

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2481

(Reference to printed bill)

1 Page 4, between lines 31 and 32, insert:

2 "Sec. 6. Section 28-3512, Arizona Revised Statutes, is amended to
3 read:

4 28-3512. Release of vehicle; civil penalties; definition

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

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

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

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

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

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

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

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

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

1 5. Except as provided in paragraph 7 of this subsection, to the
2 spouse of the registered owner or any person who is identified as an owner
3 of the vehicle on the records of the department at the time of removal and
4 either immobilization or impoundment, if the spouse or person was not the
5 driver of the vehicle at the time of removal and either immobilization or
6 impoundment and the spouse or person enters into an agreement with the
7 immobilizing or impounding agency that stipulates that if the spouse or
8 person allows a driver who does not have a valid driving privilege or a
9 driver who commits a violation that causes the spouse's or person's vehicle
10 to be removed and either immobilized or impounded pursuant to this article
11 within one year after any agreement is signed by an immobilizing or
12 impounding agency, the spouse or person will not be eligible to obtain
13 release of the spouse's or person's vehicle before the end of the
14 immobilization or impoundment period.

15 6. To the motor vehicle dealer, if the vehicle is owned by a motor
16 vehicle dealer who has paid fees pursuant to section 28-4302 and is driven
17 by a customer, potential customer or employee of the motor vehicle dealer
18 and the motor vehicle dealer has provided to the immobilizing or impounding
19 agency indicia of the motor vehicle dealer's ownership of the vehicle,
20 including a certificate of title or a manufacturer-issued certificate or
21 statement of origin.

22 7. To any person who is identified as an owner of the vehicle on the
23 records of the department at the time of removal and either immobilization
24 or impoundment, if the vehicle is a commercial motor vehicle, a street
25 sweeper or heavy equipment as defined in section 28-854 and the person was
26 not the driver of the vehicle at the time of removal and either
27 immobilization or impoundment.

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

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

3 2. Proof of current vehicle registration or a valid salvage or
4 dismantle certificate of title.

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

7 4. If the person is required by the department to install a
8 certified ignition interlock device on the vehicle, proof of installation
9 of a functioning certified ignition interlock device in the vehicle. The
10 impounding agency, storage yard, facility, person or agency having physical
11 possession of the vehicle shall allow access during normal business hours
12 to the impounded vehicle for the purpose of installing a certified ignition
13 interlock device. The impounding agency, storage yard, facility, person or
14 agency having physical possession of the vehicle shall not charge any fee
15 or require compensation for providing access to the vehicle or for the
16 installation of the certified ignition interlock device.

17 C. The owner or the owner's spouse if the vehicle is released to the
18 owner's spouse is responsible for paying all immobilization, towing and
19 storage charges related to the immobilization or impoundment of the vehicle
20 and any administrative charges established pursuant to section 28-3513,
21 unless the vehicle is stolen and the theft was reported to the appropriate
22 law enforcement agency. If the vehicle is stolen and the theft was
23 reported to the appropriate law enforcement agency, the operator of the
24 vehicle at the time of immobilization or impoundment is responsible for all
25 immobilization, towing, storage and administrative charges.

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

31 1. The person is either of the following:

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

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

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

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

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

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

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

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

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

1 F. The person described in subsection D of this section may require
2 the owner to pay charges that the person incurred in connection with
3 obtaining custody of the vehicle, including all immobilization, towing and
4 storage charges that are related to the immobilization or impoundment of
5 the vehicle and any administrative charges that are established pursuant to
6 section 28-3513.

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

10 1. A valid driver license issued by this state or by the owner's or
11 owner's agent's state of domicile.

12 2. A current vehicle registration or a valid salvage or dismantle
13 certificate of title.

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

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

26 H. The storage charges relating to the impoundment of a vehicle
27 pursuant to this section shall be subject to a contractual agreement
28 between the impounding agency and a towing firm for storage services
29 pursuant to section 41-1830.51 and shall be \$25 for each day of storage,
30 including any time the vehicle remains in storage after the end of the
31 impoundment period.

1 I. The immobilizing or impounding agency shall have no lien or
2 possessory interest in a stolen vehicle if the theft was reported to the
3 appropriate law enforcement agency. The immobilizing or impounding agency
4 shall release the vehicle to the owner or person other than the owner as
5 identified in subsection D of this section even if the operator at the time
6 of immobilization or impoundment has not paid all immobilization, towing,
7 storage and administrative charges.

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

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

15 L. For the purposes of this section, "certified ignition interlock
16 device" has the same meaning prescribed in section 28-1301."

17 Renumber to conform

18 Amend title to conform

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