

REFERENCE TITLE: commercial motor vehicle; liability insurance

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

HB 4088

Introduced by
Representatives Lopez: Biasiucci, Marshall, Martinez, Nguyen, Taylor,
Weninger, Willoughby, Wilmeth

AN ACT

AMENDING TITLE 28, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 28-5245; RELATING TO COMMERCIAL MOTOR VEHICLES.

(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 14, article 2, Arizona Revised
3 Statutes, is amended by adding section 28-5245, to read:

4 28-5245. Commercial agricultural commodity; liability policy;
5 requirements; lien; definitions

6 A. A MOTOR CARRIER WHO IS TRANSPORTING AGRICULTURAL COMMODITIES ON
7 HIGHWAYS IN THIS STATE FOR THE PURPOSES OF INTRASTATE COMMERCE SHALL
8 MAINTAIN A LIABILITY POLICY THAT IS SUFFICIENT TO COVER EMERGENCY TOWING
9 AND RECOVERY SERVICES. THE LIABILITY POLICY SHALL BE SATISFIED BY EITHER
10 OF THE FOLLOWING:

11 1. CARGO INSURANCE COVERAGE APPLICABLE TO THE AGRICULTURAL
12 COMMODITY BEING TRANSPORTED.

13 2. A SURETY BOND OR OTHER FINANCIAL SECURITY APPROVED BY THE
14 DEPARTMENT.

15 B. IF A TOWING OR RECOVERY OPERATOR PROVIDES EMERGENCY TOWING AND
16 RECOVERY SERVICES FOR A ROADWAY INCIDENT THAT INVOLVES A COMMERCIAL MOTOR
17 VEHICLE THAT IS TOWING AGRICULTURAL COMMODITIES AND THE TOWING OR RECOVERY
18 OPERATOR IS NOT PAID FOR THE EMERGENCY TOWING AND RECOVERY SERVICES, ANY
19 UNPAID AMOUNT OWED IS A LIEN BEGINNING ON THE DATE THE AMOUNT BECAME DUE
20 ON THE COMMERCIAL MOTOR VEHICLE AND AGRICULTURAL COMMODITY THAT BELONGS TO
21 THE MOTOR CARRIER OF THE COMMERCIAL MOTOR VEHICLE. THE TOWING OR RECOVERY
22 OPERATOR MAY PERFECT THE LIEN AGAINST THE COMMERCIAL MOTOR VEHICLE OWNER
23 BY RECORDING A NOTICE OF THE LIEN IN THE OFFICE OF THE SECRETARY OF
24 STATE. IF THE LIEN IMPOSED BY THIS SUBSECTION IS SATISFIED, THE TOWING OR
25 RECOVERY OPERATOR SHALL ISSUE A RELEASE OF THE LIEN TO THE OWNER OF THE
26 COMMERCIAL MOTOR VEHICLE AND SHALL RECORD THE RELEASE IN THE OFFICE OF THE
27 SECRETARY OF STATE.

28 C. THIS SECTION DOES NOT APPLY TO:

29 1. FARM-TO-FIELD OPERATIONS.

30 2. PRIVATE HAULING OR SELF-HAULING BY A FARMER OR RANCHER.

31 3. A NONCOMMERCIAL VEHICLE OR PASSENGER VEHICLE.

32 D. FOR THE PURPOSES OF THIS SECTION:

33 1. "AGRICULTURAL COMMODITY" MEANS A FARM PRODUCT, INCLUDING
34 PRODUCE, HAY, FEED, LIVESTOCK FEED PRODUCTS, RAW POULTRY, CITRUS AND OTHER
35 FOOD OR AGRICULTURAL GOODS TRANSPORTED FOR COMMERCIAL PURPOSES.

36 2. "EMERGENCY TOWING AND RECOVERY SERVICES" MEANS TOWING, RECOVERY,
37 CLEANUP, REMOVAL, TRANSPORT, STORAGE, DISPOSAL AND ROADWAY CLEANUP
38 SERVICES THAT ARE PERFORMED AT THE REQUEST OR DIRECTION OF A LAW
39 ENFORCEMENT AGENCY OR PUBLIC AUTHORITY.