

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 210

SENATE BILL 1174

AN ACT

AMENDING SECTIONS 28-4834, 28-4843 AND 28-4846, ARIZONA REVISED STATUTES;
RELATING TO ABANDONED VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-4834, Arizona Revised Statutes, is amended to
3 read:

4 28-4834. Vehicle removal

5 A. An officer who has reasonable grounds to believe that a vehicle has
6 been lost, stolen, abandoned or otherwise unclaimed may remove or cause the
7 removal of the vehicle from any street or highway or on any other public,
8 federal, state trust, national forest, state park or bureau of land
9 management land or private property.

10 B. IN COUNTIES WITH A POPULATION OF FOUR HUNDRED THOUSAND PERSONS OR
11 LESS, BEFORE AN OFFICER REMOVES OR CAUSES THE REMOVAL OF A VEHICLE THAT IS
12 ABANDONED AS PROVIDED IN SECTION 28-4839 FROM THE PERSON IN POSSESSION OF THE
13 VEHICLE, THE OWNER OR LIENHOLDER OF OR OTHER PERSON WHO HAS AN INTEREST IN
14 THE VEHICLE SHALL PAY THE PERSON ON WHOSE PROPERTY THE VEHICLE WAS DISCOVERED
15 AN AMOUNT THAT DOES NOT EXCEED FIVE DOLLARS FOR EACH DAY OF STORAGE UP TO A
16 MAXIMUM OF FIVE HUNDRED DOLLARS FOR THE STORAGE OF THE VEHICLE AND THE FEE
17 FOR PROCESSING AN ABANDONED VEHICLE REPORT AS PRESCRIBED BY SECTION 28-4802
18 IF THE PERSON ON WHOSE PROPERTY THE VEHICLE WAS DISCOVERED DOES BOTH OF THE
19 FOLLOWING:

20 1. NOTIFIES A LAW ENFORCEMENT AGENCY BY TELEPHONE IN THE JURISDICTION
21 WHERE THE VEHICLE WAS DISCOVERED OF THE PRESENCE OF THE VEHICLE ON THE
22 PERSON'S PROPERTY WITHIN FORTY-EIGHT HOURS AFTER THE PROPERTY OWNER
23 DISCOVERED THE VEHICLE.

24 2. GIVES NOTICE OF ABANDONMENT OF THE VEHICLE IN THE MANNER PRESCRIBED
25 BY LAW.

26 C. THIS SECTION DOES NOT REQUIRE A LAW ENFORCEMENT AGENCY TO PAY ANY
27 CHARGES RELATED TO A VEHICLE THAT A LAW ENFORCEMENT AGENCY IS REQUIRED OR
28 OTHERWISE AUTHORIZED BY LAW TO IMPOUND OR REMOVE.

29 ~~B.~~ D. If a person removes or causes the removal of an abandoned
30 vehicle from private property, the person shall both:

31 1. Obtain written authorization from the owner or lessee of the
32 property on a form prescribed by the director.

33 2. Submit the form and the vehicle identification form to the
34 department.

35 ~~C.~~ E. An officer who is employed by a public agency or political
36 subdivision and who has removed an abandoned vehicle pursuant to this section
37 or who has removed or caused to be removed a vehicle pursuant to section
38 28-872 shall inspect the vehicle and shall complete the vehicle
39 identification form prescribed or approved by the director. The agency or
40 political subdivision shall make an inquiry to determine whether the
41 abandoned vehicle is a stolen abandoned vehicle.

42 ~~D.~~ F. A person who has removed or caused to be removed an abandoned
43 vehicle from public land pursuant to section 28-4802 or private property
44 shall have the vehicle inspected by an officer or agent of the department who

1 shall complete the vehicle identification form prescribed by the director.
2 The officer or agent designated by the director shall make an inquiry to
3 determine whether the abandoned vehicle is a stolen abandoned vehicle.

4 Sec. 2. Section 28-4843, Arizona Revised Statutes, is amended to read:
5 28-4843. Reclaimed vehicle; payment of costs

6 EXCEPT AS PROVIDED IN SECTION 28-4834, on proof by the person in
7 possession of an abandoned vehicle that notice of the abandonment and
8 intention to transfer ownership has been given in the manner provided by law,
9 the person in possession of the vehicle is entitled to be paid a reasonable
10 amount for storage of the vehicle and the fee for processing an abandoned
11 vehicle report as prescribed by section 28-4802 from the owner, lienholder
12 or person who has an interest in the vehicle if this person reclaims the
13 vehicle before the transfer of ownership.

14 Sec. 3. Section 28-4846, Arizona Revised Statutes, is amended to read:
15 28-4846. Stolen vehicles; inspection; violation; classification

16 A. For the purposes of enforcing this title or locating stolen
17 vehicles or parts of those vehicles, peace officers may:

18 1. Inspect a vehicle to examine any vehicle identification number,
19 serial number or other unique distinguishing number, sign or symbol in any
20 public garage, vehicle storage, repair, leasing or rental lot or facility,
21 vehicle equipment rental yard, vehicle salvage pool or other similar
22 establishment.

23 2. Inspect the title or registration of those vehicles in order to
24 establish their rightful ownership or possession.

25 B. Peace officers may also inspect a bicycle, an implement of
26 husbandry, special construction equipment and a motor vehicle designed for
27 off-highway use that is on the premises described in subsection A or if such
28 a vehicle is incidentally operated or transported on a highway.

29 C. Inspections shall be conducted at a time and in a manner that
30 minimizes any unreasonable interference with or delay of the business
31 operation.

32 D. If information comes to the attention of the person conducting an
33 inspection pursuant to this section that may necessitate obtaining a search
34 warrant and if steps are promptly initiated for the procurement of a search
35 warrant, the persons conducting the inspection may take all necessary steps
36 to secure the premises under inspection until the warrant application is
37 acted on by a judicial officer.

38 E. OFF-DUTY OFFICERS AND OFFICERS EMPLOYED IN A LAW ENFORCEMENT
39 CAPACITY TO CONDUCT INSPECTIONS PURSUANT TO THIS SECTION, INCLUDING PEACE
40 OFFICERS DESIGNATED BY THE DIRECTOR PURSUANT TO SECTION 28-369, MAY ACCESS
41 ANY STATE OR NATIONAL CRIMINAL INFORMATION SYSTEM TO DETERMINE IF A VEHICLE
42 IS STOLEN.

43 F. A person who refuses to permit inspection under this section
44 is guilty of a class 1 misdemeanor.

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~~THIS BILL HAVING REMAINED WITH THE GOVERNOR FIVE DAYS, SUNDAY
EXCLUDED, AND THE LEGISLATURE BEING IN SESSION, IT HAS BECOME A
LAW THIS 23RD DAY OF APRIL 2001.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2001.~~

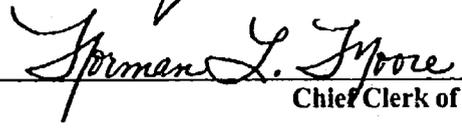
Passed the House April 10, 20 01,

by the following vote: 36 Ayes,

21 Nays, 3 Not Voting



Speaker of the House

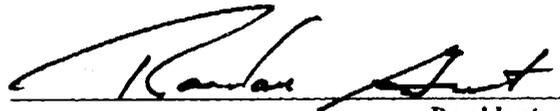


Chief Clerk of the House

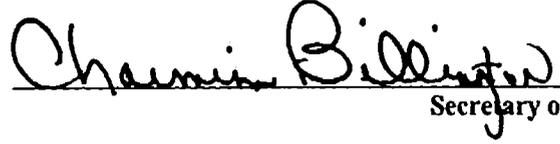
Passed the Senate February 21, 20 01,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

Approved this _____ day of

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

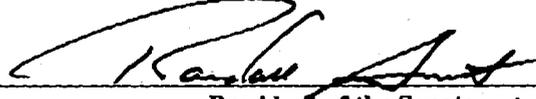
S.B. 1174

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 16, 2001,

by the following vote: 24 Ayes,

2 Nays, 4 Not Voting



President of the Senate

Norma Lowe

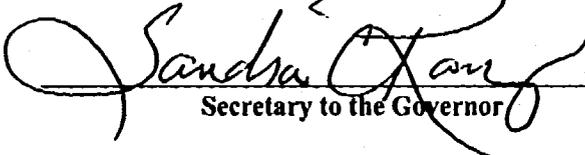
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2001,

at 2:59 o'clock P M.



Secretary to the Governor

APPROVED THIS _____ day of

_____, 20____,

at _____ o'clock _____ M.

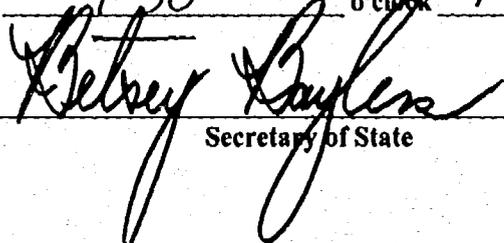
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2001,

at 4:50 o'clock P M.



Secretary of State

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