

REFERENCE TITLE: excessive speed; speed inhibiting device

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2786

Introduced by
Representatives Nguyen: Bliss, Hernandez C

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; 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; hearings; violations; classification;
6 rules; definitions

7 A. IF THE LICENSE OF A PERSON OR THE DRIVING PRIVILEGE OF A
8 NONRESIDENT IS SUSPENDED OR REVOKED FOR A VIOLATION DESCRIBED IN
9 PARAGRAPHS 1, 2, 3 OR 4 OF THIS SUBSECTION IN LIEU OF THE SUSPENSION OR
10 REVOCATION THE COURT MAY ORDER THAT THE DEPARTMENT MAY INSTALL A SPEED
11 INHIBITING DEVICE ON ANY MOTOR VEHICLE THE PERSON OPERATES IN ADDITION TO
12 ANY OTHER PENALTY PRESCRIBED BY LAW. ON RECEIPT OF AN ORDER FROM THE
13 COURT, THE DEPARTMENT MAY REQUIRE A SPEED INHIBITING DEVICE TO BE
14 INSTALLED ON ANY MOTOR VEHICLE A PERSON OPERATES FOR A PERIOD OF AT LEAST:

15 1. NINETY DAYS IF THE PERSON IS CONVICTED OF A FIRST VIOLATION OF
16 SECTION 28-708.

17 2. ONE HUNDRED EIGHTY DAYS IF THE PERSON IS CITED FOR EITHER:

18 (a) DRIVING ONE HUNDRED MILES PER HOUR OR MORE AND THE CITATION IS
19 THE PERSON'S FIRST OFFENSE PURSUANT TO SECTION 28-701 OR A VIOLATION OF
20 SECTION 28-701.02.

21 (b) A SECOND OFFENSE PURSUANT TO SECTION 28-701 OR A VIOLATION OF
22 SECTION 28-701.02 WITHIN A TWELVE-MONTH PERIOD. THE PERSON SHALL PAY ANY
23 CIVIL PENALTY FINES OR SURCHARGES IMPOSED AND MAY BE REQUIRED TO ATTEND
24 AND SUCCESSFULLY COMPLETE TRAFFIC SURVIVAL SCHOOL EDUCATIONAL SESSIONS.

25 3. ONE YEAR IF THE PERSON EITHER:

26 (a) HAS ASSESSED POINTS AGAINST THE PERSON'S DRIVING RECORD THAT
27 WOULD REQUIRE THE ONE-YEAR SUSPENSION OF DRIVING PRIVILEGES FOR
28 ACCUMULATING EXCESSIVE POINTS PURSUANT TO RULES ADOPTED BY THE DEPARTMENT.

29 (b) IS CONVICTED OF A SECOND VIOLATION OF SECTION 28-708 WITHIN A
30 TWENTY-FOUR MONTH PERIOD.

31 4. NOTWITHSTANDING SECTION 28-3304, THE DURATION OF ANY SUSPENSION
32 OR REVOCATION PERIOD THAT COULD HAVE BEEN IMPOSED BY THE DEPARTMENT ON THE
33 PERSON PURSUANT TO:

34 (a) SECTION 28-3304 IF THE FELONY CONVICTION OF THE OFFENSE
35 INCLUDED SPEEDING.

36 (b) SECTION 28-701 IF THE PERSON IS A MINOR AND THE OFFENSE IS THE
37 MINOR'S FIRST EXCESSIVE SPEEDING OFFENSE.

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.

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

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

3 1. THE INSTALLATION OF A FUNCTIONING SPEED INHIBITING DEVICE IN
4 EACH MOTOR VEHICLE 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. CALIBRATION OF THE SPEED INHIBITING DEVICE AT LEAST ONCE EVERY
8 NINETY DAYS DURING THE PERIOD THE PERSON IS ORDERED TO USE A SPEED
9 INHIBITING DEVICE.

10 4. ANY TAMPERING OR CIRCUMVENTION OF THE SPEED INHIBITING DEVICE.

11 5. THE REMOVAL OF THE SPEED INHIBITING DEVICE FROM ANY MOTOR
12 VEHICLE.

13 6. A COPY OF THE NOTIFICATION PROVIDED TO THE PERSON THAT THE
14 PERSON HAS COMPLETED THE TERM REQUIRING THE INSTALLATION OF THE SPEED
15 INHIBITING TECHNOLOGY.

16 7. ANY OTHER COMMUNICATIONS DETERMINED NECESSARY BY THE DEPARTMENT.

17 D. THE DEPARTMENT MAY NOT REINSTATE THE PERSON'S DRIVING PRIVILEGE
18 UNTIL THE PERSON HAS INSTALLED A FUNCTIONING SPEED INHIBITING DEVICE IN
19 EACH MOTOR VEHICLE THAT IS OPERATED BY THE PERSON AND THE MANUFACTURER OF
20 THE SPEED INHIBITING DEVICE HAS PROVIDED PROOF OF INSTALLATION TO THE
21 DEPARTMENT.

22 E. IF THE MANUFACTURER OF THE SPEED INHIBITING DEVICE DOES NOT
23 SUBMIT PROOF OF COMPLIANCE BY THE PERSON WHOSE DRIVING PRIVILEGE IS
24 LIMITED PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL SUSPEND THE
25 PERSON'S DRIVING PRIVILEGES UNTIL PROOF OF COMPLIANCE IS SUBMITTED TO THE
26 DEPARTMENT. IF A PERSON DOES NOT REQUEST A HEARING PURSUANT TO SUBSECTION
27 G OF THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY SUSPEND THE PERSON'S
28 DRIVING PRIVILEGES.

29 F. IF A PERSON IS REQUIRED TO INSTALL A SPEED INHIBITING DEVICE
30 PURSUANT TO THIS SECTION AND THE PERSON IS FOUND TO BE OPERATING A MOTOR
31 VEHICLE WITHOUT A SPEED INHIBITING DEVICE INSTALLED, THE PERSON IS GUILTY
32 OF A CLASS ONE MISDEMEANOR. IF A PERSON DOES NOT REQUEST A HEARING
33 PURSUANT TO SUBSECTION G OF THIS SECTION, THE DEPARTMENT SHALL IMMEDIATELY
34 SUSPEND THE PERSON'S DRIVING PRIVILEGES. THE DURATION OF THE REVOCATION
35 OF DRIVING PRIVILEGES SHALL BE THE LENGTH OF THE ORIGINAL SENTENCE.

36 G. A PERSON WHOSE DRIVER LICENSE IS SUSPENDED PURSUANT TO
37 SUBSECTION E OR F OF THIS SECTION MAY SUBMIT A WRITTEN REQUEST FOR A
38 HEARING WITHIN FIFTEEN DAYS AFTER RECEIPT OF AN ORDER OF SUSPENSION OR
39 REVOCATION. ON RECEIPT OF THE WRITTEN REQUEST FOR A HEARING, THE HEARING
40 SHALL BE HELD WITHIN THIRTY DAYS. A HEARING REQUESTED PURSUANT TO THIS
41 SUBSECTION SHALL BE CONDUCTED IN THE SAME MANNER AND UNDER THE SAME
42 CONDITIONS AS PROVIDED IN SECTION 28-3306.

43 H. AFTER CONSULTING WITH THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
44 SAFETY, THE ASSISTANT DIRECTOR FOR THE MOTOR VEHICLE DIVISION OF THE
45 DEPARTMENT OF TRANSPORTATION SHALL:

- 1 1. ADOPT RULES PRESCRIBING THE REQUIREMENTS FOR CERTIFICATION AND
2 DECERTIFICATION OF A SPEED INHIBITING DEVICE. THE RULES SHALL INCLUDE:
 - 3 (a) THE PROCEDURE FOR CERTIFYING SPEED INHIBITING DEVICES.
 - 4 (b) PROVISIONS TO ENSURE THE RELIABILITY OF THE SPEED INHIBITING
5 DEVICE OVER THE RANGE OF MOTOR VEHICLE ENVIRONMENTS.
 - 6 (c) PROVISIONS TO ENSURE THE SPEED INHIBITING DEVICE WORKS
7 ACCURATELY IN AN UNSUPERVISED ENVIRONMENT.
 - 8 (d) THE PROCEDURE FOR DECERTIFYING OF A SPEED INHIBITING DEVICE FOR
9 CAUSE.
- 10 2. CERTIFY SPEED INHIBITING DEVICES. ANY SPEED INHIBITING DEVICE
11 MAY NOT BE CERTIFIED UNTIL:
 - 12 (a) THE SPEED INHIBITING DEVICE IS MADE BY A MANUFACTURER THAT IS
13 COVERED BY PRODUCT LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000 PER
14 EVENT AND \$3,000,000 IN AGGREGATE.
 - 15 (b) THE MANUFACTURER OF THE SPEED INHIBITING DEVICE INDEMNIFIES
16 THIS STATE AGAINST ANY LIABILITY THAT MAY RESULT FROM THE USE OF THE SPEED
17 INHIBITING DEVICE.
 - 18 (c) THE SPEED INHIBITING DEVICE IS REPAIRED OR MODIFIED ONLY BY THE
19 MANUFACTURER OF THE SPEED INHIBITING DEVICE.
 - 20 (d) ALL OF THE SPEED INHIBITING DEVICE REPORTING REQUIRED BY THIS
21 SECTION ORIGINATES FROM THE SPEED INHIBITING DEVICE MANUFACTURER.
- 22 3. PUBLISH A LIST OF SPEED INHIBITING DEVICES THAT INCLUDES
23 INFORMATION ABOUT THE MANUFACTURERS OF THE SPEED INHIBITING DEVICES AND
24 WHERE THE SPEED INHIBITING DEVICES MAY BE ORDERED.
- 25 4. MAKE THE LIST AVAILABLE TO THE COURTS AND PROBATION DEPARTMENTS
26 WITHOUT CHARGE.
- 27 5. ESTABLISH STANDARDS AND QUALIFICATIONS FOR TECHNICIANS.
- 28 6. ADOPT A WARNING LABEL DESIGN TO BE AFFIXED TO EACH CERTIFIED
29 SPEED INHIBITING DEVICE ON INSTALLATION. THE LABEL SHALL CONTAIN A
30 WARNING THAT A PERSON TAMPERING WITH, CIRCUMVENTING OR OTHERWISE MISUSING
31 THE SPEED INHIBITING DEVICE IS GUILTY OF A CLASS 1 MISDEMEANOR.
- 32 7. ADOPT RULES THAT ALLOW THE DIRECTOR TO IMPOSE A CIVIL PENALTY
33 AGAINST A MANUFACTURER OF A CERTIFIED SPEED INHIBITING DEVICE THAT FAILS
34 TO PROPERLY REPORT DATA TO THE DIRECTOR IN THE MANNER PRESCRIBED BY THE
35 DIRECTOR.
- 36 I. EXCEPT IN CASES OF SUBSTANTIAL EMERGENCY, A PERSON MAY NOT
37 KNOWINGLY RENT, LEASE OR LEND A MOTOR VEHICLE TO A PERSON WHOSE DRIVING
38 PRIVILEGE IS LIMITED PURSUANT TO THIS SECTION UNLESS THE MOTOR VEHICLE IS
39 EQUIPPED WITH A FUNCTIONING CERTIFIED SPEED INHIBITING DEVICE.
- 40 J. A PERSON WHOSE DRIVING PRIVILEGE IS LIMITED PURSUANT TO THIS
41 SECTION AND WHO RENTS, LEASES OR BORROWS A MOTOR VEHICLE FROM ANOTHER
42 PERSON SHALL NOTIFY THE PERSON WHO RENTS, LEASES OR LENDS THE MOTOR
43 VEHICLE TO THE PERSON THAT THE PERSON HAS SPECIFIC REQUIREMENTS FOR THE
44 OPERATION OF THE MOTOR VEHICLE AND THE NATURE OF THE REQUIREMENTS.

1 K. FOR THE PURPOSES OF THIS SECTION:

2 1. "SPEED INHIBITING DEVICE" MEANS AN INTEGRATED MOTOR VEHICLE
3 SYSTEM THAT DETERMINES THE SPEED LIMIT OF THE ROADWAY THE MOTOR VEHICLE IS
4 ON AND THAT PREVENTS THE SPEED OF THE MOTOR VEHICLE FROM EXCEEDING THE
5 POSTED SPEED LIMIT.

6 2. "SUBSTANTIAL EMERGENCY" MEANS AN EMERGENCY SITUATION DURING
7 WHICH A PERSON OTHER THAN THE PERSON WHOSE DRIVING PRIVILEGE IS LIMITED
8 PURSUANT TO THIS SECTION IS NOT REASONABLY AVAILABLE TO DRIVE IN RESPONSE
9 TO THAT EMERGENCY SITUATION

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

12 28-3318. Service of notice; definitions

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

16 1. A suspension, revocation, cancellation, disqualification OR
17 SPEED INHIBITING DEVICE LIMITING or certified ignition interlock device
18 limitation of the license or privilege to operate a motor vehicle.

19 2. Required attendance at training and education sessions.

20 B. The department may include additional information in the
21 written, electronic or digital notice developed in consultation with the
22 director of the department of public safety as prescribed in section
23 28-1462 regarding certified ignition interlock devices.

24 C. The department shall send the notice by mail or electronically
25 or digitally to the address provided to the department on the licensee's
26 application or provided to the department pursuant to section 28-448. If
27 an address has not been provided to the department as provided in this
28 subsection, the department shall send the notice to any address known to
29 the department, including the address listed on a traffic citation
30 received by the department.

31 D. Service of the notice provided by this section is complete on
32 mailing. The department shall provide further service of notice only if
33 the department is notified of a change of address pursuant to section
34 28-448.

35 E. Compliance with the mailing provisions of this section
36 constitutes notice of the suspension, revocation, cancellation,
37 disqualification or certified ignition interlock device limitation for
38 purposes of prosecution under section 28-1383, 28-1464 or 28-3473. The
39 state is not required to prove actual receipt of the notice or actual
40 knowledge of the suspension, revocation, cancellation, disqualification or
41 certified ignition interlock device limitation.

42 F. Compliance with the mailing provisions of this section
43 constitutes notice of suspension or restriction for the purposes of
44 suspension or restriction under section 28-3320. The state is not

1 required to prove actual receipt of the notice or actual knowledge of the
2 suspension or restriction.

3 G. For the purposes of this section:

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

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

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

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

12 28-3511. Removal and immobilization or impoundment of
13 vehicle; Arizona crime information center database

14 A. A peace officer shall cause the removal and either
15 immobilization or impoundment of a vehicle if the peace officer determines
16 that:

17 1. A person is driving the vehicle while any of the following
18 applies:

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

24 (b) The person has ~~not ever~~ NEVER been issued a valid driver
25 license or permit by this state and the person does not produce evidence
26 of ever having a valid driver license or permit issued by another
27 jurisdiction. This subdivision does not apply to the operation of an
28 implement of husbandry.

29 (c) The person is subject to an ignition interlock device
30 requirement pursuant to chapter 4 of this title OR A SPEED INHIBITING
31 DEVICE PURSUANT TO SECTION 28-711 and the person is operating a vehicle
32 without a functioning certified ignition interlock device OR A SPEED
33 INHIBITING DEVICE. This subdivision does not apply to the operation of a
34 vehicle due to a substantial emergency as defined in section 28-1464.

35 (d) In furtherance of the illegal presence of an alien in the
36 United States and in violation of a criminal offense, the person is
37 transporting or moving or attempting to transport or move an alien in this
38 state in a vehicle if the person knows or recklessly disregards the fact
39 that the alien has come to, has entered or remains in the United States in
40 violation of law.

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

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

5 3. A person is driving ~~a~~ THE vehicle in violation of section
6 28-708 and the peace officer reasonably believes that allowing the person
7 to continue driving the vehicle would expose other persons to the risk of
8 serious bodily injury or death.

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

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

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

19 1. The person's driving privilege is canceled or revoked for any
20 reason or the person has not ever been issued a driver license or permit
21 by this state and the person does not produce evidence of ever having a
22 driver license or permit issued by another jurisdiction.

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

25 3. The person is driving a vehicle that is involved in an accident
26 that results in either property damage or injury to or death of another
27 person.

28 C. Except as provided in subsection D of this section, while a
29 peace officer has control of the vehicle the peace officer shall cause the
30 removal and either immobilization or impoundment of the vehicle if the
31 peace officer has probable cause to arrest the driver of the vehicle for a
32 violation of section 4-244, paragraph 34 or section 28-1382 or 28-1383.

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

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

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

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

44 (a) Has a valid driver license.

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

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

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

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

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

17 F. The owner of a vehicle that is removed and either immobilized or
18 impounded pursuant to subsection A, B or C of this section, the spouse of
19 the owner and each person who has provided the department with indicia of
20 ownership as prescribed in section 28-3514 or other interest in the
21 vehicle that exists immediately before the immobilization or impoundment
22 shall be provided with an opportunity for an immobilization or poststorage
23 hearing pursuant to section 28-3514.

24 G. A law enforcement agency that employs the peace officer who
25 removes and either immobilizes or impounds a vehicle pursuant to this
26 section shall enter information about the removal and either
27 immobilization or impoundment of the vehicle in the Arizona crime
28 information center database within three business days after the removal
29 and either immobilization or impoundment.

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

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

35 28-3512. Release of vehicle; civil penalties; definitions

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

- 38 1. To the registered owner, if the vehicle is a stolen vehicle.
- 39 2. To the registered owner, if the vehicle is subject to bailment
40 and is driven by an employee of a business establishment, including a
41 parking service or repair garage, who is subject to section 28-3511,
42 subsection A, B or C.
- 43 3. To the registered owner, if the owner was operating the vehicle
44 at the time of removal and either immobilization or impoundment and

1 presents proof satisfactory to the immobilizing or impounding agency that
2 the owner's driving privilege has been reinstated.

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

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

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

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

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

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

25 6. To the motor vehicle dealer, if the vehicle is owned by a motor
26 vehicle dealer who has paid fees pursuant to section 28-4302 and is driven
27 by a customer, potential customer or employee of the motor vehicle dealer
28 and the motor vehicle dealer has provided to the immobilizing or
29 impounding agency indicia of the motor vehicle dealer's ownership of the
30 vehicle, including a certificate of title or a manufacturer-issued
31 certificate or statement of origin.

32 7. To any person who is identified as an owner of the vehicle on
33 the records of the department at the time of removal and either
34 immobilization or impoundment, if the vehicle is a commercial motor
35 vehicle, a street sweeper or heavy equipment as defined in section 28-854
36 and the person was not the driver of the vehicle at the time of removal
37 and either immobilization or impoundment.

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

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

44 2. Proof of current vehicle registration or a valid salvage or
45 dismantle certificate of title.

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

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

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

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

29 1. The person is either of the following:

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

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

37 2. The person pays all immobilization, towing and storage charges
38 related to the immobilization or impoundment of the vehicle and any
39 administrative charges established pursuant to section 28-3513 unless the
40 vehicle is stolen and the theft was reported to the appropriate law
41 enforcement agency. If the vehicle is stolen and the theft was reported
42 to the appropriate law enforcement agency, the operator of the vehicle at
43 the time of immobilization or impoundment is responsible for all
44 immobilization, towing, storage and administrative charges.

1 3. The person presents foreclosure documents or an affidavit of
2 repossession of the vehicle.

3 4. The person requesting release of the vehicle was not the person
4 driving the vehicle at the time of removal and immobilization or
5 impoundment.

6 E. Before a person described in subsection D of this section
7 releases the vehicle to the owner who was operating the vehicle at the
8 time of removal and immobilization or impoundment, the person described in
9 subsection D of this section shall require the owner to present and shall
10 retain for a period of at least three years from the date of releasing the
11 vehicle a copy of all of the following:

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

14 2. A current vehicle registration or a valid salvage or dismantle
15 certificate of title.

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

18 F. The person described in subsection D of this section may require
19 the owner to pay charges that the person incurred in connection with
20 obtaining custody of the vehicle, including all immobilization, towing and
21 storage charges that are related to the immobilization or impoundment of
22 the vehicle and any administrative charges that are established pursuant
23 to section 28-3513.

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

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

33 4. If the person is required by the department to install a
34 certified ignition interlock device OR A SPEED INHIBITING DEVICE on the
35 vehicle, proof of installation of a functioning certified ignition
36 interlock device OR A SPEED INHIBITING DEVICE in the vehicle. The
37 impounding agency, storage yard, facility, person or agency having
38 physical possession of the vehicle shall allow access during normal
39 business hours to the impounded vehicle for the purpose of installing a
40 certified ignition interlock device OR A SPEED INHIBITING DEVICE. The
41 impounding agency, storage yard, facility, person or agency having
42 physical possession of the vehicle shall not charge any fee or require
43 compensation for providing access to the vehicle or for the installation
44 of the certified ignition interlock device OR A SPEED INHIBITING DEVICE.

1 H. The storage charges relating to the impoundment of a vehicle
2 pursuant to this section shall be subject to a contractual agreement
3 between the impounding agency and a towing firm for storage services
4 pursuant to section 41-1830.51 and shall be \$25 for each day of storage,
5 including any time the vehicle remains in storage after the end of the
6 impoundment period.

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

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

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

21 L. For the purposes of this section: ~~—~~

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

24 2. "SPEED INHIBITING DEVICE" HAS THE SAME MEANING PRESCRIBED IN
25 SECTION 28-711.

26 Sec. 5. Section 28-4848, Arizona Revised Statutes, is amended to
27 read:

28 28-4848. Access to vehicle; ignition interlock service
29 provider; lienholder; fee prohibited; violation;
30 classification

31 A. A towing company, storage yard, facility or person that has
32 physical possession of a vehicle that was removed pursuant to section
33 9-499.05, 11-251.04 or 28-872, that was impounded pursuant to chapter 8,
34 article 9 of this title or that was abandoned shall provide access during
35 normal business hours to a person who presents evidence that the person
36 either:

37 1. Is certified by the department as an ignition interlock device
38 OR A SPEED INHIBITING DEVICE manufacturer or ignition interlock service
39 provider and requires access to the vehicle for the purpose of removing
40 the device from the vehicle.

41 2. Is listed as a lienholder on the department's records for the
42 vehicle and requires access to the vehicle for the purpose of assessing
43 the condition of the vehicle.

1 B. After complying with subsection C of this section, an ignition
2 interlock device OR A SPEED INHIBITING DEVICE manufacturer or ignition
3 interlock service provider or a lienholder who is denied access to a
4 vehicle by a towing company, storage yard, facility or person that has
5 physical possession of the vehicle may report the denial to the impounding
6 agency or a law enforcement agency that has jurisdiction in the city or
7 county in which the vehicle is being stored and may submit a written
8 request for assistance as prescribed by the impounding agency or law
9 enforcement agency to obtain access to the vehicle for the purposes
10 prescribed in this section. The impounding agency or the law enforcement
11 agency shall provide assistance to the lienholder in obtaining access to
12 the vehicle within five business days after the date the written request
13 is received by the impounding agency or law enforcement agency.

14 C. A towing company, storage yard, facility or person that has
15 physical possession of a vehicle as prescribed in subsection A of this
16 section shall provide access during normal business hours to an ignition
17 interlock device OR A SPEED INHIBITING DEVICE manufacturer or ignition
18 interlock service provider or lienholder who submits a request for access
19 to a vehicle. The request for access shall be in writing, shall contain
20 the name, address and telephone number of the person making the request
21 for access to the vehicle and either:

22 1. For a lienholder, shall include a copy of a signed contract,
23 loan agreement or credit agreement indicating the vehicle owner's name,
24 the vehicle identification number, the vehicle make and model or other
25 identifying indicia or a certified record issued by the department listing
26 the person as a lienholder.

27 2. For an ignition interlock device OR A SPEED INHIBITING DEVICE
28 manufacturer or ignition interlock service provider, shall include a copy
29 of a signed contract identifying the make and model or serial number of
30 the ignition interlock device OR THE SPEED INHIBITING DEVICE, the make and
31 model of the vehicle or the vehicle identification number of the vehicle
32 in which the device is installed.

33 D. If the vehicle owner does not inspect the vehicle before removal
34 of the ignition interlock device OR THE SPEED INHIBITING DEVICE by the
35 manufacturer or ignition interlock service provider, or has inspected the
36 vehicle and has had the opportunity to remove personal property in the
37 vehicle, a rebuttable presumption is created that damage to the vehicle
38 and any loss of personal property in the vehicle occurred while the
39 vehicle was not in the custody of the towing company, storage yard,
40 facility or person that has physical possession of the vehicle. The
41 presumption may be overcome by a preponderance of evidence to the
42 contrary.

43 E. This section does not create a cause of action or a right to
44 bring an action against a towing company, storage yard, facility or person
45 that has physical possession of the vehicle for allowing access to a

1 vehicle to a person other than the owner if the written request as
2 prescribed in this section is provided to the towing company, storage
3 yard, facility or person that has physical possession of the vehicle.

4 F. A towing company, storage yard, facility or person that has
5 physical possession of a vehicle shall not charge a fee or require or
6 request any compensation for providing access to a vehicle pursuant to
7 this section.

8 G. A person who violates this section is guilty of a class 2
9 misdemeanor.