

REFERENCE TITLE: excessive speed; speed inhibiting device

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

HB 2417

Introduced by
Representatives Nguyen: Livingston, Martinez, Rivero, Volk, Wilmeth;
Senator Carroll

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 A PERSON'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE IS
8 SUSPENDED OR REVOKED FOR A VIOLATION DESCRIBED IN THIS SUBSECTION, EXCEPT
9 FOR A NOTICE OF VIOLATION THAT WAS OBTAINED BY USING A PHOTO ENFORCEMENT
10 SYSTEM, IN LIEU OF THE SUSPENSION OR REVOCATION AND ON REQUEST OF THE
11 PERSON, THE COURT MAY ORDER THAT THE DEPARTMENT REQUIRE THE INSTALLATION
12 OF A SPEED INHIBITING DEVICE ON ANY MOTOR VEHICLE THE PERSON OPERATES IN
13 ADDITION TO ANY OTHER PENALTY PRESCRIBED BY LAW, INCLUDING DEFENSIVE
14 DRIVING SCHOOL PURSUANT TO CHAPTER 8, ARTICLE 7 OF THIS TITLE OR TRAFFIC
15 SURVIVAL SCHOOL PURSUANT TO CHAPTER 8, ARTICLE 7.1 OF THIS TITLE. IF THE
16 LICENSE OF A PERSON IS SUSPENDED OR REVOKED PURSUANT TO THIS SECTION WHILE
17 THE PERSON WAS OPERATING A MOTORCYCLE OR OFF-HIGHWAY VEHICLE, THE PERSON
18 IS ELIGIBLE FOR USE OF A SPEED INHIBITING DEVICE ONLY ON A MOTOR VEHICLE.
19 ON RECEIPT OF AN ORDER FROM THE COURT, THE DEPARTMENT SHALL REQUIRE A
20 SPEED INHIBITING DEVICE TO BE INSTALLED ON ANY MOTOR VEHICLE A PERSON
21 OPERATES FOR A PERIOD THAT IS EQUIVALENT TO THE LENGTH OF THE SUSPENSION
22 OR REVOCATION OF THE PERSON'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE
23 THAT WOULD HAVE OTHERWISE BEEN IMPOSED FOR THE FOLLOWING IF THE PERSON:

24 1. IS CONVICTED OF A FIRST VIOLATION OF SECTION 28-693, 28-695 OR
25 28-708 AND A SUSPENSION OR REVOCATION OF THE PERSON'S LICENSE OR
26 NONRESIDENT OPERATING PRIVILEGE IS REQUIRED.

27 2. HAS ASSESSED POINTS AGAINST THE PERSON'S DRIVING RECORD THAT
28 WOULD REQUIRE A ONE-YEAR SUSPENSION OF THE PERSON'S LICENSE OR NONRESIDENT
29 OPERATING PRIVILEGE FOR ACCUMULATING EXCESSIVE POINTS PURSUANT TO RULES
30 ADOPTED BY THE DEPARTMENT.

31 3. IS CONVICTED OF A SECOND VIOLATION OF SECTION 28-693, 28-695 OR
32 28-708 WITHIN A TWENTY-FOUR MONTH PERIOD. A PERSON WHO IS CONVICTED OF A
33 VIOLATION DESCRIBED IN THIS PARAGRAPH AND WHO IS ORDERED BY THE COURT TO
34 INSTALL A SPEED INHIBITING DEVICE PURSUANT TO THIS SECTION IS NOT SUBJECT
35 TO ANY MINIMUM SUSPENSION OF A LICENSE OR NONRESIDENT OPERATING PRIVILEGE.

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

38 B. IF A PERSON IS REQUIRED TO INSTALL A SPEED INHIBITING DEVICE
39 PURSUANT TO THIS SECTION, THE PERSON SHALL PAY THE COST FOR INSTALLING AND
40 MAINTAINING THE SPEED INHIBITING DEVICE. THE DEPARTMENT MAY CHARGE A FEE
41 FOR INSTALLATION.

42 C. THE MANUFACTURER OR PROVIDER OF A SPEED INHIBITING DEVICE SHALL
43 ELECTRONICALLY PROVIDE TO THE DEPARTMENT PROOF OF INSTALLATION BY THE
44 PERSON WHOSE DRIVING PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION IN THE
45 MANNER AND FORMAT PRESCRIBED BY THE DEPARTMENT BY RULE, AND THE DEPARTMENT

1 SHALL REJECT ANY INFORMATION THAT DOES NOT MEET THESE REQUIREMENTS,
2 INCLUDING PROOF OF:

3 1. THE INSTALLATION OF A FUNCTIONING SPEED INHIBITING DEVICE IN
4 EACH MOTOR VEHICLE THAT IS OPERATED BY THE PERSON.

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

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

8 4. THE REMOVAL OF THE SPEED INHIBITING DEVICE FROM ANY MOTOR
9 VEHICLE THAT IS OPERATED BY THE PERSON.

10 5. A COPY OF THE NOTIFICATION PROVIDED TO THE PERSON THAT THE
11 PERSON HAS COMPLETED THE TERM REQUIRING THE INSTALLATION OF THE SPEED
12 INHIBITING DEVICE.

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

14 D. THE DEPARTMENT MAY NOT REINSTATE THE PERSON'S LICENSE OR
15 NONRESIDENT OPERATING PRIVILEGE UNTIL THE PERSON HAS INSTALLED A
16 FUNCTIONING SPEED INHIBITING DEVICE IN EACH MOTOR VEHICLE THAT IS OPERATED
17 BY THE PERSON AND THE MANUFACTURER OR PROVIDER OF THE SPEED INHIBITING
18 DEVICE HAS PROVIDED PROOF OF INSTALLATION TO THE DEPARTMENT.

19 E. IF THE MANUFACTURER OR PROVIDER OF THE SPEED INHIBITING DEVICE
20 DOES NOT SUBMIT PROOF OF COMPLIANCE BY THE PERSON WHOSE DRIVING PRIVILEGE
21 IS LIMITED PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL SUSPEND THE
22 PERSON'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE UNTIL PROOF OF
23 COMPLIANCE IS SUBMITTED TO THE DEPARTMENT. ON NOTIFICATION OF
24 NONCOMPLIANCE FROM THE COURT, THE DEPARTMENT SHALL IMMEDIATELY SUSPEND THE
25 PERSON'S LICENSE OR NONRESIDENT OPERATING PRIVILEGE.

26 F. A PERSON WHOSE DRIVER LICENSE IS SUSPENDED PURSUANT TO THIS
27 SECTION MAY SUBMIT A WRITTEN REQUEST FOR A HEARING. THE WRITTEN REQUEST
28 MUST BE RECEIVED BY THE DEPARTMENT WITHIN FIFTEEN DAYS AFTER THE DATE OF
29 THE ORDER OF SUSPENSION. ON RECEIPT OF A REQUEST FOR A HEARING, A HEARING
30 SHALL BE HELD WITHIN THIRTY DAYS. A TIMELY REQUEST FOR A HEARING STAYS
31 THE SUSPENSION UNTIL A HEARING IS HELD, EXCEPT THAT THE DEPARTMENT MAY NOT
32 RETURN ANY SURRENDERED DRIVER LICENSE OR PERMIT TO THE PERSON BUT MAY
33 ISSUE A TEMPORARY DRIVER LICENSE OR PERMIT TO DRIVE THAT EXPIRES NOT LATER
34 THAN WHEN THE DEPARTMENT HAS MADE ITS FINAL DECISION. HEARINGS REQUESTED
35 PURSUANT TO THIS SUBSECTION SHALL BE CONDUCTED IN THE SAME MANNER AND
36 UNDER THE SAME CONDITIONS AS PROVIDED IN SECTION 28-3306, AND THE SCOPE OF
37 THE HEARING SHALL INCLUDE ONLY THE FOLLOWING ISSUES:

38 1. WHETHER THE PERSON WAS ORDERED OR REQUIRED TO EQUIP A MOTOR
39 VEHICLE THAT IS OPERATED BY THE PERSON WITH A SPEED INHIBITING DEVICE
40 PURSUANT TO THIS SECTION.

41 2. WHETHER THE MANUFACTURER OR PROVIDER OF THE SPEED INHIBITING
42 DEVICE PROVIDED PROOF OF COMPLIANCE PURSUANT TO THIS SECTION.

43 G. IF A PERSON IS REQUIRED TO INSTALL A SPEED INHIBITING DEVICE
44 PURSUANT TO THIS SECTION AND THE PERSON IS FOUND TO BE OPERATING A MOTOR
45 VEHICLE WITHOUT A SPEED INHIBITING DEVICE INSTALLED EXCEPT AS PROVIDED IN

1 SUBSECTION I OF THIS SECTION, THE PERSON IS GUILTY OF A CLASS 1
2 MISDEMEANOR. ON NOTIFICATION FROM THE COURT, THE DEPARTMENT SHALL
3 IMMEDIATELY SUSPEND THE PERSON'S LICENSE OR NONRESIDENT OPERATING
4 PRIVILEGE. THE DURATION OF THE SUSPENSION OF THE LICENSE OR NONRESIDENT
5 OPERATING PRIVILEGE MUST BE THE LENGTH OF THE ORIGINAL SENTENCE, AND NO
6 TIME MAY BE CREDITED TO THE ORIGINAL LENGTH OF SUSPENSION.

7 H. AFTER CONSULTING WITH THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
8 SAFETY, THE ASSISTANT DIRECTOR FOR THE MOTOR VEHICLE DIVISION OF THE
9 DEPARTMENT OF TRANSPORTATION SHALL:

10 1. ADOPT RULES PRESCRIBING THE REQUIREMENTS FOR A SPEED INHIBITING
11 DEVICE. THE RULES MUST INCLUDE:

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

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

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

17 (d) THE PROCEDURE FOR DECERTIFYING A SPEED INHIBITING DEVICE FOR
18 CAUSE.

19 (e) THE PROCEDURE TO ENSURE A PERSON INSTALLS A SPEED INHIBITING
20 DEVICE ON ANY MOTOR VEHICLE OPERATED BY THE PERSON WITHIN TWENTY DAYS IF
21 THE ORIGINAL MOTOR VEHICLE WITH A SPEED INHIBITING DEVICE INSTALLED IS
22 SOLD, LOST, STOLEN, WRECKED OR SCRAPPED.

23 (f) THE PROCEDURES AND HEARING RIGHTS FOR THE DEPARTMENT TO APPROVE
24 EARLY REMOVAL, REINSTALLATION OR OPT OUT BY THE PERSON FOR THE SPEED
25 INHIBITING DEVICE IF THE PERSON NO LONGER POSSESSES A MOTOR VEHICLE OR IS
26 NO LONGER ABLE TO FINISH THE REQUIRED TIME FRAME FOR THE INSTALLATION OF
27 THE SPEED INHIBITING DEVICE.

28 (g) THE PROCEDURES FOR COMPLIANCE REPORTING RELATING TO TAMPERING
29 WITH AND CIRCUMVENTION OF SPEED INHIBITING DEVICES.

30 2. CERTIFY SPEED INHIBITING DEVICES. ANY SPEED INHIBITING DEVICE
31 MAY NOT BE CERTIFIED UNTIL:

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

35 (b) THE MANUFACTURER OF THE SPEED INHIBITING DEVICE INDEMNIFIES
36 THIS STATE AGAINST ANY LIABILITY THAT MAY RESULT FROM THE USE OF THE SPEED
37 INHIBITING DEVICE.

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

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

42 (e) THE SPEED INHIBITING DEVICE INCLUDES AN OVERRIDE FEATURE TO BE
43 USED BY THE PERSON. THE OVERRIDE FEATURE MUST:

44 (i) BE AVAILABLE NOT MORE THAN THREE TIMES DURING A THIRTY-DAY
45 PERIOD.

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

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

6 4. MAKE THE LIST AVAILABLE TO THE COURTS AND PROBATION DEPARTMENTS
7 WITHOUT CHARGE.

8 5. ESTABLISH STANDARDS AND QUALIFICATIONS FOR TECHNICIANS.

9 6. ADOPT A WARNING LABEL DESIGN TO BE AFFIXED TO EACH SPEED
10 INHIBITING DEVICE ON INSTALLATION. THE LABEL MUST CONTAIN A WARNING THAT
11 A PERSON TAMPERING WITH, CIRCUMVENTING OR OTHERWISE MISUSING THE SPEED
12 INHIBITING DEVICE IS GUILTY OF A CLASS 1 MISDEMEANOR.

13 7. ADOPT RULES THAT ALLOW THE DIRECTOR TO IMPOSE A CIVIL PENALTY
14 AGAINST A MANUFACTURER OF A SPEED INHIBITING DEVICE THAT FAILS TO PROPERLY
15 REPORT DATA TO THE DIRECTOR IN THE MANNER PRESCRIBED BY THE DIRECTOR.

16 I. EXCEPT IN CASES OF SUBSTANTIAL EMERGENCY, A PERSON MAY NOT
17 KNOWINGLY RENT, LEASE OR LEND A MOTOR VEHICLE TO A PERSON WHOSE DRIVING
18 PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION UNLESS THE MOTOR VEHICLE IS
19 EQUIPPED WITH A FUNCTIONING SPEED INHIBITING DEVICE.

20 J. A PERSON WHOSE DRIVING PRIVILEGE IS LIMITED PURSUANT TO THIS
21 SECTION AND WHO RENTS, LEASES OR BORROWS A MOTOR VEHICLE FROM ANOTHER
22 PERSON SHALL NOTIFY THE PERSON WHO RENTS, LEASES OR LENDS THE MOTOR
23 VEHICLE TO THE PERSON THAT THE PERSON HAS SPECIFIC REQUIREMENTS FOR THE
24 OPERATION OF THE MOTOR VEHICLE AND THE NATURE OF THE REQUIREMENTS.

25 K. A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR OR RETAILER IS NOT
26 LIABLE FOR ANY LOSS, INJURY OR DAMAGE CAUSED BY THE DESIGN, MANUFACTURER,
27 INSTALLATION, INCLUDING IMPROPER INSTALLATION OR USE OR MISUSE OF A SPEED
28 INHIBITING DEVICE, UNLESS THE MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR OR
29 RETAILER KNOWINGLY ENGAGES IN A REPAIR OR UPDATE TO THE SPEED INHIBITING
30 DEVICE AND THE REPAIR OR UPDATE IS THE PROXIMATE CAUSE OF ANY LOSS, INJURY
31 OR DAMAGE.

32 L. THE MANUFACTURER OF A SPEED INHIBITING DEVICE SHALL COLLECT ONLY
33 NECESSARY DATA TO SUPPORT COMPLIANCE, EVALUATE PROGRAM PERFORMANCE AND
34 IMPROVE SYSTEM ACCURACY AND EFFECTIVENESS. THE DATA COLLECTION MUST:

35 1. MINIMIZE STORAGE OF LOCATION DATA.

36 2. BE SHARED UNDER THE FOLLOWING CIRCUMSTANCES:

37 (a) WHEN DIRECTED BY A VALID COURT ORDER.

38 (b) AS DIRECTED BY LAW OR RULE.

39 (c) WITH THE DEPARTMENT OR JUDGE RELATED TO ANY VIOLATION OF THIS
40 SECTION.

41 (d) WHEN DEPERSONALIZED OR AGGREGATED FOR RESEARCH OR EVALUATION
42 PURPOSES.

43 3. NEVER BE SOLD, LICENSED OR USED FOR ANY COMMERCIAL PURPOSES.

- 1 M. THIS SECTION DOES NOT:
2 1. APPLY TO FLEET VEHICLES OPERATED BY A PERSON WHOSE DRIVING
3 PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION.
4 2. APPLY TO COMMERCIAL VEHICLES AS DEFINED IN SECTION 28-2231.
5 3. REQUIRE A MOTOR VEHICLE MANUFACTURER, DISTRIBUTOR OR RETAILER TO
6 MANUFACTURE, DISTRIBUTE OR OFFER FOR SALE A MOTOR VEHICLE THAT INCLUDES OR
7 IS COMPATIBLE WITH A SPEED INHIBITING DEVICE.
8 4. PROHIBIT A LESSOR OR LIENHOLDER FROM REQUIRING NOTIFICATION BY
9 THE PERSON THAT A SPEED INHIBITING DEVICE HAS BEEN INSTALLED ON A MOTOR
10 VEHICLE SUBJECT TO A LEASE OR FINANCE AGREEMENT.
11 5. PROHIBIT A LESSOR OR LIENHOLDER FROM CHARGING A REASONABLE FEE
12 TO THE CUSTOMER FOR THE REMOVAL OF A SPEED INHIBITING DEVICE.
13 6. APPLY TO A MOTORCYCLE OR OFF-HIGHWAY VEHICLE OPERATED BY A
14 PERSON WHOSE DRIVING PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION.

- 15 N. FOR THE PURPOSES OF THIS SECTION:
16 1. "SPEED INHIBITING DEVICE" MEANS AN INTEGRATED MOTOR VEHICLE
17 SYSTEM THAT DETERMINES THE POSTED SPEED LIMIT OF THE ROADWAY THE MOTOR
18 VEHICLE IS ON AND THAT PREVENTS THE MOTOR VEHICLE'S SPEED FROM EXCEEDING
19 THE POSTED SPEED LIMIT.
20 2. "SUBSTANTIAL EMERGENCY" MEANS AN EMERGENCY SITUATION DURING
21 WHICH A PERSON OTHER THAN THE PERSON WHOSE DRIVING PRIVILEGE IS LIMITED
22 PURSUANT TO THIS SECTION IS NOT REASONABLY AVAILABLE TO DRIVE IN RESPONSE
23 TO THAT EMERGENCY SITUATION.

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

26 28-3318. Service of notice; definitions

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

30 1. A suspension, revocation, cancellation, ~~OR~~ OR disqualification OR
31 A SPEED INHIBITING DEVICE or certified ignition interlock device
32 limitation of the license or privilege to operate a motor vehicle.

33 2. Required attendance at training and education sessions.

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

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

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

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

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

17 G. For the purposes of this section:

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

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

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

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

26 28-3511. Removal and immobilization or impoundment of
27 vehicle; Arizona crime information center database

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

31 1. A person is driving the vehicle while any of the following
32 applies:

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

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

43 (c) The person is subject to an ignition interlock device
44 requirement pursuant to chapter 4 of this title OR A SPEED INHIBITING
45 DEVICE PURSUANT TO SECTION 28-711 and the person is operating a vehicle

1 without a functioning certified ignition interlock device OR A SPEED
2 INHIBITING DEVICE. This subdivision does not apply to the operation of a
3 vehicle due to a substantial emergency as defined in section 28-1464.

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

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

15 2. A person is driving ~~a~~ THE vehicle in violation of section
16 28-693 and the peace officer reasonably believes that allowing the person
17 to continue driving the vehicle would expose other persons to the risk of
18 serious bodily injury or death.

19 3. A person is driving ~~a~~ THE vehicle in violation of section
20 28-708 and the peace officer reasonably believes that allowing the person
21 to continue driving the vehicle would expose other persons to the risk of
22 serious bodily injury or death.

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

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

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

33 1. The person's driving privilege is canceled or revoked for any
34 reason or the person has ~~not ever~~ NEVER been issued a driver license or
35 permit by this state and the person does not produce evidence of ever
36 having a driver license or permit issued by another jurisdiction.

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

39 3. The person is driving a vehicle that is involved in an accident
40 that results in either property damage or injury to or death of another
41 person.

42 C. Except as provided in subsection D of this section, while a
43 peace officer has control of the vehicle the peace officer shall cause the
44 removal and either immobilization or impoundment of the vehicle if the

1 peace officer has probable cause to arrest the driver of the vehicle for a
2 violation of section 4-244, paragraph 34 or section 28-1382 or 28-1383.

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

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

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

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

14 (a) Has a valid driver license.

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

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

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

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

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

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

38 G. A law enforcement agency that employs the peace officer who
39 removes and either immobilizes or impounds a vehicle pursuant to this
40 section shall enter information about the removal and either
41 immobilization or impoundment of the vehicle in the Arizona crime
42 information center database within three business days after the removal
43 and either immobilization or impoundment.

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

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

6 28-3512. Release of vehicle; civil penalties; definitions

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

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

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

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

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

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

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

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

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

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

40 6. To the motor vehicle dealer, if the vehicle is owned by a motor
41 vehicle dealer who has paid fees pursuant to section 28-4302 and is driven
42 by a customer, potential customer or employee of the motor vehicle dealer
43 and the motor vehicle dealer has provided to the immobilizing or
44 impounding agency indicia of the motor vehicle dealer's ownership of the

1 vehicle, including a certificate of title or a manufacturer-issued
2 certificate or statement of origin.

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

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

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

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

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

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

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

40 D. Before the end of the immobilization or impoundment period, the
41 immobilizing or impounding agency shall release a vehicle to a person,
42 other than the owner, identified on the department's record as having an
43 interest in the vehicle immediately before the immobilization or
44 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 THE 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; speed inhibiting device manufacturer;
5 lienholder; fee prohibited; violation;
6 classification

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

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

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

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

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

41 1. For a lienholder, shall include a copy of a signed contract,
42 loan agreement or credit agreement indicating the vehicle owner's name,
43 the vehicle identification number, the vehicle make and model or other
44 identifying indicia or a certified record issued by the department listing
45 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, 2027.