

REFERENCE TITLE: **towing companies; private towing; requirements**

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

HB 2269

Introduced by
Representative Cook

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. THE MINIMUM RATE MAY NOT BE BELOW THE STATE
13 AGENCIES' TOWING SERVICES AGREEMENT FOR TOWING AND STORAGE RATES. A
14 private towing carrier is subject to the maximum rate and charge
15 regulation prescribed by the city or town for all ~~such~~ towing,
16 transporting or impounding services if the vehicle being towed or
17 transported is towed from private property located within the boundaries
18 of the city or town.

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

26 ~~1. Restrictions on parking.~~

27 ~~2. Disposition of vehicles found in violation of the parking~~
28 ~~restrictions.~~

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

32 ~~4. Telephone number and address where the violator can locate the~~
33 ~~violator's vehicle.~~

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

36 2. BE CONSTRUCTED OF WEATHER RESISTANT MATERIALS.

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

39 4. BE LOCATED AT EACH AREA WHERE A VEHICLE MAY ENTER THE PRIVATE
40 PROPERTY.

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

43 6. CONTAIN THE FOLLOWING LANGUAGE:

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

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

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

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

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

25 1. A GOVERNMENT-ISSUED PHOTO IDENTIFICATION.

26 2. ONE OF THE FOLLOWING:

27 (a) A VALID CERTIFICATE OF TITLE.

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

30 (c) A REPOSSESSION AFFIDAVIT.

31 (d) A HOLD HARMLESS LIABILITY RELEASE.

32 (e) A PROOF OF LIEN.

33 (f) AN INSURANCE COMPANY REQUEST FOR RELEASE PURSUANT TO SECTION
34 28-4847.

35 (g) A CERTIFIED MOTOR VEHICLE RECORD.

36 (h) PROOF OF A SECURITY INTEREST OR OTHER FINANCIAL INTEREST IN THE
37 VEHICLE THAT EXISTED AT THE TIME OF THE TOW.

38 F. THE PRIVATE TOWING CARRIER MAY NOT REFUSE TO RELEASE A VEHICLE
39 TO THE OWNER OR AGENT OF THE OWNER PURSUANT TO SUBSECTION E OF THIS
40 SECTION SOLELY BECAUSE THE OWNER OR AGENT OF THE OWNER PRESENTS A
41 GOVERNMENT-ISSUED PHOTO IDENTIFICATION THAT SHOWS A DIFFERENT ADDRESS THAN
42 THE ADDRESS SHOWN ON THE TITLE OR REGISTRATION RECORDS FOR THE TOWED
43 VEHICLE.

44 G. A PRIVATE TOWING CARRIER SHALL PROVIDE THE OWNER OF A TOWED
45 VEHICLE OR THE AGENT OF THE OWNER WITH AN ITEMIZED RECEIPT FOR THE TOWING

1 SERVICES. ON REQUEST FROM THE OWNER OR THE AGENT OF THE OWNER, THE
2 PRIVATE TOWING CARRIER SHALL PROVIDE A COPY OF THIS SECTION TO THE OWNER
3 OR THE AGENT OF THE OWNER.

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

9 I. A PRIVATE TOWING CARRIER THAT VIOLATES THIS SECTION IS LIABLE
10 FOR A CIVIL PENALTY OF TWO TIMES THE TOWING FEES ASSESSED FOR THE REMOVAL
11 OF THE VEHICLE.

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

- 14 1. REGISTER WITH THE DEPARTMENT OF PUBLIC SAFETY.
- 15 2. MAINTAIN THE APPROPRIATE INSURANCE REQUIRED FOR ENGAGING IN THE
16 BUSINESS OF TOWING AND IMPOUNDING VEHICLES.
- 17 3. PROVIDE PROOF OF THE INSURANCE REQUIRED PURSUANT TO PARAGRAPH 2
18 OF THIS SUBSECTION TO THE DEPARTMENT OF PUBLIC SAFETY.

19 ~~E.~~ K. This section ~~shall apply~~ APPLIES only to services performed
20 while a person is actually engaged in the activities of a private towing
21 carrier.

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

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