

Conference Engrossed

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 313

SENATE BILL 1254

AN ACT

CHANGING THE DESIGNATION OF TITLE 28, CHAPTER 8, ARTICLE 9, ARIZONA REVISED STATUTES, TO "VEHICLE IMMOBILIZATION, IMPOUNDMENT AND STORAGE"; AMENDING SECTIONS 13-907, 28-693, 28-1387, 28-3511 THROUGH 28-3514, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION; RELATING TO OPERATORS OF MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 13-907, Arizona Revised Statutes, is amended to
3 read:

4 13-907. Setting aside judgment of convicted person on
5 discharge; making of application; release from
6 disabilities; exceptions

7 A. Except as provided in subsection B of this section, every person
8 convicted of a criminal offense, ~~may, upon~~ ON fulfillment of the conditions
9 of probation or sentence and discharge by the court, MAY apply to the judge,
10 justice of the peace or magistrate who pronounced sentence or imposed
11 probation or such judge, justice of the peace or magistrate's successor in
12 office to have the judgment of guilt set aside. The convicted person shall
13 be informed of this right at the time of discharge. The application to set
14 aside the judgment may be made by the convicted person or by the convicted
15 person's attorney or probation officer authorized in writing. If the judge,
16 justice of the peace or magistrate grants the application, the judge, justice
17 of the peace or magistrate shall set aside the judgment of guilt, dismiss the
18 accusations or information and order that the person be released from all
19 penalties and disabilities resulting from the conviction other than those
20 imposed by the department of transportation pursuant to section 28-3304,
21 28-3306, 28-3307, ~~or~~ 28-3308 OR 28-3319, except that the conviction may be
22 used as a conviction if such conviction would be admissible had it not been
23 set aside and may be pleaded and proved in any subsequent prosecution of such
24 person by the state or any of its subdivisions for any offense or used by the
25 department of transportation in enforcing ~~the provisions of~~ section 28-3304,
26 28-3306, 28-3307, ~~or~~ 28-3308 OR 28-3319 as if the judgment of guilt had not
27 been set aside.

28 B. This section does not apply to a person convicted of a criminal
29 offense:

- 30 1. Involving the infliction of serious physical injury.
31 2. Involving the use or exhibition of a deadly weapon or dangerous
32 instrument.
33 3. For which the person is required or ordered by the court to
34 register pursuant to section 13-3821.
35 4. For which there has been a finding of sexual motivation pursuant to
36 section 13-118.
37 5. In which the victim is a minor under fifteen years of age.
38 6. In violation of section 28-3473, any local ordinance relating to
39 stopping, standing or operation of a vehicle or title 28, chapter 3, except a
40 violation of section 28-693 or any local ordinance relating to the same
41 subject matter as section 28-693.

42 Sec. 2. Section 28-693, Arizona Revised Statutes, is amended to read:

43 28-693. Reckless driving; classification; license; surrender

44 A. A person who drives a vehicle in reckless disregard for the safety
45 of persons or property is guilty of reckless driving.

1 B. A person convicted of reckless driving is guilty of a class 2
2 misdemeanor.

3 C. In addition, the judge may require the surrender to a police
4 officer of any driver license of the convicted person, shall report the
5 conviction to the department and may order the driving privileges of the
6 person to be suspended for a period of not more than ninety days. On receipt
7 of the abstract of conviction and order, the department shall suspend the
8 driving privilege of the person for the period of time ordered by the judge.

9 D. If a person who is convicted of a violation of this section has
10 been previously convicted of a violation of this section, section 13-1102 or
11 section 13-1103, subsection A, paragraph 1, in the driving of a vehicle, or
12 section 28-708, 28-1381, 28-1382 or 28-1383 within a period of twenty-four
13 months:

14 1. The person is guilty of a class 1 misdemeanor.

15 2. The person is not eligible for probation, pardon, suspension of
16 sentence or release on any basis until the person has served not less than
17 twenty days in jail.

18 3. The judge may require the surrender to a police officer of any
19 driver license of the convicted person and shall immediately forward the
20 abstract of conviction to the department.

21 4. On receipt of the abstract of conviction, the department shall
22 revoke the driving privilege of the person.

23 E. The dates of the commission of the offense are the determining
24 factor in applying subsection D of this section. A second or subsequent
25 violation for which a conviction occurs as provided in this section does not
26 include a conviction for an offense arising out of the same series of acts.

27 F. On pronouncement of a jail sentence under this section, AND AFTER
28 THE COURT RECEIVES CONFIRMATION THAT THE PERSON IS EMPLOYED OR IS A STUDENT,
29 the court may provide in the sentence that if the defendant is employed or
30 ~~attending school and~~ IS A STUDENT THE DEFENDANT can continue employment or
31 ~~school the defendant may continue the employment or school~~ SCHOOLING for not
32 more than twelve hours per day nor more than five days per week. ~~and~~ THE
33 DEFENDANT shall spend the remaining days or parts of days in jail until the
34 sentence is served. ~~The defendant~~ AND shall be allowed out of jail only long
35 enough to complete the defendant's actual hours of employment or ~~school~~
36 SCHOOLING.

37 Sec. 3. Section 28-1387, Arizona Revised Statutes, is amended to read:

38 28-1387. Prior convictions; alcohol or other drug screening,

39 education and treatment; license suspension;

40 supervised probation; civil liability; procedures

41 A. The court shall allow the allegation of a prior conviction or any
42 other pending charge of a violation of section 28-1381, 28-1382 or 28-1383 or
43 an act in another jurisdiction that if committed in this state would be a
44 violation of section 28-1381, 28-1382 or 28-1383 filed twenty or more days
45 before the date the case is actually tried and may allow the allegation of a

1 prior conviction or any other pending charge of a violation of section
2 28-1381, 28-1382 or 28-1383 or an act in another jurisdiction that if
3 committed in this state would be a violation of section 28-1381, 28-1382 or
4 28-1383 filed at any time before the date the case is actually tried if this
5 state makes available to the defendant when the allegation is filed a copy of
6 any information obtained concerning the prior conviction or other pending
7 charge. Any conviction may be used to enhance another conviction
8 irrespective of the dates on which the offenses occurred within the sixty
9 month provision. For the purposes of this article, an order of a juvenile
10 court adjudicating a person delinquent is equivalent to a conviction.

11 B. In addition to any other penalties prescribed by law, the judge
12 shall order a person who is convicted of a violation of section 28-1381 or
13 28-1382 to complete alcohol or other drug screening that is provided by a
14 facility approved by the department of health services or a probation
15 department. If a judge determines that the person requires further alcohol
16 or other drug education or treatment, the person may be required pursuant to
17 court order to obtain alcohol or other drug education or treatment under the
18 court's supervision from an approved facility. The judge may review an
19 education or treatment determination at the request of the state, ~~or~~ the
20 defendant OR THE PROBATION OFFICER or on the judge's initiative. The person
21 shall pay the costs of the screening, education or treatment unless, AFTER
22 CONSIDERING THE PERSON'S ABILITY TO PAY ALL OR PART OF THE COSTS, the court
23 waives ~~part or~~ all OR PART of the costs. If a person is referred to a
24 screening, education or treatment facility, the facility shall report to the
25 court whether the person has successfully completed the screening, education
26 or treatment program.

27 C. After a person who is sentenced pursuant to section 28-1381,
28 subsection I has served twenty-four consecutive hours in jail or after a
29 person who is sentenced pursuant to section 28-1381, subsection K or section
30 28-1382, subsection D or F has served forty-eight consecutive hours in jail
31 and after the court receives confirmation that the person is employed or is a
32 student, the court may provide in the sentence that the defendant, if the
33 defendant is employed or is a student and can continue the defendant's
34 employment or ~~studies~~ SCHOOLING, may continue the employment or ~~studies~~
35 SCHOOLING for not more than twelve hours a day nor more than five days a
36 week. The person shall spend the remaining day, days or parts of days in
37 jail until the sentence is served and shall be allowed out of jail only long
38 enough to complete the actual hours of employment or ~~studies~~ SCHOOLING.

39 D. Unless the license of a person convicted under section 28-1381 or
40 28-1382 has been or is suspended pursuant to section 28-1321 or 28-1385, the
41 department on receipt of the abstract of conviction of a violation of section
42 28-1381 or 28-1382 shall suspend the license of the affected person for not
43 less than ninety consecutive days.

44 E. When the department receives notification that the person meets the
45 criteria provided in section 28-1385, subsection F, the department shall

1 suspend the driving privileges of the person for not less than thirty
2 consecutive days and shall restrict the driving privileges of the person for
3 not less than sixty consecutive additional days to travel between any of the
4 following:

5 1. The person's place of employment and residence and during specified
6 periods of time while at employment.

7 2. The person's place of residence and the person's secondary or
8 postsecondary school, according to the person's employment or educational
9 schedule.

10 3. The person's place of residence and a treatment facility for
11 scheduled appointments.

12 4. The person's place of residence and the office of the person's
13 probation officer for scheduled appointments.

14 F. If a person is placed on probation for violating section 28-1381 or
15 28-1382, the probation shall be supervised unless the court finds that
16 supervised probation is not necessary or the court does not have supervisory
17 probation services.

18 G. Any political subdivision processing or using the services of a
19 person ordered to perform community service pursuant to section 28-1381 or
20 28-1382 does not incur any civil liability to the person ordered to perform
21 community service as a result of these activities unless the political
22 subdivision or its agent or employee acts with gross negligence.

23 H. Except for another violation of this article, the state shall not
24 dismiss a charge of violating any provision of this article unless there is
25 an insufficient legal or factual basis to pursue that charge.

26 Sec. 4. Heading change

27 The article heading of title 28, chapter 8, article 9, Arizona Revised
28 Statutes, is changed from "SUSPENDED DRIVER LICENSE ENFORCEMENT" to "VEHICLE
29 IMMOBILIZATION, IMPOUNDMENT AND STORAGE".

30 Sec. 5. Section 28-3511, Arizona Revised Statutes, is amended to read:

31 28-3511. Removal and impoundment of vehicle; immobilization of
32 vehicle

33 A. A peace officer ~~may~~ SHALL cause the removal and EITHER
34 IMMOBILIZATION OR impoundment of a vehicle if the peace officer determines
35 that a person is driving the vehicle while any of the following applies:

36 1. The person's driving privilege is revoked for any reason.

37 2. The person's driving privilege is suspended because of a driving
38 under the influence conviction.

39 3. The person's driving privilege is suspended pursuant to the
40 department's action based on a previous conviction for a violation of section
41 28-3473. (

42 4. The person's driving privilege is suspended pursuant to section
43 28-3306, subsection A, paragraph 3.

44 B. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, WHILE A PEACE
45 OFFICER HAS CONTROL OF THE VEHICLE THE PEACE OFFICER SHALL CAUSE THE REMOVAL

1 AND EITHER IMMOBILIZATION OR IMPOUNDMENT OF THE VEHICLE IF THE PEACE OFFICER
2 HAS PROBABLE CAUSE TO ARREST THE DRIVER OF THE VEHICLE FOR A VIOLATION OF
3 SECTION 4-244, PARAGRAPH 33 OR SECTION 28-1382 OR 28-1383.

4 C. A PEACE OFFICER SHALL NOT CAUSE THE REMOVAL AND EITHER THE
5 IMMOBILIZATION OR IMPOUNDMENT OF A VEHICLE PURSUANT TO SUBSECTION B OF THIS
6 SECTION IF EITHER:

7 1. ALL OF THE FOLLOWING APPLY:

8 (a) THE PEACE OFFICER DETERMINES THAT THE VEHICLE IS CURRENTLY
9 REGISTERED AND THAT THE DRIVER OR THE VEHICLE IS IN COMPLIANCE WITH THE
10 FINANCIAL RESPONSIBILITY REQUIREMENTS OF CHAPTER 9, ARTICLE 4 OF THIS TITLE.

11 (b) THE SPOUSE OF THE DRIVER IS WITH THE DRIVER AT THE TIME OF THE
12 ARREST.

13 (c) THE PEACE OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT THE
14 SPOUSE OF THE DRIVER:

15 (i) HAS A VALID DRIVER LICENSE.

16 (ii) IS NOT IMPAIRED BY INTOXICATING LIQUOR, ANY DRUG, A VAPOR
17 RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY COMBINATION OF
18 LIQUOR, DRUGS OR VAPOR RELEASING SUBSTANCES.

19 (iii) DOES NOT HAVE ANY SPIRITUOUS LIQUOR IN THE SPOUSE'S BODY IF THE
20 SPOUSE IS UNDER TWENTY-ONE YEARS OF AGE.

21 (d) THE SPOUSE NOTIFIES THE PEACE OFFICER THAT THE SPOUSE WILL DRIVE
22 THE VEHICLE FROM THE PLACE OF ARREST TO THE DRIVER'S HOME OR OTHER PLACE OF
23 SAFETY.

24 (e) THE SPOUSE DRIVES THE VEHICLE AS PRESCRIBED BY SUBDIVISION (d) OF
25 THIS PARAGRAPH.

26 2. THE VEHICLE IS OWNED BY THE DRIVER'S PARENT OR GUARDIAN AND THE
27 PEACE OFFICER HAS PROBABLE CAUSE TO ARREST THE DRIVER OF THE VEHICLE FOR A
28 VIOLATION OF SECTION 4-244, PARAGRAPH 33 BUT NOT FOR A VIOLATION OF SECTION
29 28-1382 OR 28-1383.

30 ~~B.~~ D. Except as otherwise provided in this article, a vehicle that is
31 removed and EITHER IMMOBILIZED OR impounded pursuant to subsection A OR B of
32 this section shall be IMMOBILIZED OR impounded for thirty days. AN INSURANCE
33 COMPANY DOES NOT HAVE A DUTY TO PAY ANY BENEFITS FOR CHARGES OR FEES FOR
34 IMMOBILIZATION OR IMPOUNDMENT.

35 ~~C.~~ E. The owner of a vehicle that is removed and EITHER IMMOBILIZED
36 OR impounded pursuant to subsection A OR B of this section, the spouse of the
37 owner and each person identified on the department's record with an interest
38 in the vehicle shall be provided with an opportunity for a- AN IMMOBILIZATION
39 OR poststorage hearing pursuant to section 28-3514.

40 Sec. 6. Section 28-3512, Arizona Revised Statutes, is amended to read:
41 28-3512. Release of vehicle; definition

42 A. An IMMOBILIZING OR impounding agency shall release a vehicle to the
43 owner before the end of the thirty day IMMOBILIZATION OR impoundment period
44 under any of the following circumstances:

1 1. If the vehicle is a stolen vehicle.
2 2. If the vehicle is subject to bailment and is driven by an employee
3 of a business establishment, including a parking service or repair garage,
4 who is subject to section 28-3511, subsection A OR B.

5 3. If the owner presents proof satisfactory to the IMMOBILIZING OR
6 impounding agency that the owner's driving privilege has been reinstated.

7 4. ALL OF THE FOLLOWING APPLY:

8 (a) THE OWNER OR THE OWNER'S AGENT WAS NOT THE PERSON DRIVING THE
9 VEHICLE PURSUANT TO SECTION 28-3511, SUBSECTION A.

10 (b) THE OWNER OR THE OWNER'S AGENT IS IN THE BUSINESS OF RENTING MOTOR
11 VEHICLES WITHOUT DRIVERS.

12 (c) THE VEHICLE IS REGISTERED PURSUANT TO SECTION 28-2166.

13 4- 5. For the spouse of the owner or any person who is identified as
14 an owner of the vehicle on the records of the department, if the spouse or
15 person was not the driver of the vehicle at the time of removal and EITHER
16 IMMOBILIZATION OR impoundment and the spouse or person enters into an
17 agreement with the IMMOBILIZING OR impounding agency that stipulates that if
18 the spouse or person allows an unlicensed driver OR A DRIVER ARRESTED IN
19 VIOLATION OF SECTION 4-244, PARAGRAPH 33 OR SECTION 28-1382 OR 28-1383 to
20 drive the spouse's or person's vehicle within one year after the agreement is
21 signed, the spouse or person will not be eligible to obtain release of the
22 spouse's or person's vehicle before the end of the thirty day IMMOBILIZATION
23 OR impoundment period.

24 B. A vehicle shall not be released pursuant to subsection A of this
25 section except on order of a justice court, IMMOBILIZING AGENCY OR IMPOUNDING
26 AGENCY pursuant to AN IMMOBILIZATION OR POSTSTORAGE HEARING UNDER section
27 28-3514 or on presentation of the owner's or owner's spouse's currently valid
28 driver license to operate the vehicle and proof of current vehicle
29 registration and, if the driving privilege of the person driving the vehicle
30 was suspended due to a previous conviction for driving under the influence
31 pursuant to section 28-1381, subsection K, paragraph 4, section 28-1382 or
32 section 28-1383 and a certified ignition interlock device was required to be
33 installed on the vehicle, on presentation of proof of installation of a
34 functioning certified ignition interlock device in the vehicle. The
35 impounding agency, storage yard, facility, person or agency having physical
36 possession of the vehicle shall allow access to the impounded vehicle for the
37 purpose of installing a certified ignition interlock device. The impounding
38 agency, storage yard, facility, person or agency having physical possession
39 of the vehicle shall not charge a fee for providing access to the vehicle or
40 for the installation of the certified ignition interlock device.

41 C. The owner is responsible for paying all IMMOBILIZATION, towing and
42 storage charges related to the IMMOBILIZATION OR impoundment of the vehicle
43 and any administrative charges established pursuant to section 28-3513,
44 unless the vehicle is stolen and the theft was reported to the appropriate
45 law enforcement agency. If the vehicle is stolen and the theft was reported

1 to the appropriate law enforcement agency, the operator of the vehicle at the
2 time of IMMOBILIZATION OR impoundment is responsible for all IMMOBILIZATION,
3 towing, storage and administrative charges.

4 D. The IMMOBILIZING OR impounding agency shall release a vehicle to a
5 person, other than the owner, identified on the department's record as having
6 an interest in the vehicle before the end of the thirty day IMMOBILIZATION OR
7 impoundment period if all of the following conditions are met:

8 1. The person is a motor vehicle dealer, bank, credit union or
9 acceptance corporation or any other licensed financial institution legally
10 operating in this state or is another person who is not the owner and who
11 holds a security interest in the vehicle.

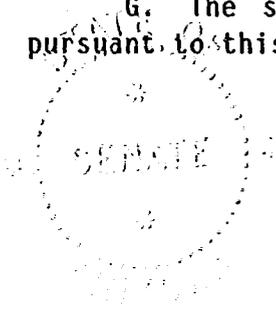
12 2. The person pays all IMMOBILIZATION, towing and storage fees related
13 to the IMMOBILIZATION OR impoundment of the vehicle unless the vehicle is
14 stolen and the theft was reported to the appropriate law enforcement agency.
15 If the vehicle is stolen and the theft was reported to the appropriate law
16 enforcement agency, the operator of the vehicle at the time of IMMOBILIZATION
17 OR impoundment is responsible for all IMMOBILIZATION, towing, storage and
18 administrative charges.

19 3. The person presents foreclosure documents or an affidavit of
20 repossession of the vehicle.

21 E. Before a person described in subsection D of this section releases
22 the vehicle, the person may require the owner to pay charges that the person
23 incurred in connection with obtaining custody of the vehicle, including all
24 IMMOBILIZATION, towing and storage charges that are related to the
25 IMMOBILIZATION OR impoundment of the vehicle and any administrative charges
26 that are established pursuant to section 28-3513.

27 F. A vehicle shall not be released after the end of the thirty day
28 IMMOBILIZATION OR impoundment period except on presentation of the owner's or
29 owner's agent's currently valid driver license to operate the vehicle and
30 proof of current vehicle registration and, if the driving privilege of the
31 person driving the vehicle was suspended due to a previous conviction for
32 driving under the influence pursuant to section 28-1381, subsection K,
33 paragraph 4, section 28-1382 or section 28-1383 and ~~a~~ A CERTIFIED ignition
34 interlock device was required to be installed on the vehicle, on presentation
35 of proof of installation of a functioning certified ignition interlock device
36 in the vehicle. The impounding agency, storage yard, facility, person or
37 agency having physical possession of the vehicle shall allow access to the
38 impounded vehicle for the purpose of installing a certified ignition
39 interlock device. The impounding agency, storage yard, facility, person or
40 agency having physical possession of the vehicle shall not charge a fee for
41 providing access to the vehicle or for the installation of the certified
42 ignition interlock device.

43 G. The storage charges relating to the impoundment of a vehicle
44 pursuant to this section shall EITHER:



1 1. BE SUBJECT TO A CONTRACTUAL AGREEMENT BETWEEN THE IMPOUNDING AGENCY
2 AND A TOWING FIRM FOR STORAGE SERVICES PURSUANT TO SECTION 28-1108.

3 2. Not exceed fifteen dollars for each day of storage.

4 H. The IMMOBILIZING OR impounding agency shall have no lien or
5 possessory interest in a stolen vehicle if the theft was reported to the
6 appropriate law enforcement agency. The IMMOBILIZING OR impounding agency
7 shall release the vehicle to the owner or person other than the owner as
8 identified in subsection D of this section even if the operator at the time
9 of IMMOBILIZATION OR impoundment has not paid all IMMOBILIZATION, towing,
10 storage and administrative fees.

11 I. For the purposes of this section, "certified ignition interlock
12 device" has the same meaning prescribed in section 28-1301.

13 Sec. 7. Section 28-3513, Arizona Revised Statutes, is amended to read:
14 28-3513. Administrative charges

15 A. The IMMOBILIZING OR impounding agency shall establish procedures
16 for ~~impounding agency~~ IMMOBILIZATION HEARINGS OR poststorage hearings, for
17 the release of properly IMMOBILIZED OR impounded vehicles and for imposition
18 of a charge equal to the administrative costs relating to the removal,
19 IMMOBILIZATION, impoundment, storage or release of a vehicle. The
20 IMMOBILIZING OR impounding agency may waive the administrative charges.

21 B. The administrative charges established pursuant to this section
22 shall not exceed one hundred fifty dollars.

23 C. The IMMOBILIZING OR impounding agency shall collect any
24 administrative charges at the time of the release of the vehicle unless the
25 vehicle is stolen and the theft was reported to the appropriate law
26 enforcement agency. If the vehicle is stolen and the theft was reported to
27 the appropriate law enforcement agency, ~~then~~ the operator of the vehicle at
28 the time of IMMOBILIZATION OR impoundment is responsible for all towing,
29 IMMOBILIZATION, storage and administrative charges.

30 D. The administrative charges established pursuant to this section are
31 in addition to any other IMMOBILIZATION, impoundment or storage charges.

32 E. A justice court providing a- AN IMMOBILIZATION OR poststorage
33 hearing may collect a fee equal to the fee established pursuant to section
34 22-281 for a small claims answer.

35 Sec. 8. Section 28-3514, Arizona Revised Statutes, is amended to read:
36 28-3514. Hearings; notice of immobilization or storage

37 A. If a peace officer removes and EITHER IMMOBILIZES OR impounds a
38 vehicle pursuant to section 28-3511, the IMMOBILIZING OR impounding agency
39 may provide the owner, the spouse of the owner and any other person
40 identified on the department's record as having an interest in the vehicle
41 with the opportunity for a- AN IMMOBILIZATION OR poststorage hearing to
42 determine the validity of the IMMOBILIZATION OR storage or consider any
43 mitigating circumstances relating to the IMMOBILIZATION OR storage or release
44 of the vehicle before the end of the thirty day IMMOBILIZATION OR impoundment
45 period. If the IMMOBILIZING OR impounding agency provides the opportunity

1 for ~~a~~ AN IMMOBILIZATION OR poststorage hearing, the IMMOBILIZING OR
2 impounding agency shall conduct the hearing in accordance with any of the
3 following:

4 1. In the IMMOBILIZING OR impounding agency's jurisdiction.
5 2. Telephonically.
6 3. Pursuant to procedures prescribed by the IMMOBILIZING OR impounding
7 agency to transfer the authority to conduct the IMMOBILIZATION OR poststorage
8 hearing to a law enforcement agency in the jurisdiction in which the owner,
9 the spouse of the owner, the owner's agent or any person identified in the
10 department's record as having an interest in the vehicle resides.

11 B. If the IMMOBILIZING OR impounding agency does not provide an
12 opportunity for ~~a~~ AN IMMOBILIZATION OR poststorage hearing, a justice court
13 shall conduct the IMMOBILIZATION OR poststorage hearing. If ~~a~~ AN
14 IMMOBILIZATION OR poststorage hearing is conducted by a justice court, the
15 IMMOBILIZING OR impounding agency shall appear and show evidence.
16 IMMOBILIZATION OR poststorage hearings conducted by a justice court shall be
17 considered as civil filings for the purposes of judicial productivity
18 credits.

19 C. Within two working days after IMMOBILIZATION OR impoundment, the
20 IMMOBILIZING OR impounding agency shall send a notice of storage by first
21 class mail to each person, other than the owner, identified on the
22 department's record as having an interest in the vehicle. Service of notice
23 of IMMOBILIZATION OR storage is complete on mailing. If the IMMOBILIZING OR
24 impounding agency fails to notify a person, other than the owner, identified
25 on the department's record as having an interest in the vehicle within two
26 working days after IMMOBILIZATION OR impoundment, THE IMMOBILIZING AGENCY OR
27 the person in possession of the vehicle shall not charge more than fifteen
28 days' IMMOBILIZATION OR impoundment when the person redeems the impounded
29 vehicle OR HAS THE IMMOBILIZATION DEVICE REMOVED FROM THE VEHICLE.

30 D. Within two working days after IMMOBILIZATION OR impoundment, the
31 IMMOBILIZING OR impounding agency shall mail or personally deliver notice of
32 IMMOBILIZATION OR storage to the owner of the vehicle.

33 E. The notice of IMMOBILIZATION OR storage shall include all of the
34 following information:

35 1. A statement that the vehicle was IMMOBILIZED OR impounded.

36 2. The name, address and telephone number of the IMMOBILIZING OR
37 impounding agency providing the notice.

38 3. The name, address and telephone number of the IMMOBILIZING OR
39 impounding agency or justice court that will provide the IMMOBILIZATION OR
40 poststorage hearing.

41 4. The location of the place of storage and a description of the
42 vehicle, including, if available, the manufacturer, model, license plate
43 number and mileage of the vehicle.

44 5. A statement that in order to receive ~~a~~ AN IMMOBILIZATION OR
45 poststorage hearing the owner, the spouse of the owner, the owner's agent or

1 the person identified in the department's record as having an interest in the
2 vehicle shall, within ten days after the date on the notice, SHALL request a-
3 AN IMMOBILIZATION OR poststorage hearing by contacting the IMMOBILIZING OR
4 impounding agency in person or in writing or by filing a request with the
5 justice court and paying a fee equal to the fee established pursuant to
6 section 22-281 for a small claims answer.

7 6. A statement that if the IMMOBILIZING OR impounding agency does not
8 provide the opportunity for a- AN IMMOBILIZATION OR poststorage hearing, the
9 owner, the spouse of the owner, the owner's agent or any person identified in
10 the department's record as having an interest in the vehicle may request that
11 the IMMOBILIZATION OR poststorage hearing be conducted by a justice court in
12 the IMMOBILIZING OR impounding agency's jurisdiction or the jurisdiction in
13 which the owner, the spouse of the owner, the owner's agent or the person
14 identified in the department's record as having an interest in the vehicle
15 resides.

16 F. The IMMOBILIZATION OR poststorage hearing shall be conducted by the
17 IMMOBILIZING OR impounding agency or justice court within five working days
18 after receipt of the request.

19 G. Failure of the owner, the spouse of the owner or other person or
20 the other person's agent to request or to attend a scheduled hearing
21 satisfies the IMMOBILIZATION OR poststorage hearing requirement.

22 H. The IMMOBILIZING OR impounding agency employing the person who
23 directed the IMMOBILIZATION OR storage is responsible for the costs incurred
24 for IMMOBILIZATION, towing and storage if it is determined in the
25 IMMOBILIZATION OR poststorage hearing that reasonable grounds for the
26 IMMOBILIZATION OR impoundment and storage are not established.

27 Sec. 9. Appropriation; purpose

28 The sum of \$250,000 and 5 FTE positions are appropriated from the
29 highway user revenue fund in fiscal year 2005-2006 to the department of
30 transportation for the purpose of both of the following:

31 1. Allowing commercial driver schools to become authorized third
32 parties pursuant to title 28, chapter 13, Arizona Revised Statutes, to
33 administer a commercial driver license examination.

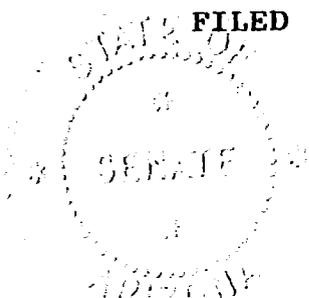
34 2. Allowing no more than fifteen motorcycle dealers to become
35 authorized third parties pursuant to title 28, chapter 13, Arizona Revised
36 Statutes, to administer an examination for a class M license or a motorcycle
37 endorsement.

38 Sec. 10. Effective date

39 Section 4 of this act and sections 28-3511 through 28-3514, Arizona
40 Revised Statutes, as amended by this act, are effective from and after
41 October 31, 2005.

APPROVED BY THE GOVERNOR MAY 20, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 20, 2005.



Passed the House April 4, 2005,

by the following vote: 39 Ayes,

16 Nays, 5 Not Voting


Speaker of the House


Chief Clerk of the House

Passed the Senate February 22, 2005,

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

S.B. 1254

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.

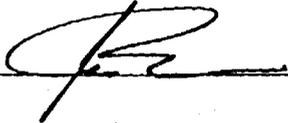
Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 13, 20 05,

by the following vote: 40 Ayes,

13 Nays, 7 Not Voting



Speaker of the House



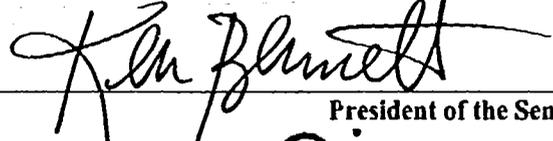
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

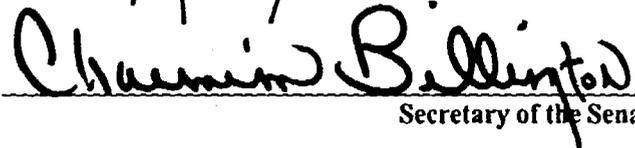
Passed the Senate May 12, 20 05,

by the following vote: 24 Ayes,

0 Nays, 6 Not Voting



President of the Senate



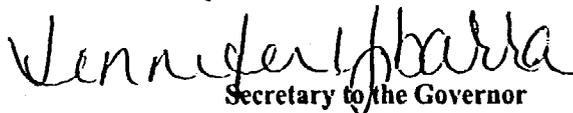
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 13th day of May, 20 05

at 8:38 o'clock a M.



Secretary to the Governor

Approved this 20 day of

May, 20 05,

at 9:00 o'clock A. M.



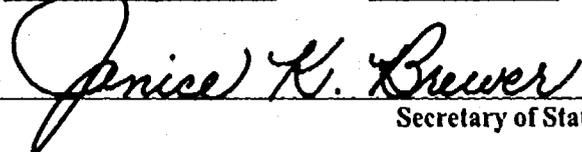
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of May, 20 05,

at 3:03 o'clock P. M.



Secretary of State

S.B. 1254