

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 303
HOUSE BILL 2384

AN ACT

AMENDING SECTIONS 28-622.01 AND 28-4834, ARIZONA REVISED STATUTES;
RELATING TO TRAFFIC LAWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 28-622.01, Arizona Revised Statutes, is amended
3 to read:

4 28-622.01. Unlawful flight from pursuing law enforcement
5 vehicle; classification; marked and unmarked
6 vehicles

7 A driver of a motor vehicle who wilfully flees or attempts to elude
8 a pursuing official law enforcement vehicle ~~that is being operated in the~~
9 ~~manner described in section 28-624, subsection C~~ is guilty of a class 5
10 felony. ~~IF the law enforcement vehicle shall be~~ IS EITHER:

11 1. BEING OPERATED IN THE MANNER DESCRIBED IN SECTION 28-624,
12 SUBSECTION C AND IS appropriately marked to show that it is an official
13 law enforcement vehicle.

14 2. UNMARKED AND EITHER OF THE FOLLOWING APPLIES:

15 (a) THE DRIVER ADMITS TO KNOWING THAT THE VEHICLE WAS AN OFFICIAL
16 LAW ENFORCEMENT VEHICLE.

17 (b) EVIDENCE SHOWS THAT THE DRIVER KNEW THAT THE VEHICLE WAS AN
18 OFFICIAL LAW ENFORCEMENT VEHICLE.

19 Sec. 2. Section 28-4834, Arizona Revised Statutes, is amended to
20 read:

21 28-4834. Vehicle removal

22 A. An officer who has reasonable grounds to believe that a vehicle
23 has been lost, stolen, abandoned or otherwise unclaimed may remove or
24 cause the removal of the vehicle from any street or highway or on any
25 other public, federal, state trust, national forest, state park or bureau
26 of land management land or private property. FOR THE PURPOSES OF THIS
27 SUBSECTION, AN OFFICER MAY REMOVE OR CAUSE THE REMOVAL OF A VEHICLE IF THE
28 DRIVER OF THE VEHICLE ENGAGES IN UNLAWFUL FLIGHT FROM A PURSUING LAW
29 ENFORCEMENT VEHICLE PURSUANT TO SECTION 28-622.01, LEAVES THE VEHICLE AND
30 CONTINUES TO ENGAGE IN UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT
31 VEHICLE PURSUANT TO SECTION 28-622.01 OR BY OTHER MEANS, INCLUDING ON FOOT
32 OR IN ANOTHER VEHICLE.

33 B. In counties with a population of less than one million five
34 hundred thousand persons, before an officer removes or causes the removal
35 of a vehicle that is abandoned as provided in section 28-4839 from the
36 person in possession of the vehicle, the owner or lienholder of the
37 vehicle or any other person who has an interest in the vehicle shall pay
38 the person on whose property the vehicle was discovered an amount that
39 does not exceed five dollars for each day of storage up to a maximum of
40 five hundred dollars for the storage of the vehicle and the fee for
41 processing an abandoned vehicle report as prescribed by section 28-4802 if
42 the person on whose property the vehicle was discovered does both of the
43 following:

1 1. Notifies a law enforcement agency by telephone in the
2 jurisdiction where the vehicle was discovered of the presence of the
3 vehicle on the person's property within forty-eight hours after the
4 property owner discovered the vehicle.

5 2. Gives notice of abandonment of the vehicle in the manner
6 prescribed by law.

7 C. This section does not require a law enforcement agency to pay
8 any charges related to a vehicle that a law enforcement agency is required
9 or otherwise authorized by law to impound or remove.

10 D. If a person removes or causes the removal of any vehicle,
11 including an abandoned vehicle, from private property, the person shall
12 both:

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

15 2. Submit the form and the vehicle identification form to the
16 department.

17 E. An officer who is employed by a public agency or political
18 subdivision and who has removed an abandoned vehicle pursuant to this
19 section or who has removed or caused to be removed a vehicle pursuant to
20 section 28-872 shall inspect the vehicle and shall complete the vehicle
21 identification form prescribed or approved by the director. The agency or
22 political subdivision shall make an inquiry to determine whether the
23 abandoned vehicle is a stolen abandoned vehicle.

24 F. A person who has removed or caused to be removed an abandoned
25 vehicle from public land pursuant to section 28-4802 or private property
26 shall have the vehicle inspected by an officer or agent of the department
27 who shall complete the vehicle identification form prescribed by the
28 director. The officer or agent designated by the director shall make an
29 inquiry to determine whether the abandoned vehicle is a stolen abandoned
30 vehicle.

31 G. If a renter or lessee of private property parks a vehicle on the
32 private property in an area that the owner authorizes for the vehicle, a
33 person may not remove or cause the removal of the vehicle from the private
34 property unless there is evidence of abandonment. Expired registration of
35 a vehicle may be considered in determining if a vehicle is abandoned but
36 may not conclusively determine abandonment unless there is additional
37 evidence of abandonment.

APPROVED BY THE GOVERNOR MAY 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018.