

# Vehicle Impound Pursuant to PCC 36-70.01 or PCC 36-70.02

Your vehicle will be impounded by the Phoenix Police Department when the vehicle was used to participate in any manner in a race, speed competition or contest, drag racing or acceleration contest, testing of physical endurance or exhibition of speed or acceleration, for the purpose of making a speed record on a street or highway or driving in a reckless disregard for the safety of a person or property. (ARS §28-708) or (ARS §28-693). The City Code allows for impoundment of vehicles when a driver is cited under A.R. S. section 28-708 and A.R.S. 28-693.

## **FREQUENTLY ASKED QUESTIONS ABOUT VEHICLE IMPOUNDMENTS UNDER PHOENIX CITY CODE 36-70.01 or PHOENIX CITY CODE 36-70.02**

### **Who is eligible for a hearing when my vehicle was impounded for violation of Phoenix City Code 36-70.01 or Phoenix City Code 36-70.02?**

The owner, spouse of owner, operator of the vehicle, and any person who establishes a possessory interest in the vehicle may request a Post Storage Hearing. The hearing must be requested within ten business days of the notice of impoundment.

### **For how long will my vehicle be impounded?**

Vehicles impounded under Phoenix City Code 36-70.01 or Phoenix City Code 36-70.02 must be stored for a period of up to thirty (30) days before being released. The law allows for some exemptions, and you may be eligible to have the vehicle released sooner. For example, if you are the owner of the vehicle and you were not present at the time of the arrest, you may be allowed to have your vehicle released before the thirty (30) day period.

### **How much will it cost to get my vehicle back?**

Phoenix City Code 36-70.04 requires the owner or owner's spouse to pay for all towing and storage fees. These fees are due to the towing company that removed and is storing your vehicle. In addition, pursuant to Phoenix City Code Section 36-70.04 imposes an administrative fee of \$150 paid with cash, cashier's check, or money order payable to the City of Phoenix.

### **How do I get my vehicle back?**

Only the Phoenix Police Department can release your vehicle. On or after the 30th day of impound, your vehicle will generally be eligible for release to you. To receive the release paperwork, follow these steps:

- You must pay an Administrative Fee of \$150 with cash, cashier's check or money order payable to the City of Phoenix. You must also provide a valid driver license, proof of insurance, and have a current registration on the vehicle. You may need to provide proof that a certified ignition interlock has been installed in the impounded vehicle, if required to do so by law. Once these requirements have been met, you will be given a copy of a release form that you must take to the towing company.
- At the towing company, you must pay the towing and storage fees. Payment is made directly to the towing company by cash, money order, certified check or credit card. If you arrive at the tow yard to reclaim your vehicle outside of regular business hours, you may be charged a gate fee. You must also present proof of your identity and ownership to the tow company.
- If you do not claim your vehicle within ten (10) days of the available release date, the towing company may file for an abandoned title to the vehicle.
- **What if someone other than the owner was driving the vehicle when it was impounded?**

The registered owner of the vehicle may be eligible for an early release. To obtain an early release:

- You must pay an Administrative Fee of \$150 with cash, cashier's check or money order payable to the City of Phoenix. You must also provide a valid driver license, proof of insurance, and have a current registration on the

vehicle. You may need to provide proof that a certified ignition interlock has been installed in the impounded vehicle, if required to do so by law. Once these requirements have been met, you will be given a copy of a release form that you must take to the towing company.

- At the towing company, you must pay the towing and storage fees. Payment is made directly to the towing company by cash, money order, certified check or credit card. If you arrive at the tow yard to reclaim your vehicle outside of regular business hours, you may be charged a gate fee. You must also present proof of your identity and ownership to the tow company.
- If you do not claim your vehicle within ten (10) days of the available release date, the towing company may file for an abandoned title to the vehicle.
- You may be eligible for an early release if you meet one of the following exemptions:
  - There is evidence that the vehicle was stolen and reported stolen per PCC 36-70.03(A)(1)
  - The vehicle is subject to bailment as described in PCC 36-70.03(A)(2)
  - The owner, owner's spouse, or owner's agent was not present at the time of the impoundment and was not the person arrested pursuant to ARS 28-708 or 28-693 as described in PCC 36-70.03 (A)(3)(a)
  - The vehicle is a rental as described in PCC 36-70.03(A)(3)(b)
  - The vehicle is subject to repossession as described in PCC 70.03(D)(1)(b)

### **Do I need to have a Post Storage Hearing?**

You are entitled to a hearing to determine the validity of the impoundment.

### **How is the hearing conducted?**

Post Storage Hearings are conducted by staff in the Public Records and Services Unit of the Phoenix Police Department. Hearings can be conducted over the telephone.

### **What will I have to prove in a hearing?**

You must show why the vehicle should not have been impounded by the Phoenix Police Department. If you have any documentation or evidence, it must be provided to the hearing officer prior to or at the hearing.

### **Is there a charge to have a hearing?**

No, there is no fee or charge for a hearing.

### **Additional Hearing Information:**

The Post Storage Hearing is for the purpose of determining the validity of the impoundment.

The Phoenix Police Department will assign the hearing officer.

If the hearing officer:

- Determines that grounds for the impoundment and storage were not established, the Phoenix Police Department will be responsible for the towing and storage fees.
- Determines that grounds for the impoundment and storage were established, the owner, owner's spouse, or owner's agent must pay the administrative fee of \$150 and must pay the towing and storage charges to the towing company in order to have the vehicle released.