURING
24 WHICH A PERSON OTHER THAN THE PERSON WHOSE DRIVING PRIVILEGE IS LIMITED
25 PURSUANT TO THIS SECTION IS NOT REASONABLY AVAILABLE TO DRIVE IN RESPONSE
26 TO THAT EMERGENCY SITUATION.

27 Sec. 2. Section 28-3318, Arizona Revised Statutes, is amended to
28 read:

29 28-3318. Service of notice; definitions

30 A. The department shall provide written, electronic or digital
31 notice to a person possessing a driver license, to an unlicensed driver or
32 to a nonresident driver of the following:

33 1. A suspension, revocation, cancellation, disqualification OR
34 SPEED INHIBITING DEVICE LIMITING or certified ignition interlock device
35 limitation of the license or privilege to operate a motor vehicle.

36 2. Required attendance at training and education sessions.

37 B. The department may include additional information in the
38 written, electronic or digital notice developed in consultation with the
39 director of the department of public safety as prescribed in section
40 28-1462 regarding certified ignition interlock devices.

41 C. The department shall send the notice by mail or electronically
42 or digitally to the address provided to the department on the licensee's
43 application or provided to the department pursuant to section 28-448. If
44 an address has not been provided to the department as provided in this
45 subsection, the department shall send the notice to any address known to

1 the department, including the address listed on a traffic citation
2 received by the department.

3 D. Service of the notice provided by this section is complete on
4 mailing. The department shall provide further service of notice only if
5 the department is notified of a change of address pursuant to section
6 28-448.

7 E. Compliance with the mailing provisions of this section
8 constitutes notice of the suspension, revocation, cancellation,
9 disqualification or certified ignition interlock device limitation for
10 purposes of prosecution under section 28-1383, 28-1464 or 28-3473. The
11 state is not required to prove actual receipt of the notice or actual
12 knowledge of the suspension, revocation, cancellation, disqualification or
13 certified ignition interlock device limitation.

14 F. Compliance with the mailing provisions of this section
15 constitutes notice of suspension or restriction for the purposes of
16 suspension or restriction under section 28-3320. The state is not
17 required to prove actual receipt of the notice or actual knowledge of the
18 suspension or restriction.

19 G. For the purposes of this section:

20 1. "Certified ignition interlock device" has the same meaning
21 prescribed in section 28-1301.

22 2. "Mail" or "mailing" means delivery by first class or certified
23 mail or through a department electronic or digital system.

24 3. "SPEED INHIBITING DEVICE" HAS THE SAME MEANING PRESCRIBED IN
25 SECTION 28-711.

26 Sec. 3. Section 28-3511, Arizona Revised Statutes, is amended to
27 read:

28 28-3511. Removal and immobilization or impoundment of
29 vehicle; Arizona crime information center database

30 A. A peace officer shall cause the removal and either
31 immobilization or impoundment of a vehicle if the peace officer determines
32 that:

33 1. A person is driving the vehicle while any of the following
34 applies:

35 (a) Except as otherwise provided in this subdivision, the person's
36 driving privilege is revoked for any reason. A peace officer shall not
37 cause the removal and either immobilization or impoundment of a vehicle
38 pursuant to this subdivision if the person's privilege to drive is valid
39 in this state.

40 (b) The person has ~~not ever~~ NEVER been issued a valid driver
41 license or permit by this state and the person does not produce evidence
42 of ever having a valid driver license or permit issued by another
43 jurisdiction. This subdivision does not apply to the operation of an
44 implement of husbandry.

1 (c) The person is subject to an ignition interlock device
2 requirement pursuant to chapter 4 of this title OR A SPEED INHIBITING
3 DEVICE PURSUANT TO SECTION 28-711 and the person is operating a vehicle
4 without a functioning certified ignition interlock device OR A SPEED
5 INHIBITING DEVICE. This subdivision does not apply to the operation of a
6 vehicle due to a substantial emergency as defined in section 28-1464.

7 (d) In furtherance of the illegal presence of an alien in the
8 United States and in violation of a criminal offense, the person is
9 transporting or moving or attempting to transport or move an alien in this
10 state in a vehicle if the person knows or recklessly disregards the fact
11 that the alien has come to, has entered or remains in the United States in
12 violation of law.

13 (e) The person is concealing, harboring or shielding or attempting
14 to conceal, harbor or shield from detection an alien in this state in a
15 vehicle if the person knows or recklessly disregards the fact that the
16 alien has come to, entered or remains in the United States in violation of
17 law.

18 2. A person is driving ~~a~~ THE vehicle in violation of section
19 28-693 and the peace officer reasonably believes that allowing the person
20 to continue driving the vehicle would expose other persons to the risk of
21 serious bodily injury or death.

22 3. A person is driving ~~a~~ THE vehicle in violation of section
23 28-708 and the peace officer reasonably believes that allowing the person
24 to continue driving the vehicle would expose other persons to the risk of
25 serious bodily injury or death.

26 4. A person is obstructing a highway or other public thoroughfare
27 in violation of section 13-2906 and the peace officer reasonably believes
28 that allowing the person to continue driving the vehicle would expose
29 other persons to the risk of serious bodily injury or death.

30 5. The vehicle is displayed for sale or for transfer of ownership
31 with a vehicle identification number that has been destroyed, removed,
32 covered, altered or defaced.

33 B. A peace officer shall cause the removal and impoundment of a
34 vehicle if the peace officer determines that a person is driving the
35 vehicle and if all of the following apply:

36 1. The person's driving privilege is canceled or revoked for any
37 reason or the person has not ever been issued a driver license or permit
38 by this state and the person does not produce evidence of ever having a
39 driver license or permit issued by another jurisdiction.

40 2. The person is not in compliance with the financial
41 responsibility requirements of chapter 9, article 4 of this title.

42 3. The person is driving a vehicle that is involved in an accident
43 that results in either property damage or injury to or death of another
44 person.

1 C. Except as provided in subsection D of this section, while a
2 peace officer has control of the vehicle the peace officer shall cause the
3 removal and either immobilization or impoundment of the vehicle if the
4 peace officer has probable cause to arrest the driver of the vehicle for a
5 violation of section 4-244, paragraph 34 or section 28-1382 or 28-1383.

6 D. A peace officer shall not cause the removal and either the
7 immobilization or impoundment of a vehicle pursuant to subsection C of
8 this section if all of the following apply:

9 1. The peace officer determines that the vehicle is currently
10 registered and that the driver or the vehicle is in compliance with the
11 financial responsibility requirements of chapter 9, article 4 of this
12 title.

13 2. Another person is with the driver at the time of the arrest.

14 3. The peace officer has reasonable grounds to believe that the
15 other person who is with the driver at the time of the arrest meets all of
16 the following:

17 (a) Has a valid driver license.

18 (b) Is not impaired by intoxicating liquor, any drug, a vapor
19 releasing substance containing a toxic substance or any combination of
20 liquor, drugs or vapor releasing substances.

21 (c) Does not have any spirituous liquor in the person's body if the
22 person is under twenty-one years of age.

23 4. The other person who is with the driver at the time of the
24 arrest notifies the peace officer that the person will drive the vehicle
25 from the place of arrest to the driver's home or other place of safety.

26 5. The other person drives the vehicle as prescribed by paragraph 4
27 of this subsection.

28 E. Except as provided in subsection H of this section and as
29 otherwise provided in this article, a vehicle that is removed and either
30 immobilized or impounded pursuant to subsection A, B or C of this section
31 shall be immobilized or impounded for twenty days. An insurance company
32 does not have a duty to pay any benefits for charges or fees for
33 immobilization or impoundment.

34 F. The owner of a vehicle that is removed and either immobilized or
35 impounded pursuant to subsection A, B or C of this section, the spouse of
36 the owner and each person who has provided the department with indicia of
37 ownership as prescribed in section 28-3514 or other interest in the
38 vehicle that exists immediately before the immobilization or impoundment
39 shall be provided with an opportunity for an immobilization or poststorage
40 hearing pursuant to section 28-3514.

41 G. A law enforcement agency that employs the peace officer who
42 removes and either immobilizes or impounds a vehicle pursuant to this
43 section shall enter information about the removal and either
44 immobilization or impoundment of the vehicle in the Arizona crime

1 information center database within three business days after the removal
2 and either immobilization or impoundment.

3 H. A vehicle that is removed and either immobilized or impounded
4 pursuant to subsection A, paragraph 4 of this section shall be immobilized
5 or impounded for seven days.

6 Sec. 4. Section 28-3512, Arizona Revised Statutes, is amended to
7 read:

8 28-3512. Release of vehicle; civil penalties; definitions

9 A. An immobilizing or impounding agency shall release a vehicle
10 before the end of the immobilization or impoundment period as follows:

11 1. To the registered owner, if the vehicle is a stolen vehicle.

12 2. To the registered owner, if the vehicle is subject to bailment
13 and is driven by an employee of a business establishment, including a
14 parking service or repair garage, who is subject to section 28-3511,
15 subsection A, B or C.

16 3. To the registered owner, if the owner was operating the vehicle
17 at the time of removal and either immobilization or impoundment and
18 presents proof satisfactory to the immobilizing or impounding agency that
19 the owner's driving privilege has been reinstated.

20 4. To the registered owner, if all of the following apply:

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

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

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

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

28 5. Except as provided in paragraph 7 of this subsection, to the
29 spouse of the registered owner or any person who is identified as an owner
30 of the vehicle on the records of the department at the time of removal and
31 either immobilization or impoundment, if the spouse or person was not the
32 driver of the vehicle at the time of removal and either immobilization or
33 impoundment and the spouse or person enters into an agreement with the
34 immobilizing or impounding agency that stipulates that if the spouse or
35 person allows a driver who does not have a valid driving privilege or a
36 driver who commits a violation that causes the spouse's or person's
37 vehicle to be removed and either immobilized or impounded pursuant to this
38 article within one year after any agreement is signed by an immobilizing
39 or impounding agency, the spouse or person will not be eligible to obtain
40 release of the spouse's or person's vehicle before the end of the
41 immobilization or impoundment period.

42 6. To the motor vehicle dealer, if the vehicle is owned by a motor
43 vehicle dealer who has paid fees pursuant to section 28-4302 and is driven
44 by a customer, potential customer or employee of the motor vehicle dealer
45 and the motor vehicle dealer has provided to the immobilizing or

1 impounding agency indicia of the motor vehicle dealer's ownership of the
2 vehicle, including a certificate of title or a manufacturer-issued
3 certificate or statement of origin.

4 7. To any person who is identified as an owner of the vehicle on
5 the records of the department at the time of removal and either
6 immobilization or impoundment, if the vehicle is a commercial motor
7 vehicle, a street sweeper or heavy equipment as defined in section 28-854
8 and the person was not the driver of the vehicle at the time of removal
9 and either immobilization or impoundment.

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

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

16 2. Proof of current vehicle registration or a valid salvage or
17 dismantle certificate of title.

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

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

32 C. The owner or the owner's spouse if the vehicle is released to
33 the owner's spouse is responsible for paying all immobilization, towing
34 and storage charges related to the immobilization or impoundment of the
35 vehicle and any administrative charges established pursuant to section
36 28-3513, unless the vehicle is stolen and the theft was reported to the
37 appropriate law enforcement agency. If the vehicle is stolen and the
38 theft was reported to the appropriate law enforcement agency, the operator
39 of the vehicle at the time of immobilization or impoundment is responsible
40 for all immobilization, towing, storage and administrative charges.

41 D. Before the end of the immobilization or impoundment period, the
42 immobilizing or impounding agency shall release a vehicle to a person,
43 other than the owner, identified on the department's record as having an
44 interest in the vehicle immediately before the immobilization or
45 impoundment if all of the following conditions are met:

1 1. The person is either of the following:

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

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

9 2. The person pays all immobilization, towing and storage charges
10 related to the immobilization or impoundment of the vehicle and any
11 administrative charges established pursuant to section 28-3513 unless the
12 vehicle is stolen and the theft was reported to the appropriate law
13 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
15 the time of immobilization or impoundment is responsible for all
16 immobilization, towing, storage and administrative charges.

17 3. The person presents foreclosure documents or an affidavit of
18 repossession of the vehicle.

19 4. The person requesting release of the vehicle was not the person
20 driving the vehicle at the time of removal and immobilization or
21 impoundment.

22 E. Before a person described in subsection D of this section
23 releases the vehicle to the owner who was operating the vehicle at the
24 time of removal and immobilization or impoundment, the person described in
25 subsection D of this section shall require the owner to present and shall
26 retain for a period of at least three years from the date of releasing the
27 vehicle a copy of all of the following:

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

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

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

34 F. The person described in subsection D of this section may require
35 the owner to pay charges that the person incurred in connection with
36 obtaining custody of the vehicle, including all immobilization, towing and
37 storage charges that are related to the immobilization or impoundment of
38 the vehicle and any administrative charges that are established pursuant
39 to section 28-3513.

40 G. A vehicle shall not be released after the end of the
41 immobilization or impoundment period unless the owner or owner's agent
42 presents all of the following to the impounding or immobilizing agency:

43 1. A valid driver license issued by this state or by the owner's or
44 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
6 certified ignition interlock device OR A SPEED INHIBITING DEVICE on the
7 vehicle, proof of installation of a functioning certified ignition
8 interlock device OR A SPEED INHIBITING DEVICE in the vehicle. The
9 impounding agency, storage yard, facility, person or agency having
10 physical possession of the vehicle shall allow access during normal
11 business hours to the impounded vehicle for the purpose of installing a
12 certified ignition interlock device OR A SPEED INHIBITING DEVICE. The
13 impounding agency, storage yard, facility, person or agency having
14 physical possession of the vehicle shall not charge any fee or require
15 compensation for providing access to the vehicle or for the installation
16 of the certified ignition interlock device OR A SPEED INHIBITING DEVICE.

17 H. The storage charges relating to the impoundment of a vehicle
18 pursuant to this section shall be subject to a contractual agreement
19 between the impounding agency and a towing firm for storage services
20 pursuant to section 41-1830.51 and shall be \$25 for each day of storage,
21 including any time the vehicle remains in storage after the end of the
22 impoundment period.

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

30 J. A person who enters into an agreement pursuant to subsection A,
31 paragraph 5 of this section and who allows another person to operate the
32 vehicle in violation of the agreement is responsible for a civil traffic
33 violation and shall pay a civil penalty of at least \$250.

34 K. A person described in subsection D, paragraph 1 of this section
35 who violates subsection E of this section is responsible for a civil
36 traffic violation and shall pay a civil penalty of at least \$250.

37 L. For the purposes of this section: ~~—~~

38 1. "Certified ignition interlock device" has the same meaning
39 prescribed in section 28-1301.

40 2. "SPEED INHIBITING DEVICE" HAS THE SAME MEANING PRESCRIBED IN
41 SECTION 28-711.

1 Sec. 5. Section 28-4848, Arizona Revised Statutes, is amended to
2 read:

3 28-4848. Access to vehicle; ignition interlock service
4 provider; lienholder; fee prohibited; violation;
5 classification

6 A. A towing company, storage yard, facility or person that has
7 physical possession of a vehicle that was removed pursuant to section
8 9-499.05, 11-251.04 or 28-872, that was impounded pursuant to chapter 8,
9 article 9 of this title or that was abandoned shall provide access during
10 normal business hours to a person who presents evidence that the person
11 either:

12 1. Is certified by the department as an ignition interlock device
13 **OR A SPEED INHIBITING DEVICE** manufacturer or ignition interlock service
14 provider and requires access to the vehicle for the purpose of removing
15 the device from the vehicle.

16 2. Is listed as a lienholder on the department's records for the
17 vehicle and requires access to the vehicle for the purpose of assessing
18 the condition of the vehicle.

19 B. After complying with subsection C of this section, an ignition
20 interlock device **OR A SPEED INHIBITING DEVICE** manufacturer or ignition
21 interlock service provider or a lienholder who is denied access to a
22 vehicle by a towing company, storage yard, facility or person that has
23 physical possession of the vehicle may report the denial to the impounding
24 agency or a law enforcement agency that has jurisdiction in the city or
25 county in which the vehicle is being stored and may submit a written
26 request for assistance as prescribed by the impounding agency or law
27 enforcement agency to obtain access to the vehicle for the purposes
28 prescribed in this section. The impounding agency or the law enforcement
29 agency shall provide assistance to the lienholder in obtaining access to
30 the vehicle within five business days after the date the written request
31 is received by the impounding agency or law enforcement agency.

32 C. A towing company, storage yard, facility or person that has
33 physical possession of a vehicle as prescribed in subsection A of this
34 section shall provide access during normal business hours to an ignition
35 interlock device **OR A SPEED INHIBITING DEVICE** manufacturer or ignition
36 interlock service provider or lienholder who submits a request for access
37 to a vehicle. The request for access shall be in writing, shall contain
38 the name, address and telephone number of the person making the request
39 for access to the vehicle and either:

40 1. For a lienholder, shall include a copy of a signed contract,
41 loan agreement or credit agreement indicating the vehicle owner's name,
42 the vehicle identification number, the vehicle make and model or other
43 identifying indicia or a certified record issued by the department listing
44 the person as a lienholder.

1 2. For an ignition interlock device OR A SPEED INHIBITING DEVICE
2 manufacturer or ignition interlock service provider, shall include a copy
3 of a signed contract identifying the make and model or serial number of
4 the ignition interlock device OR THE SPEED INHIBITING DEVICE, the make and
5 model of the vehicle or the vehicle identification number of the vehicle
6 in which the device is installed.

7 D. If the vehicle owner does not inspect the vehicle before removal
8 of the ignition interlock device OR THE SPEED INHIBITING DEVICE by the
9 manufacturer or ignition interlock service provider, or has inspected the
10 vehicle and has had the opportunity to remove personal property in the
11 vehicle, a rebuttable presumption is created that damage to the vehicle
12 and any loss of personal property in the vehicle occurred while the
13 vehicle was not in the custody of the towing company, storage yard,
14 facility or person that has physical possession of the vehicle. The
15 presumption may be overcome by a preponderance of evidence to the
16 contrary.

17 E. This section does not create a cause of action or a right to
18 bring an action against a towing company, storage yard, facility or person
19 that has physical possession of the vehicle for allowing access to a
20 vehicle to a person other than the owner if the written request as
21 prescribed in this section is provided to the towing company, storage
22 yard, facility or person that has physical possession of the vehicle.

23 F. A towing company, storage yard, facility or person that has
24 physical possession of a vehicle shall not charge a fee or require or
25 request any compensation for providing access to a vehicle pursuant to
26 this section.

27 G. A person who violates this section is guilty of a class 2
28 misdemeanor.

29 Sec. 6. Effective date

30 This act is effective from and after June 30, 2026.