

REFERENCE TITLE: vehicle towing rates; regulation

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1127

Introduced by
Senator Payne

AN ACT

AMENDING SECTIONS 9-499.05 AND 11-251.04, ARIZONA REVISED STATUTES;
RELATING TO TOWING COMPANIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 9-499.05, Arizona Revised Statutes, is amended to read:

9-499.05. State preemption; rates for private towing carrier; notice of parking violations; release of motor vehicle; damages; applicability; definition

~~A. The governing body of an incorporated city or town may regulate the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carriers doing business within its boundaries. A private towing carrier is subject to the maximum rate and charge regulation prescribed by the city or town for all such towing, transporting or impounding services if the vehicle being towed or transported is towed from private property located within the boundaries of the city or town.~~

A. THE REGULATION OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS A MATTER OF STATEWIDE CONCERN. THE REGULATION OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.

B. THE RATE FOR TOWING, TRANSPORTING, IMPOUNDING OR STORING A MOTOR VEHICLE SHALL BE THE RATE PUBLISHED IN THE DEPARTMENT OF PUBLIC SAFETY TOW SERVICE AGREEMENT FOR THE LOCATION FROM WHERE THE VEHICLE WAS TOWED.

~~B.~~ C. The owner or agent of the owner of the private property shall be deemed to have given consent to unrestricted parking by the general public in any parking area of the private property unless ~~such~~ THE parking area is posted with signs as prescribed by this subsection ~~which~~ THAT are clearly visible and readable from any point within the parking area and at each entrance. THIS SUBSECTION DOES NOT APPLY IF A VEHICLE IS TOWED FROM A SINGLE-FAMILY RESIDENCE AND THE OWNER OF THE SINGLE-FAMILY RESIDENCE OR A TENANT AT THE SINGLE-FAMILY RESIDENCE IS THE PARTY WHO REQUESTED THE TOW. ~~Such~~ THE signs REQUIRED shall ~~contain~~ MEET, at a minimum, ALL OF the following REQUIREMENTS:

~~1. Restrictions on parking.~~

~~2. Disposition of vehicles found in violation of the parking restrictions.~~

~~3. Maximum cost to the violator, including storage fees and any other charges that could result from the disposition of a vehicle parked in violation of parking restrictions.~~

~~4. Telephone number and address where the violator can locate the violator's vehicle.~~

1 1. BE POSTED IN A MANNER TO FACE AND BE CONSPICUOUSLY VISIBLE TO
2 THE DRIVER OF A VEHICLE THAT ENTERS THE PARKING FACILITY AND BE POSTED ON
3 THE LEFT OR RIGHT SIDE OF EACH DRIVEWAY OR CURB CUT IN WHICH A VEHICLE CAN
4 ENTER THE FACILITY.

5 2. BE CONSTRUCTED USING WEATHER RESISTANT MATERIALS.

6 3. BE A MINIMUM OF NINE INCHES WIDE AND TWELVE INCHES TALL AND NOT
7 MORE THAN TWELVE INCHES WIDE AND EIGHTEEN INCHES TALL.

8 4. CONTAIN ALL OF THE FOLLOWING:

9 (a) THE FOLLOWING LANGUAGE: "UNAUTHORIZED VEHICLES WILL BE TOWED AT
10 THE VEHICLE OWNER'S OR OPERATOR'S EXPENSE PURSUANT TO ARIZONA REVISED
11 STATUTES SECTION 9-499.05."

12 (b) A TELEPHONE NUMBER THAT IS MONITORED TWENTY-FOUR HOURS A DAY
13 THAT ENABLES THE VEHICLE OWNER OR OPERATOR TO LOCATE THE TOWED VEHICLE.

14 (c) THE TOWING AND STORAGE RATE AND INFORMATION ON THE RELEASE OF
15 THE VEHICLE THROUGH A WEBSITE LINK OR QR CODE.

16 5. BE PERMANENTLY MOUNTED ON A POLE, POST, PERMANENT WALL OR
17 PERMANENT BARRIER.

18 ~~C.~~ D. It is unlawful for a private towing carrier to tow or
19 transport a motor vehicle from private property without the permission of
20 the owner or operator of the motor vehicle unless ~~such~~ THE private towing
21 carrier receives a request from a law enforcement agency or the express
22 written permission from the owner or the agent of the owner of the
23 property that has complied with the requirements of subsection ~~B~~ C OF
24 THIS SECTION. The owner or the owner's agent shall either sign each
25 towing order or authorize the tow by a written contract ~~which~~ THAT is
26 valid for a specific length of time. The private towing carrier may not
27 act as the agent of the owner.

28 ~~D. A person who violates subsection C is guilty of a class 2~~
29 ~~misdemeanor.~~

30 E. A PRIVATE TOWING CARRIER SHALL RELEASE AN IMPOUNDED VEHICLE TO
31 THE OWNER OF RECORD OR THE OWNER'S AGENT WHO PAYS THE CHARGES PRESCRIBED
32 PURSUANT TO SUBSECTION B OF THIS SECTION IN A MANNER CONSISTENT WITH THE
33 DEPARTMENT OF PUBLIC SAFETY TOW SERVICE AGREEMENT AND WHO PROVES OWNERSHIP
34 OF THE VEHICLE BY PROVIDING A GOVERNMENT-ISSUED PHOTO IDENTIFICATION AND
35 ONE OF THE FOLLOWING:

36 1. A VALID CERTIFICATE OF TITLE.

37 2. PROOF OF A CURRENT VEHICLE REGISTRATION THAT IS NOT A RESTRICTED
38 USE THREE-DAY PERMIT.

39 3. A REPOSSESSION AFFIDAVIT.

40 4. A HOLD HARMLESS LIABILITY RELEASE FROM LEGAL CLAIMS.

41 5. AN INSURANCE COMPANY RELEASE PURSUANT TO SECTION 28-4847.

42 6. A CERTIFIED VEHICLE RECORD.

43 7. PROOF OF A BONA FIDE SECURITY INTEREST OR OTHER FINANCIAL
44 INTEREST IN THE VEHICLE THAT EXISTS AT THE TIME OF THE VEHICLE TOW.

45 8. PROOF OF A LIEN ON THE VEHICLE, IF APPLICABLE.

F. THE PRIVATE TOWING CARRIER SHALL PROVIDE THE VEHICLE OWNER WITH AN ITEMIZED RECEIPT FOR SERVICES AND, ON REQUEST, SHALL PROVIDE A COPY OF THIS STATUTE TO THE VEHICLE OWNER OR OWNER'S AGENT WHO RECLAIMS THE VEHICLE.

G. A PRIVATE TOWING CARRIER THAT CHARGES A TOWING FEE GREATER THAN THE TOWING FEE THAT IS PRESCRIBED PURSUANT TO SUBSECTION B OF THIS SECTION MAY BE ORDERED TO REIMBURSE THE VEHICLE OWNER FOR ANY OVERCHARGES OR UNAUTHORIZED CHARGES.

H. A PRIVATE TOWING CARRIER OR PARKING FACILITY OWNER THAT INTENTIONALLY, KNOWINGLY OR RECKLESSLY VIOLATES THIS SECTION IS LIABLE TO THE OWNER OF THE VEHICLE THAT IS THE SUBJECT OF THE VIOLATION FOR DAMAGES EQUAL TO TWO TIMES THE AMOUNT OF THE FEES ASSESSED AS PART OF THE VEHICLE'S TOWING AND STORAGE.

~~F.~~ I. This section ~~shall apply~~ APPLIES only to services performed while a person is actually engaged in the activities of a private towing carrier.

~~F.~~ J. ~~The provisions of~~ This section ~~do~~ DOES not apply to abandoned or junk vehicles disposed of pursuant to title 28, chapter 11

~~G.~~ K. For the purposes of this section, "private towing carrier" means any person who commercially offers services to tow, transport or impound motor vehicles from private property without the permission of the owner or operator of the vehicle by use of a truck or other vehicle designed for or adapted to that purpose.

Sec. 2. Section 11-251.04, Arizona Revised Statutes, is amended to read:

11-251.04. State preemption; rates for private towing carrier; release of motor vehicle; damages; applicability; definition

~~A. Except as provided in subsection B of this section, the board of supervisors may regulate the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carriers doing business within the boundaries of the county. A private towing carrier is subject to the maximum rate and charge regulation prescribed by the board of supervisors for all such towing, transporting or impounding services if the vehicle being towed or transported is towed from private property located on property that lies within the boundaries of the county.~~

~~B. The provisions of Subsection A of this section shall not apply to the towing, transporting or impounding of a motor vehicle from private property without the permission of the owner or operator of the vehicle by a private towing carrier where the vehicle being towed or transported is towed or transported from property that lies within the boundaries of an incorporated city or town that has regulated such towing, transporting or impounding pursuant to section 9-499.05.~~

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2 PURSUANT TO THIS SECTION IS A MATTER OF STATEWIDE CONCERN. THE REGULATION
3 OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS
4 NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER
5 POLITICAL SUBDIVISION OF THIS STATE.

6 B. THE RATE FOR TOWING, TRANSPORTING, IMPOUNDING OR STORING A
7 VEHICLE SHALL BE THE RATE PUBLISHED IN THE DEPARTMENT OF PUBLIC SAFETY TOW
8 SERVICE AGREEMENT FOR THE LOCATION FROM WHERE THE VEHICLE WAS TOWED.

9 C. It is unlawful for a private towing carrier to tow or transport
10 a motor vehicle from private property without the permission of the owner
11 or operator of the motor vehicle unless ~~such~~ THE private towing carrier
12 receives a request from a law enforcement agency or the express written
13 permission from the owner or the agent of the owner of the property. The
14 owner or ~~his~~ THE OWNER'S agent shall either sign each towing order or
15 authorize the tow by a written contract ~~which~~ THAT is valid for a specific
16 length of time. The private towing carrier may not act as the agent of
17 the owner.

18 ~~D. A person who violates subsection C is guilty of a class 2~~
19 ~~misdemeanor.~~

20 D. A PRIVATE TOWING CARRIER SHALL RELEASE AN IMPOUNDED VEHICLE TO
21 THE OWNER OF RECORD OR THE OWNER'S AGENT WHO PAYS THE CHARGES PRESCRIBED
22 PURSUANT TO SUBSECTION B OF THIS SECTION IN A MANNER CONSISTENT WITH THE
23 DEPARTMENT OF PUBLIC SAFETY TOW SERVICE AGREEMENT AND WHO PROVES OWNERSHIP
24 OF THE VEHICLE BY PROVIDING A GOVERNMENT-ISSUED PHOTO IDENTIFICATION AND
25 ONE OF THE FOLLOWING:

- 26 1. A VALID CERTIFICATE OF TITLE.
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28 USE THREE-DAY PERMIT.
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- 33 7. PROOF OF A BONA FIDE SECURITY INTEREST OR OTHER FINANCIAL
34 INTEREST IN THE VEHICLE THAT EXISTS AT THE TIME OF THE VEHICLE TOW.
- 35 8. PROOF OF A LIEN ON THE VEHICLE, IF APPLICABLE.

36 E. THE PRIVATE TOWING CARRIER SHALL PROVIDE THE VEHICLE OWNER WITH
37 AN ITEMIZED RECEIPT FOR SERVICES AND, ON REQUEST, SHALL PROVIDE A COPY OF
38 THIS STATUTE TO THE VEHICLE OWNER OR OWNER'S AGENT WHO RECLAIMS THE
39 VEHICLE.

40 F. A PRIVATE TOWING CARRIER THAT CHARGES A TOWING FEE GREATER THAN
41 THE TOWING FEE THAT IS PRESCRIBED PURSUANT TO SUBSECTION B OF THIS SECTION
42 MAY BE ORDERED TO REIMBURSE THE VEHICLE OWNER OF ANY OVERCHARGES OR
43 UNAUTHORIZED CHARGES.

1 G. A PRIVATE TOWING CARRIER OR PARKING FACILITY OWNER THAT
2 INTENTIONALLY, KNOWINGLY OR RECKLESSLY VIOLATES THIS SECTION IS LIABLE TO
3 THE OWNER OF THE VEHICLE THAT IS THE SUBJECT OF THE VIOLATION FOR DAMAGES
4 EQUAL TO TWO TIMES THE AMOUNT OF THE FEES ASSESSED AS PART OF THE
5 VEHICLE'S TOWING AND STORAGE.

6 ~~F.~~ H. This section ~~shall apply~~ APPLIES only to services performed
7 while a person is actually engaged in the activities of a private towing
8 carrier.

9 ~~F.~~ I. For the purposes of this section, "private towing carrier"
10 means any person who commercially offers services to tow, transport or
11 impound motor vehicles from private property without the permission of the
12 owner or operator of the vehicle by use of a truck or other vehicle
13 designed for or adapted to that purpose.