

SB 1059 -- Redline

HOUSE - Transportation & Infrastructure - Strike Everything to Engrossed -- move over law; study committee

Deletions ~~struck~~ · Insertions underlined

~~Fifty-seventh Senate Legislature Engrossed Transportation move & over Infrastructure law; First Regular Session S.B.~~

study committee State of Arizona Senate Fifty-seventh Legislature First Regular Session SENATE BILL 1059 PROPOSED AN HOUSE ACT ESTABLISHING THE EFFICACY OF REPRESENTATIVES ARIZONA'S AMENDMENTS MOVE TO OVER S.B. LAW STUDY COMMITTEE.

~~1059 (TEXT (Reference OF to BILL Senate BEGINS engrossed ON bill) NEXT Strike PAGE) everything_ after_ the_ enacting S.B. _clause and insert:~~

"Section 1059 1. Be it enacted by the Legislature of the State of Arizona:

~~Section 9-499.05, 1. Arizona Revised Statutes, is amended to read:~~

9-499.05. Efficacy of Arizona's move over law study committee;

~~State membership; preemption;~~

~~rates duties; for private towing carrier;~~

~~notice report; of parking violations;~~

~~photograph delayed documentation; repeal A.~~

to The carrier efficacy identification; of Arizona's move over law study committee is established consisting of the following members:

~~release of motor vehicle;~~

~~damages;~~

~~violation;~~

~~classification applicability;~~

~~definition A.~~

~~The governing body of an incorporated city or town may regulate the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carriers doing business within its boundaries.~~

~~A private towing carrier is subject to the maximum rate and charge regulation prescribed by the city or town for all such towing, transporting or impounding services if the vehicle being towed or transported is towed from private property located within the boundaries of the city or town.~~

~~A.~~

~~THE REGULATION OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS A MATTER OF STATEWIDE CONCERN.~~

~~THE REGULATION OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.~~

~~B.~~

~~THE RATE FOR TOWING, TRANSPORTING, IMPOUNDING OR STORING A MOTOR VEHICLE SHALL BE THE RATE PUBLISHED IN THE DEPARTMENT OF PUBLIC SAFETY TOW SERVICE AGREEMENT FOR THE LOCATION FROM WHERE THE MOTOR VEHICLE WAS TOWED.~~

~~House Amendments to S.B.~~

~~1059 B.~~

~~C.~~

~~The owner or agent of the owner of the private property shall be deemed to have given consent to unrestricted parking by the general public in any parking area of the private property unless such THE parking area is posted with signs as prescribed by this subsection which THAT are clearly visible and readable from any point within the parking area and at each entrance.~~

~~THIS SUBSECTION DOES NOT APPLY IF A MOTOR VEHICLE IS TOWED FROM A SINGLE-FAMILY RESIDENCE AND THE OWNER OF THE SINGLE-FAMILY RESIDENCE OR A TENANT AT THE SINGLE-FAMILY RESIDENCE IS THE PARTY WHO REQUESTED THE TOW.~~

~~Such THE signs REQUIRED shall contain MEET, at a minimum, ALL OF the following REQUIREMENTS:~~

Restrictions Two members parking, of the senate, each from a different political party, who are appointed by the president of the senate.

The president of the senate shall designate one of these members to serve as cochairperson of the study committee.

Disposition Two members of vehicles the found house in of violation representatives, each from a different political party, who are appointed by the speaker of the parking house restrictions, of representatives.

The speaker of the house of representatives shall designate one of these members to serve as

cochairperson of the study committee.

~~MaximumThe costdirector toof the violator, department includingof storage transportation feesor and any other charges that could result from the dispositiondirector's ofdesignee. a vehicle parked in violation of parking restrictions.~~

~~TelephoneThe numberdirector andof addressthe wheredepartment theof violatorpublic cansafety locateor the violator'sdirector's vehicle, designee.~~

~~1-~~

~~BE POSTED IN A MANNER TO FACE AND BE CONSPICUOUSLY VISIBLE TO THE DRIVER OF A MOTOR VEHICLE THAT ENTERS THE PARKING FACILITY AND BE POSTED ON THE LEFT OR RIGHT SIDE OF EACH DRIVEWAY OR CURB CUT IN WHICH A MOTOR VEHICLE CAN ENTER THE FACILITY.~~

~~2-~~

~~BE CONSTRUCTED USING WEATHER RESISTANT MATERIALS.~~

~~3-~~

~~BE A MINIMUM OF NINE INCHES WIDE AND TWELVE INCHES TALL AND NOT MORE THAN TWELVE INCHES WIDE AND EIGHTEEN INCHES TALL.~~

~~4-~~

~~CONTAIN ALL OF THE FOLLOWING:~~

~~(a) THE FOLLOWING LANGUAGE:~~

~~"UNAUTHORIZED VEHICLES WILL BE TOWED AT THE MOTOR VEHICLE OWNER'S OR OPERATOR'S EXPENSE PURSUANT TO ARIZONA REVISED STATUTES SECTION 9-499.05." (b) A TELEPHONE NUMBER THAT IS MONITORED TWENTY-FOUR HOURS A DAY THAT ENABLES THE MOTOR VEHICLE OWNER OR OPERATOR TO LOCATE THE TOWED MOTOR VEHICLE.~~

~~-2- House Amendments to S.B.~~

~~1059 (c) THE TOWING AND STORAGE RATE AND INFORMATION ON THE RELEASE OF THE MOTOR VEHICLE THROUGH A WEBSITE LINK OR QR CODE.~~

BEThree PERMANENTrepresentatives MOUNTEDof ONthe Atowing POLE, and POST, recovery PERMANENTindustry, WALLone Orof PERMANENTwhom BARRIER, is appointed by the governor, one of whom is appointed by the president of the senate and one of whom is appointed by the speaker of the house of representatives.

~~C-~~

~~D-~~

~~It is unlawful for a private towing carrier to tow or transport a motor vehicle from private property without the permission of the owner or operator of the motor vehicle unless such THE private towing carrier receives a request from a law enforcement agency or the express written permission from the owner or the agent of the owner of the property that has complied with the requirements of subsection B C OF THIS SECTION.~~

~~The owner or the owner's agent shall either sign each towing order or authorize the tow by a written contract which THAT is valid for a specific length of time.~~

~~The private towing carrier may not act as the agent of the owner.~~

~~D-~~

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

~~E-~~

~~BEFORE MECHANICALLY CONNECTING A MOTOR VEHICLE TO A PRIVATE TOWING CARRIER, THE PRIVATE TOWING CARRIER SHALL DOCUMENT, THROUGH THE USE OF DATE AND TIME STAMPED DIGITAL PHOTOGRAPHY OR DIGITAL VIDEO, THE NATURE OF THE PRIVATE PARKING VIOLATION.~~

~~THE PRIVATE TOWING CARRIER SHALL PROVIDE ALL PHOTOGRAPHIC OR VIDEO IMAGES TO THE OWNER OF THE MOTOR VEHICLE OR THE OWNER'S AGENT, IF REQUESTED.~~

~~THE PHOTOGRAPHIC EVIDENCE SHALL INCLUDE ALL OF THE FOLLOWING:~~

~~1-~~

~~IMAGES OF THE MOTOR VEHICLE BEING TOWED.~~

~~2-~~

~~IMAGES OF THE SIGNAGE REQUIRED PURSUANT TO SUBSECTION C OF THIS SECTION, IF APPLICABLE.~~

~~3-~~

~~IMAGES OF THE ENTIRE MOTOR VEHICLE TAKEN FROM ALL FOUR CORNERS OF THE MOTOR VEHICLE.~~

~~4-~~

~~IMAGES OF THE MOTOR VEHICLE'S LICENSE PLATE OR MOTOR VEHICLE IDENTIFICATION NUMBER.~~

~~F-~~

~~ANY PERSON TOWING A MOTOR VEHICLE FROM PRIVATE PROPERTY WITHOUT THE PERMISSION OF THE MOTOR VEHICLE'S OWNER OR THE OWNER'S AGENT SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN ONE HOUR AFTER -3- House Amendments to S.B.~~

~~1059 MECHANICALLY CONNECTING THE MOTOR VEHICLE TO A PRIVATE TOWING CARRIER.~~

~~THE PRIVATE TOWING CARRIER SHALL PROVIDE THE APPROPRIATE LAW ENFORCEMENT AGENCY WITH ALL OF THE FOLLOWING INFORMATION:~~

~~1-~~

~~THE NAME AND ADDRESS OF THE MOTOR VEHICLE'S OWNER, IF KNOWN.~~

~~2-~~

~~THE MOTOR VEHICLE'S LICENSE PLATE NUMBER AND VEHICLE IDENTIFICATION NUMBER AND A DESCRIPTION OF THE MOTOR VEHICLE.~~

~~3-~~

~~THE REASON FOR THE TOW OF THE MOTOR VEHICLE.~~

~~4-~~

~~THE STREET ADDRESS OF THE IMPOUND LOT WHERE THE MOTOR VEHICLE WILL BE IMPOUNDED.~~

~~5-~~

~~THE NAME AND ADDRESS OF THE PRIVATE TOWING CARRIER THAT WILL TOW THE MOTOR VEHICLE AND THE NAME OF THE PERSON WHO WILL TOW THE MOTOR VEHICLE ON BEHALF OF THE PRIVATE TOWING CARRIER.~~

~~ATwo PHONErepresentatives NUMBERof THATlaw Ienforcement ANSWEREdassociations, TWENTY-FOURone HOURSof Awhom DAY, is SEVENappointed DAYSby Athe WEEKpresident FORof THEthe PRIVATEsenate TOWINGand CARRIERone ANDof THEwhom IMPOUNDIs LOTappointed WHEREby THEthe MOTORspeaker VEHICLEof WILLthe BEhouse IMPOUNDED, of representatives.~~

~~6-7.~~

~~ATwo PRIVATErepresentatives TOWINGfrom CARRIERa SHALLlocal RELEASEchapter ANof IMPOUNDEDa MOTOrnationally VEHICLErecognized TOorganization THEthat OWNERadvocates Of for RECORDthe Ormotor THEvehicle OWNER'Sinterests, AGENTone WHOof PAYSwhom THEis CHARGESappointed PRESCRIBEDby PURSUANTthe TOPresident SUBSECTIONof Bthe Ofsenate THISand SECTIONone INof Awhom MANNERis CONSISTENTappointed WITHby THEthe DEPARTMENTspeaker OFof PUBLICthe SAFETYhouse TOWof SERVICErepresentatives. AGREEMENT AND WHO PROVES OWNERSHIP OF THE MOTOR VEHICLE BY PROVIDING A GOVERNMENT-ISSUED PHOTO IDENTIFICATION AND ONE OF THE FOLLOWING:~~

~~1-~~

~~A VALID CERTIFICATE OF TITLE.~~

~~2-~~

~~PROOF OF A CURRENT VEHICLE REGISTRATION THAT IS NOT A RESTRICTED USE THREE-DAY PERMIT.~~

~~3-~~

~~A REPOSSESSION AFFIDAVIT AND A HOLD HARMLESS LIABILITY RELEASE FROM LEGAL CLAIMS.~~

~~4-~~

~~AN INSURANCE COMPANY RELEASE PURSUANT TO SECTION 28-4847.~~

~~5-~~

~~A CERTIFIED VEHICLE RECORD.~~

~~6-~~

~~PROOF OF A BONA FIDE SECURITY INTEREST OR OTHER FINANCIAL INTEREST IN THE MOTOR VEHICLE THAT EXISTS AT THE TIME OF THE MOTOR VEHICLE TOW.~~

~~H-~~

~~THE PRIVATE TOWING CARRIER SHALL PROVIDE THE MOTOR VEHICLE OWNER WITH AN ITEMIZED RECEIPT FOR SERVICES AND, ON REQUEST, SHALL PROVIDE A COPY -4- House Amendments to S.B.~~

~~1059 OF THIS STATUTE TO THE MOTOR VEHICLE OWNER OR OWNER'S AGENT WHO RECLAIMS THE MOTOR VEHICLE.~~

~~I-~~

~~A PRIVATE TOWING CARRIER THAT CHARGES A TOWING FEE GREATER THAN THE TOWING FEE THAT IS PRESCRIBED PURSUANT TO SUBSECTION B OF THIS SECTION MAY BE ORDERED TO REIMBURSE THE MOTOR VEHICLE OWNER FOR ANY OVERCHARGES OR UNAUTHORIZED CHARGES.~~

~~J-~~

~~A PRIVATE TOWING CARRIER OR PARKING FACILITY OWNER THAT INTENTIONALLY, KNOWINGLY OR RECKLESSLY VIOLATES THIS SECTION IS LIABLE TO THE OWNER OF THE MOTOR VEHICLE THAT IS THE SUBJECT OF THE VIOLATION FOR DAMAGES EQUAL TO TWO TIMES THE AMOUNT OF THE FEES ASSESSED AS PART OF THE MOTOR VEHICLE'S TOWING AND STORAGE.~~

~~E-~~

~~K-~~

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

~~F-~~

~~L-~~

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

~~M-~~

~~A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.~~

~~N-~~

~~THIS SECTION DOES NOT APPLY TO AGREEMENTS ENTERED INTO BETWEEN LAW ENFORCEMENT AGENCIES AND PRIVATE TOWING CARRIERS FOR LAW ENFORCEMENT-INITIATED TOWING SERVICES.~~

~~G-~~

~~Q-~~

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

~~Sec-~~

~~2-~~

~~Section 11-251.04, Arizona Revised Statutes, is amended to read:~~

~~11-251.04.~~

~~State preemption;~~

~~rates for private towing carrier;~~

~~release of motor vehicle;~~

~~damages;~~

~~applicability;~~

~~definition A-~~

~~Except as provided in subsection B of this section, the board of supervisors may regulate the maximum rate and charge for towing, -5- House Amendments to S.B.~~

~~1050 transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carriers doing business within the boundaries of the county.~~

~~A private towing carrier is subject to the maximum rate and charge regulation prescribed by the board of supervisors for all such towing, transporting or impounding services if the vehicle being towed or transported is towed from private property located on property that lies within the boundaries of the county.~~

~~The provisions~~study of committee ~~Subsection A of this section shall not meet applyat to the towing, call transporting or impounding of a motor vehicle from private property without the permission~~cochairpersons. ~~of the owner or operator of the vehicle by a private towing carrier where the vehicle being towed or transported is towed or transported from property that lies within the boundaries of an incorporated city or town that has regulated such towing, transporting or impounding pursuant to section 9-499.05.~~

~~A-~~

~~THE REGULATION OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS A MATTER OF STATEWIDE CONCERN.~~

~~THE REGULATION OF TOWING RATES FOR PRIVATE TOWING CARRIERS PURSUANT TO THIS SECTION IS NOT SUBJECT TO FURTHER REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS STATE.~~

~~B-~~

~~THE RATE FOR TOWING, TRANSPORTING, IMPOUNDING OR STORING A MOTOR VEHICLE SHALL BE THE RATE PUBLISHED IN THE DEPARTMENT OF PUBLIC SAFETY TOW SERVICE AGREEMENT FOR THE LOCATION FROM WHERE THE MOTOR VEHICLE WAS TOWED.~~

~~It~~Study is committee ~~unlawful~~members for ~~are a~~ not private ~~eligible~~ towing carrier to tow ~~receive or compensation.~~ ~~transport a motor vehicle from private property without the permission of the owner or operator of the motor vehicle unless such THE private towing carrier receives a request from a law enforcement agency or the express written permission from the owner or the agent of the owner of the property.~~

~~The owner or his THE OWNER'S agent shall either sign each towing order or authorize the tow by a written contract which THAT is valid for a specific length of time.~~

~~The private towing carrier may not act as the agent of the owner.~~

~~-6- House Amendments to S.B.~~

~~1050 D-~~

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

~~AThe PRIVATEstudy TOWINGcommittee CARRIERshall: SHALL RELEASE AN IMPOUNDED MOTOR VEHICLE TO THE OWNER OF RECORD OR THE OWNER'S AGENT WHO PAYS THE CHARGES PRESCRIBED PURSUANT TO SUBSECTION B OF THIS SECTION IN A MANNER CONSISTENT WITH THE DEPARTMENT OF PUBLIC SAFETY TOW SERVICE AGREEMENT AND WHO PROVES OWNERSHIP OF THE MOTOR VEHICLE BY PROVIDING A GOVERNMENT ISSUED PHOTO IDENTIFICATION AND ONE OF THE FOLLOWING:~~

~~AConduct VALIDa CERTIFICATEcomprehensive OFstudy TITLE.to determine the efficacy of section 28-775, subsection E, Arizona Revised Statutes, to determine if additional promotion and education of the law are needed to ensure greater effectiveness and additional safety measures to help drivers better comply with yielding to emergency vehicles.~~

~~PROOFIdentify OFany Additional CURRENTresources VEHICLEor REGISTRATIONpolicy THATinitiatives ISthat NOTwould Aenhance RESTRICTEDpublic USEsafety THREE-DAYor PERMIT.improve the efficacy of section 28-775, Arizona Revised Statutes.~~

~~APropose REPOSSESSIONlegislation AFFIDAVIT.to address issues identified by the study committee.~~

~~4.- 1 - S.B.~~

~~A1059 HOLD4.-HARMLESS LIABILITY RELEASE FROM LEGAL CLAIMS.-~~

~~Review current policies and practices and propose revisions to improve safety matters for first responders and citizens.~~

~~ANOn INSURANCEor COMPANYbefore RELEASEDecember PURSUANT1, TO2025, SECTIONsubmit 28-4847,a report regarding the study committee's activities, findings and recommendations for administrative or legislative action to the governor, the president of the senate and the speaker of the house of representatives and provide a copy of this report to the secretary of state.~~

~~6.-~~

~~A CERTIFIED VEHICLE RECORD.-~~

~~7.-~~

~~PROOF OF A BONA FIDE SECURITY INTEREST OR OTHER FINANCIAL INTEREST IN THE MOTOR VEHICLE THAT EXISTS AT THE TIME OF THE MOTOR VEHICLE TOW.-~~

~~8.-~~

~~PROOF OF A LIEN ON THE MOTOR VEHICLE, IF APPLICABLE.-~~

~~THEThis PRIVATEsection TOWINGis CARRIERrepealed SHALLfrom PROVIDEand THEafter MOTORSeptember VEHICLE30, OWNER2026. WITH AN ITEMIZED RECEIPT FOR SERVICES AND, ON REQUEST, SHALL PROVIDE A COPY OF THIS STATUTE TO THE MOTOR VEHICLE OWNER OR OWNER'S AGENT WHO RECLAIMS THE MOTOR VEHICLE.-~~

~~F.- 2 -~~

~~A PRIVATE TOWING CARRIER THAT CHARGES A TOWING FEE GREATER THAN THE TOWING FEE THAT IS PRESCRIBED PURSUANT TO SUBSECTION B OF THIS SECTION MAY BE ORDERED TO REIMBURSE THE MOTOR VEHICLE OWNER OF ANY OVERCHARGES OR UNAUTHORIZED CHARGES.-~~

~~6.-~~

~~A PRIVATE TOWING CARRIER OR PARKING FACILITY OWNER THAT INTENTIONALLY, KNOWINGLY OR RECKLESSLY VIOLATES THIS SECTION IS LIABLE TO THE OWNER OF THE MOTOR VEHICLE THAT IS THE SUBJECT OF THE VIOLATION FOR DAMAGES EQUAL TO TWO TIMES THE AMOUNT OF THE FEES ASSESSED AS PART OF THE MOTOR VEHICLE'S TOWING AND STORAGE.-~~

~~-7- House Amendments to S.B.-~~

~~1059 E.-~~

~~H.-~~

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

~~F.-~~

~~I.-~~

~~For the purposes of this section, "private towing carrier" means any person who commercially offers services to tow, transport or impound motor vehicles from private property without the permission of the owner or operator of the vehicle by use of a truck or other vehicle designed for or adapted to that purpose." Amend title to conform LEO-BIASIUCCI-1059BIASIUCCI.docx 03/24/2025 11:11 AM C:-~~

~~LAT-8-~~