

REFERENCE TITLE: private towing carriers; regulation; rates

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2305

Introduced by
Representative Biasiucci

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 9-499.05. State preemption; rates for private towing carrier;
5 notice of parking violations; photographic
6 documentation; tow carrier identification;
7 release of motor vehicle; damages; violation;
8 classification; applicability; definition

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

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

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

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

- 36 ~~1. Restrictions on parking.~~
- 37 ~~2. Disposition of vehicles found in violation of the parking~~
38 ~~restrictions.~~
- 39 ~~3. Maximum cost to the violator, including storage fees and any~~
40 ~~other charges that could result from the disposition of a vehicle parked~~
41 ~~in violation of parking restrictions.~~
- 42 ~~4. Telephone number and address where the violator can locate the~~
43 ~~violator's vehicle.~~

- 1 1. BE POSTED IN A MANNER TO FACE AND BE CONSPICUOUSLY VISIBLE TO
- 2 THE DRIVER OF A MOTOR VEHICLE THAT ENTERS THE PARKING FACILITY AND BE
- 3 POSTED ON THE LEFT OR RIGHT SIDE OF EACH DRIVEWAY OR CURB CUT IN WHICH A
- 4 MOTOR VEHICLE CAN 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 MOTOR VEHICLE OWNER'S OR OPERATOR'S EXPENSE PURSUANT TO ARIZONA
- 11 REVISED STATUTES SECTION 9-499.05".
- 12 (b) A TELEPHONE NUMBER THAT IS MONITORED TWENTY-FOUR HOURS A DAY
- 13 THAT ENABLES THE MOTOR VEHICLE OWNER OR OPERATOR TO LOCATE THE TOWED MOTOR
- 14 VEHICLE.
- 15 (c) THE TOWING AND STORAGE RATE AND INFORMATION ON THE RELEASE OF
- 16 THE MOTOR VEHICLE THROUGH A WEBSITE LINK OR QR CODE.
- 17 5. BE PERMANENTLY MOUNTED ON A POLE, POST, PERMANENT WALL OR
- 18 PERMANENT BARRIER.
- 19 ~~C.~~ D. It is unlawful for a private towing carrier to tow or
- 20 transport a motor vehicle from private property without the permission of
- 21 the owner or operator of the motor vehicle unless ~~such~~ THE private towing
- 22 carrier receives a request from a law enforcement agency or the express
- 23 written permission from the owner or the agent of the owner of the
- 24 property that has complied with the requirements of subsection ~~B~~ C OF
- 25 THIS SECTION. The owner or the owner's agent shall either sign each
- 26 towing order or authorize the tow by a written contract ~~which~~ THAT is
- 27 valid for a specific length of time. The private towing carrier may not
- 28 act as the agent of the owner.
- 29 ~~D. A person who violates subsection C is guilty of a class 2~~
- 30 ~~misdemeanor.~~
- 31 E. BEFORE MECHANICALLY CONNECTING A MOTOR VEHICLE TO A PRIVATE
- 32 TOWING CARRIER, THE PRIVATE TOWING CARRIER SHALL DOCUMENT, THROUGH THE USE
- 33 OF DATE-AND-TIME-STAMPED DIGITAL PHOTOGRAPHY OR DIGITAL VIDEO, THE NATURE
- 34 OF THE PRIVATE PARKING VIOLATION. THE PRIVATE TOWING CARRIER SHALL
- 35 PROVIDE ALL PHOTOGRAPHIC OR VIDEO IMAGES TO THE OWNER OF THE MOTOR VEHICLE
- 36 OR THE OWNER'S AGENT, IF REQUESTED. THE PHOTOGRAPHIC EVIDENCE SHALL
- 37 INCLUDE ALL OF THE FOLLOWING:
- 38 1. IMAGES OF THE MOTOR VEHICLE BEING TOWED.
- 39 2. IMAGES OF THE SIGNAGE REQUIRED PURSUANT TO SUBSECTION C OF THIS
- 40 SECTION, IF APPLICABLE.
- 41 3. IMAGES OF THE ENTIRE MOTOR VEHICLE TAKEN FROM ALL FOUR CORNERS
- 42 OF THE MOTOR VEHICLE.
- 43 4. IMAGES OF THE MOTOR VEHICLE'S LICENSE PLATE OR MOTOR VEHICLE
- 44 IDENTIFICATION NUMBER.

1 F. ANY PERSON TOWING A MOTOR VEHICLE FROM PRIVATE PROPERTY WITHOUT
2 THE PERMISSION OF THE MOTOR VEHICLE'S OWNER OR THE OWNER'S AGENT SHALL
3 NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN ONE HOUR AFTER
4 MECHANICALLY CONNECTING THE MOTOR VEHICLE TO A PRIVATE TOWING
5 CARRIER. THE PRIVATE TOWING CARRIER SHALL PROVIDE THE APPROPRIATE LAW
6 ENFORCEMENT AGENCY WITH ALL OF THE FOLLOWING INFORMATION:

- 7 1. THE NAME AND ADDRESS OF THE MOTOR VEHICLE'S OWNER, IF KNOWN.
- 8 2. THE MOTOR VEHICLE'S LICENSE PLATE NUMBER AND VEHICLE
9 IDENTIFICATION NUMBER AND A DESCRIPTION OF THE MOTOR VEHICLE.
- 10 3. THE REASON FOR THE TOW OF THE MOTOR VEHICLE.
- 11 4. THE STREET ADDRESS OF THE IMPOUND LOT WHERE THE MOTOR VEHICLE
12 WILL BE IMPOUNDED.
- 13 5. THE NAME AND ADDRESS OF THE PRIVATE TOWING CARRIER THAT WILL TOW
14 THE MOTOR VEHICLE AND THE NAME OF THE PERSON WHO WILL TOW THE MOTOR
15 VEHICLE ON BEHALF OF THE PRIVATE TOWING CARRIER.
- 16 6. A PHONE NUMBER THAT IS ANSWERED TWENTY-FOUR HOURS A DAY, SEVEN
17 DAYS A WEEK FOR THE PRIVATE TOWING CARRIER AND THE IMPOUND LOT WHERE THE
18 MOTOR VEHICLE WILL BE IMPOUNDED.

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

- 26 1. A VALID CERTIFICATE OF TITLE.
- 27 2. PROOF OF A CURRENT VEHICLE REGISTRATION THAT IS NOT A RESTRICTED
28 USE THREE-DAY PERMIT.
- 29 3. A REPOSSESSION AFFIDAVIT AND A HOLD HARMLESS LIABILITY RELEASE
30 FROM LEGAL CLAIMS.
- 31 4. AN INSURANCE COMPANY RELEASE PURSUANT TO SECTION 28-4847.
- 32 5. A CERTIFIED VEHICLE RECORD.
- 33 6. PROOF OF A BONA FIDE SECURITY INTEREST OR OTHER FINANCIAL
34 INTEREST IN THE MOTOR VEHICLE THAT EXISTS AT THE TIME OF THE MOTOR VEHICLE
35 TOW.

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

40 I. 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 MOTOR VEHICLE OWNER FOR ANY OVERCHARGES OR
43 UNAUTHORIZED CHARGES.

1 J. 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 MOTOR VEHICLE THAT IS THE SUBJECT OF THE VIOLATION FOR
4 DAMAGES EQUAL TO TWO TIMES THE AMOUNT OF THE FEES ASSESSED AS PART OF THE
5 MOTOR VEHICLE'S TOWING AND STORAGE.

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

11 M. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2
12 MISDEMEANOR.

13 N. THIS SECTION DOES NOT APPLY TO AGREEMENTS ENTERED INTO BETWEEN
14 LAW ENFORCEMENT AGENCIES AND PRIVATE TOWING CARRIERS FOR LAW
15 ENFORCEMENT-INITIATED TOWING SERVICES.

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

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

23 11-251.04. State preemption; rates for private towing
24 carrier; release of motor vehicle; damages;
25 applicability; definition

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

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

43 A. THE REGULATION OF TOWING RATES FOR PRIVATE TOWING CARRIERS
44 PURSUANT TO THIS SECTION IS A MATTER OF STATEWIDE CONCERN. THE REGULATION
45 OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS

1 NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER
2 POLITICAL SUBDIVISION OF THIS STATE.

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

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

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

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

- 24 1. A VALID CERTIFICATE OF TITLE.
- 25 2. PROOF OF A CURRENT VEHICLE REGISTRATION THAT IS NOT A RESTRICTED
26 USE THREE-DAY PERMIT.
- 27 3. A REPOSSESSION AFFIDAVIT AND A HOLD HARMLESS LIABILITY RELEASE
28 FROM LEGAL CLAIMS.
- 29 4. AN INSURANCE COMPANY RELEASE PURSUANT TO SECTION 28-4847.
- 30 5. A CERTIFIED VEHICLE RECORD.
- 31 6. PROOF OF A BONA FIDE SECURITY INTEREST OR OTHER FINANCIAL
32 INTEREST IN THE MOTOR VEHICLE THAT EXISTS AT THE TIME OF THE MOTOR VEHICLE
33 TOW.
- 34 7. PROOF OF A LIEN ON THE MOTOR VEHICLE, IF APPLICABLE.

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

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

43 G. A PRIVATE TOWING CARRIER OR PARKING FACILITY OWNER THAT
44 INTENTIONALLY, KNOWINGLY OR RECKLESSLY VIOLATES THIS SECTION IS LIABLE TO
45 THE OWNER OF THE MOTOR VEHICLE THAT IS THE SUBJECT OF THE VIOLATION FOR

1 DAMAGES EQUAL TO TWO TIMES THE AMOUNT OF THE FEES ASSESSED AS PART OF THE
2 MOTOR VEHICLE'S TOWING AND STORAGE.

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

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