

House Engrossed

towing companies; private towing; requirements

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2269

AN ACT

AMENDING SECTION 9-499.05, ARIZONA REVISED STATUTES; RELATED TO TOWING COMPANIES.

(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. Authority to set rates for private towing carrier;
5 notice of parking violations; signage violation;
6 registration requirement; civil penalties;
7 definition

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

17 B. The owner or agent of the owner of the private property shall be
18 deemed to have given consent to unrestricted parking by the general public
19 in any parking area of the private property unless ~~such~~ THE parking area
20 is posted with signs as prescribed by this subsection ~~which~~ THAT are
21 clearly visible and readable from any point within the parking area and at
22 each entrance. ~~Such~~ THE signs shall ~~contain, at a minimum,~~ MEET ALL OF
23 the following REQUIREMENTS:

24 ~~1. Restrictions on parking.~~

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

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

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

32 1. BE CONSPICUOUSLY VISIBLE TO THE DRIVER OF A VEHICLE THAT PARKS
33 ON THE PRIVATE PROPERTY.

34 2. BE CONSTRUCTED OF WEATHER RESISTANT MATERIALS.

35 3. BE A MINIMUM OF TWELVE INCHES WIDE AND EIGHTEEN INCHES IN HEIGHT
36 AND A MAXIMUM OF EIGHTEEN INCHES WIDE AND TWENTY-FOUR INCHES IN HEIGHT.

37 4. BE LOCATED AT EACH AREA WHERE A VEHICLE MAY ENTER THE PRIVATE
38 PROPERTY.

39 5. BE PERMANENTLY MOUNTED ON A POST, POLE, WALL OR BE PERMANENTLY
40 AFFIXED IN ANOTHER MANNER.

41 6. CONTAIN THE FOLLOWING LANGUAGE:

42 (a) "UNAUTHORIZED VEHICLES WILL BE TOWED AT OWNER'S EXPENSE".

43 (b) REFERENCE SECTION 9-499.05, ARIZONA REVISED STATUTES.

1 (c) A TELEPHONE NUMBER THAT IS MONITORED TWENTY-FOUR HOURS A DAY
2 WHERE THE OWNER OR OPERATOR OF A TOWED VEHICLE MAY LOCATE THE TOWED
3 VEHICLE.

4 (d) THE MAXIMUM COST TO THE VIOLATOR, INCLUDING STORAGE FEES AND
5 ANY OTHER CHARGES THAT COULD RESULT FROM THE DISPOSITION OF THE VEHICLE
6 PARKED IN VIOLATION OF PARKING RESTRICTIONS.

7 C. It is unlawful for a private towing carrier to tow or transport
8 a motor vehicle from private property without the permission of the owner
9 or operator of the motor vehicle unless ~~such~~ THE private towing carrier
10 receives a request from a law enforcement agency or the express written
11 permission from the owner or the agent of the owner of the property that
12 has complied with the requirements of subsection B OF THIS SECTION. The
13 owner or the owner's agent shall either sign each towing order or
14 authorize the tow by a written contract ~~which~~ THAT is valid for a specific
15 length of time. The private towing carrier may not act as the agent of
16 the owner.

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

19 D. THE OWNER OF THE PRIVATE PROPERTY OR THE OWNER'S AGENT OR THE
20 OPERATOR OF THE PRIVATE TOWING CARRIER SHALL TAKE PICTURES OF ALL SIDES OF
21 THE VEHICLE THAT IS BEING TOWED BEFORE THE VEHICLE IS LOADED ON THE TOWING
22 VEHICLE. THE PICTURES SHALL BE MADE AVAILABLE TO THE OWNER OF THE VEHICLE
23 OR AGENT OF THE OWNER WITHIN TWENTY-FOUR HOURS AFTER THE OWNER OR AGENT OF
24 THE OWNER MAKES A REQUEST FOR THE PICTURES.

25 E. NOTWITHSTANDING ANY OTHER LAW, A PRIVATE TOWING CARRIER SHALL
26 RELEASE A TOWED VEHICLE TO THE OWNER OF RECORD OR THE AGENT OF THE OWNER.
27 THE OWNER OR AGENT OF THE OWNER SHALL PROVIDE BOTH OF THE FOLLOWING:

28 1. A GOVERNMENT-ISSUED PHOTO IDENTIFICATION.

29 2. ONE OF THE FOLLOWING:

30 (a) A VALID CERTIFICATE OF TITLE.

31 (b) PROOF OF CURRENT VEHICLE REGISTRATION, NOT INCLUDING A
32 RESTRICTED USE THREE-DAY PERMIT.

33 (c) A REPOSSESSION AFFIDAVIT.

34 (d) A HOLD HARMLESS LIABILITY RELEASE FROM LEGAL CLAIMS AND, IF
35 APPLICABLE, PROOF OF A LIEN ON THE VEHICLE.

36 (e) AN INSURANCE COMPANY REQUEST FOR RELEASE PURSUANT TO SECTION
37 28-4847.

38 (f) A CERTIFIED MOTOR VEHICLE RECORD.

39 (g) PROOF OF A SECURITY INTEREST OR OTHER FINANCIAL INTEREST IN THE
40 VEHICLE THAT EXISTED AT THE TIME OF THE TOW.

41 F. THE PRIVATE TOWING CARRIER MAY NOT REFUSE TO RELEASE A VEHICLE
42 TO THE OWNER OR AGENT OF THE OWNER PURSUANT TO SUBSECTION E OF THIS
43 SECTION SOLELY BECAUSE THE OWNER OR AGENT OF THE OWNER PRESENTS A
44 GOVERNMENT-ISSUED PHOTO IDENTIFICATION THAT SHOWS A DIFFERENT ADDRESS THAN

1 THE ADDRESS SHOWN ON THE TITLE OR REGISTRATION RECORDS FOR THE TOWED
2 VEHICLE.

3 G. A PRIVATE TOWING CARRIER SHALL PROVIDE THE OWNER OF A TOWED
4 VEHICLE OR THE AGENT OF THE OWNER WITH AN ITEMIZED RECEIPT FOR THE TOWING
5 SERVICES. ON REQUEST FROM THE OWNER OR THE AGENT OF THE OWNER, THE
6 PRIVATE TOWING CARRIER SHALL PROVIDE A COPY OF THIS SECTION TO THE OWNER
7 OR THE AGENT OF THE OWNER.

8 H. A PRIVATE TOWING CARRIER THAT CHARGES A FEE THAT IS GREATER THAN
9 THE FEE POSTED ON THE PRIVATE PROPERTY WHERE THE VEHICLE WAS TOWED MAY BE
10 REQUIRED TO REIMBURSE THE OWNER OR AGENT OF THE OWNER FOR ANY CHARGES
11 ABOVE AND BEYOND THE CHARGES POSTED ON THE PRIVATE PROPERTY WHERE THE
12 VEHICLE WAS TOWED.

13 I. A PRIVATE TOWING CARRIER THAT VIOLATES THIS SECTION IS LIABLE
14 FOR A CIVIL PENALTY OF TWO TIMES THE TOWING FEES ASSESSED FOR THE REMOVAL
15 OF THE VEHICLE.

16 J. A PRIVATE TOWING CARRIER THAT IS ENGAGED IN THE BUSINESS OF
17 TOWING VEHICLES FROM PRIVATE PROPERTY SHALL DO ALL OF THE FOLLOWING:

- 18 1. REGISTER WITH THE DEPARTMENT OF PUBLIC SAFETY.
- 19 2. MAINTAIN ON-HOOK AND GARAGE KEEPERS INSURANCE AT ALL TIMES WHILE
20 ENGAGED IN THE BUSINESS OF TOWING VEHICLES FROM PRIVATE PROPERTY.
- 21 3. PROVIDE PROOF OF THE INSURANCE REQUIRED PURSUANT TO PARAGRAPH 2
22 OF THIS SUBSECTION TO THE DEPARTMENT OF PUBLIC SAFETY.

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

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

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