



# ARIZONA HOUSE OF REPRESENTATIVES

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Senate: TAT DPA 9-0-0-0 | 3<sup>rd</sup> Read 21-7-2-0

## **HB 2293: vehicle impoundment; exceptions; storage charges**

**Sponsor: Representative Payne, LD 21**

**Conference Committee**

### **Overview**

Modifies current procedures and requirements for the mandatory impoundment of a vehicle in which the driver is arrested.

### **History**

A peace officer is required to remove and either immobilize or impound a vehicle if the peace officer determines that either:

- 1) The person driving the vehicle:
  - a) Has revoked driving privileges;
  - b) Has not been issued a license or permit;
  - c) Is subject to an ignition interlock device requirement and the driver is operating the vehicle without a functioning device; or
  - d) Is transporting, concealing, harboring or shielding an alien in Arizona if the person knows the alien has come in violation of the law; or
- 2) The vehicle is displayed for sale or transfer of ownership with a vehicle identification number that has been destroyed.

Furthermore, if the driver is being arrested and the spouse is present at the time of the driver's arrest, has a valid license and is not intoxicated, the vehicle will not be impounded and the spouse will drive the vehicle to the driver's home or a place of safety .

If a vehicle has been removed and either immobilized or impounded, it is required to be immobilized or impounded for 30 days. Additionally, an insurance company does not have a duty to pay any benefits for charges or fees for immobilization or impoundment ([A.R.S. § 28-3511](#)).

If a vehicle is impounded, the storage charges are a contractual agreement between the impounding agency and the towing firm for storage services. The current cost of storage fees is \$15 for each day of storage, including any time the vehicle remains in storage after the end of the 30-day impoundment period ([A.R.S. § 28-3512](#)).

### **Provisions**

1. Requires a peace officer to impound a vehicle if a person is found driving on a suspended license, excluding a suspension for a failure to appear in court on an alleged traffic violation. (Sec. 1)
2. Allows an unimpaired passenger of the vehicle at the time of the driver's arrest, rather than only a spouse, to notify the officer and drive the vehicle from the place of arrest to the driver's home or another place of safety. (Sec. 1)

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note

3. Restricts a peace officer to only the removal of a vehicle, rather than the removal and either impoundment or immobilization of a vehicle, if a passenger is in the vehicle with the driver at the time of the arrest and can meet the criteria to drive the vehicle. (Sec. 1)
4. Exempts a peace officer who needs to be present at an emergency in another location from removing, immobilizing or impounding a vehicle. (Sec. 1)
5. Decreases the mandatory 30-day impoundment period to a mandatory 20-day impoundment period. (Sec. 1)
6. Increases the daily storage cost from \$15 to \$25 for the impoundment of a vehicle. (Sec. 2)
7. Removes language that currently requires a peace officer to remove and immobilize or impound a vehicle if the officer determines that the person is driving a vehicle and is:
  - a) Transporting or moving or attempting to transport or move an alien in Arizona in a vehicle if the person knowingly or recklessly disregards the fact that the alien has come to, entered or remains in the United States; and
  - b) Concealing, harboring or shielding or attempting to conceal, harbor or shield from detection an alien in Arizona in a vehicle if the person knowingly or recklessly disregards the fact that the alien has come to, entered or remains in the United States. (Sec. 1)
8. Makes technical and conforming changes. (Secs. 1-3)

#### **Senate Amendments**

1. Specifies that abandoned vehicle reports must be submitted within five days after the impoundment period.
2. Makes technical changes.

#### **Conference Committee Amendments**

1. Reinstates language requiring peace officers to remove and either immobilize or impound a vehicle if the officer determines a person is transporting or concealing an alien in a vehicle and the person knowingly or recklessly disregards the fact the alien has come to the U.S. in violation of the law.