

Arizona Revised Statutes Annotated

Title 9. Cities and Towns

Chapter 4. General Powers

Article 8. Miscellaneous (Refs & Annos)

A.R.S. § 9-499.05

§ 9-499.05. Authority to set rates for private towing carrier; notice of parking violations; violation; classification; definition

Currentness

**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.

**B.** 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 parking area is posted with signs as prescribed by this subsection which are clearly visible and readable from any point within the parking area and at each entrance. Such signs shall contain, at a minimum, the following:

1. Restrictions on parking.
2. Disposition of vehicles found in violation of the parking restrictions.
3. Maximum cost to the violator, including storage fees and any other charges that could result from the disposition of a vehicle parked in violation of parking restrictions.
4. Telephone number and address where the violator can locate the violator's vehicle.

**C.** 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 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. The owner or the owner's agent shall either sign each towing order or authorize the tow by a written contract which 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. This section shall apply only to services performed while a person is actually engaged in the activities of a private towing carrier.

F. The provisions of this section do not apply to abandoned or junk vehicles disposed of pursuant to title 28, chapter 11.<sup>1</sup>

G. 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.

#### Credits

Added by Laws 1981, Ch. 174, § 1. Amended by Laws 1991, Ch. 121, § 1; Laws 1997, Ch. 1, § 10, eff. Oct. 1, 1997.

#### Footnotes

<sup>1</sup> Section 28-4801 et seq.

A. R. S. § 9-499.05, AZ ST § 9-499.05

Current through legislation effective July 6, 2022 of the Second Regular Session of the Fifty-Fifth Legislature (2022)

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Notes Of Decisions

**Construction and application**

Towing company's sign warning parking violators that vehicles would be towed and that parking was consent to creation of lien for towing and other charges could not, under general contract principles, create enforceable consensual possessory lien against towed vehicle as a matter of law; neither sign nor person's improper parking on private property in violation of posted signs would establish requisite consent of vehicle's owner, nor could consent be implied under such circumstances.

[Adage Towing & Recovery, Inc. v. City of Tucson \(App. Div.2 1996\) 187 Ariz. 396, 930 P.2d 473](#) , review denied.

[Automobiles](#) 375

Appellate court would not address issue, raised in city's answering brief, by which city sought to overturn ruling that sign that complied with statute created contract between parking violators whose vehicles were towed for parking in violation of posted rules and towing company, given city's failure to cross-appeal issue, in that city essentially sought to modify trial court's decision in manner that lessened towing company's rights. [Adage Towing & Recovery, Inc. v. City of Tucson \(App. Div.2 1996\) 187 Ariz. 396, 930 P.2d 473](#) , review denied. [Appeal And Error](#) 3090(3)

Versions (1)

[§ 9-499.05. Authority to set rates for private towing carrier; notice of parking violations; violation; classification; definition](#) 

**AZ ST § 9-499.05**

**Effective [See Text Amendments]**

Enacted Legislation [Laws 1997, Ch. 1, § 10, eff. Oct. 1, 1997](#)

## Editor's and Revisor's Notes (2)

### HISTORICAL AND STATUTORY NOTES

The 1997 amendment by Ch. 1 made changes in statutory citation references to conform to the reorganization of Title 28; and made other nonsubstantive changes.

#### Reviser's Notes:

**1981 Note.** Pursuant to authority of § 41-1304.02, subsection "E" has been relettered as subsection "D" and subsection "D" has been relettered as subsection "E".

**1991 Note.** Pursuant to authority of § 41-1304.02, in the section heading "of parking violations" was added after "notice" and "; definition" was moved to follow "classification" and subsection F was relettered as subsection G and subsection G was relettered as subsection F.

**Context and Analysis (1)**

**Cross References (1)**

Counties, authority to set rates for private towing carrier, see § [11-251.04](#).

**Validity**

There are no Validity results for this citation.

**Bill Drafts**

There are no Bill Drafts for this citation.