

Vehicle Impound Pursuant To Ars § 28-3511 - §28-3514

Information Provided by the Somerton Police Department

Your vehicle was impounded for one or more of the following reasons:

- a. The person driving the vehicle has a revoked license for any reason, a suspended driver's license for a DUI conviction, a suspended driver's license for violation of §28-3306 (points), a suspended driver's license on a previous conviction, OR has never been issued a license in Arizona or any other jurisdiction.
- b. The person driving the vehicle has a revoked, suspended or canceled driver's license or has never been issued a license in Arizona or any other jurisdiction AND there is no evidence of mandatory vehicle insurance and vehicle registration AND the driver of the vehicle was in an accident with property damage, injury or death of another person
- c. The person driving the vehicle was arrested for Underage DUI, (§4-244) Extreme DUI (§28-1382) or Aggravated DUI (§28-1383).

The owner, the owner's spouse, the lien holder or other interested party has the right to:

- a. Request a Post Storage Hearing (§28-3514) within ten (10) days from the date of the enclosed Vehicle Impoundment Notice for the sole purpose of determining the validity of the impoundment or to determine whether the vehicle may be released before the end of the 30-day period. The hearing request may be by phone at (928) 722-7300, by FAX at (928) 722-7315 or in writing to:

Somerton Police Department,
Vehicle Impoundment
P. O. Box 477
Somerton, AZ 85350

- b. Receive an immediate release with proof a valid driver's license, current registration and auto insurance for the impounded vehicle IF one of the following exemptions applies:

1. The vehicle is subject to bailment as described in ARS §28-3512-A-2
2. The vehicle is a rental as described in ARS §28-3512-A-4
3. The owner's driving privileges have been reinstated AND the Administrative Fee of \$150.00 is paid with cash, cashier's check or money order made payable to the City of Somerton
4. The vehicle is equipped with certified ignition interlock as per ARS §28-3512-F AND the Administrative Fee of \$150.00 is paid with cash, cashier's check or money order made payable to the City of Somerton
5. An "Agreement of Operation" is signed and implemented as per ARS §28-3512-A-5 AND the Administrative Fee of \$150.00 is paid with cash, cashier's check or money order made payable to the City of Somerton
6. The vehicle is subject to foreclosure or repossession as per ARS §28-3512-D
7. The owner or owner's spouse presents a valid driver's license, current vehicle registration and proof of financial responsibility (mandatory vehicle insurance) AND was not the person driving the vehicle at the time of the impoundment AND pays the Administrative Fee of \$150.00 in cash, cashier's check or money order made payable to the City of Somerton
8. There is evidence that the vehicle was stolen and reported to a law enforcement agency
9. The lien holder is a motor vehicle dealer, bank, credit union or acceptance corporation that holds a security interest in the vehicle AND presents foreclosure documents or an affidavit of repossession of the vehicle.
10. It was determined at a Post Storage Hearing that the vehicle was improperly impounded.

The vehicle will be released at the end of the thirty (30) day impoundment period if:

- a. The Administrative Fee of \$150.00 is paid in cash, cashier's check or money order made payable to the City of Somerton
- b. The owner, owner's spouse or agent presents a valid driver's license, proof of current vehicle registration and proof of financial responsibility (mandatory vehicle insurance)
- c. Proof that a certified ignition interlock has been installed in the impounded vehicle, if required to do so by law. The towing company having physical possession of the vehicle will allow access to the impounded vehicle at no charge for the purpose of installing a certified ignition interlock device, if ordered by a court.

The storage charges related to the impound of the vehicle:

- a. Not to exceed fifteen (15) dollars for each day of storage
- b. Include all immobilization, towing and storage fees
- c. The owner of the vehicle is liable for all towing fees and storage charges, unless it is found that the vehicle was improperly impounded by the Somerton Police Department

FREQUENTLY ASKED QUESTIONS ABOUT VEHICLE IMPOUNDMENTS UNDER ARS § 28-3511

For how long will my vehicle be impounded?

Vehicles impounded under ARS §28-3511 must be stored for a period of thirty (30) days before being released. The law allows for some exceptions, and you may be eligible to have the vehicle released sooner. For example, if your driver's license is reinstated by the Motor Vehicle Division or the courts, 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?

Arizona law requires the owner to pay for all towing charges as well as storage fees. Storage fees are limited to a maximum of \$15.00 per day. These charges are due to the towing company that removed and is storing your vehicle. In addition, pursuant to ARS § 28-3514, the owner is liable for an administrative fee of \$150.00 paid with cash, cashier's check or money order payable to the City of Somerton.

How do I get my vehicle back?

Only the Somerton 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:

Go to the Somerton Police Department at 445 East Main Street, Monday through Friday, from 8am to 5pm. Present a valid driver's license, current vehicle registration and proof of mandatory auto insurance. If your license was suspended, revoked or cancelled, and/or if your vehicle registration was expired or cancelled, you must resolve this in court or with the Motor Vehicle Division. We cannot release your vehicle to you until these documents are valid and current. Note – if your driving privilege cannot be restored by the end of the 30-day impound period (for example, it has been suspended for one year), you may bring someone with a valid driver's license to drive the car upon release. If the court has ordered the installation of a functioning certified ignition interlock device in the vehicle because of a DUI conviction, you must also bring proof of this installation. You must pay an Administrative Fee of \$150 with cash, cashier's check or money order payable to the City of Somerton. Upon payment of the fee 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. 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 must pay the \$150.00 Administrative Fee with cash, cashier's check or money order payable to City of Somerton. A valid driver's license, current vehicle registration and proof of mandatory auto insurance must be presented. The registered owner must also pay for all towing fees and storage charges directly to the towing company in order to qualify for the release of the vehicle.

What if I own the vehicle but have not yet transferred the title into my name? Can I still get the car back?

You must first completely meet all legal title and registration requirements before the vehicle can be returned to you. This can be done through the Arizona Motor Vehicle Department (MVD). If the vehicle is registered out of state, you must either

register the vehicle in Arizona or deal with the state in which it is currently registered. The vehicle cannot be released without proof of current registration and mandatory auto insurance.

What will happen if I cannot claim my vehicle?

Under Arizona law, the towing company may file for an abandoned title and seek ownership of the vehicle if it is left at the tow yard unclaimed for more than ten (10) days past the mandatory thirty (30) day impoundment. If you have difficulty in paying for the towing and storage, you should at least contact the towing company if you wish to retain ownership of your vehicle.

Can I get my vehicle back before the 30 days are up?

Under certain limited circumstances, you may be able to have the vehicle returned to you prior to the end of the 30-day period. In some cases this may require a Post Storage Hearing.

You may be eligible to have the vehicle released early only if you meet one of the following conditions or circumstances:

If the owner presents satisfactory proof that the owner's driving privilege has been reinstated. (Note – if this applies to you, bring proof to the Somerton Police Department that your license is now valid)

If the vehicle was reported stolen at the time it was impounded,

If the vehicle is subject to bailment under ARS §28-3511-A or B and was driven by an employee of a business establishment including a parking service or repair garage.

If ALL OF THE FOLLOWING APPLY – the owner or owner's agent was not the person driving in violation at the time of the impoundment, AND the owner or the owner's agent is in the business of renting motor vehicles without drivers, AND the vehicle is registered pursuant to ARS §28-2166.

In certain situations, the spouse of the owner may also enter into an agreement with the Somerton Police Department stating they will not let a driver arrested for Extreme or Aggravated DUI, or a minor in possession of alcohol to drive the vehicle within one year. If the agreement is violated, there is no relief available from the 30 day impound period within the next year.

In addition, the vehicle may be released to the lien holder or repossession agent identified on the MVD record before the end of the 30 day.

If the owner was driving on a suspended license but has since had the license restored to valid status, can the vehicle be released prior to the 30-day period?

Yes. The owner would have to prove that this had been corrected and their driving privileges reinstated, at which time we will release the vehicle upon payment of an administrative fee of \$150 and towing and storage charges.

Would I still have to pay fees and charges if the vehicle is released early to me?

Yes, the owner is still liable for the administrative fee (\$150) and all towing and storage fees up to the actual date of release.

At the end of the 30-days, can I just go to the towing company and get my vehicle?

No, the towing company is not allowed to release an impounded vehicle without paperwork from the Somerton Police Department. You must follow the claim process outlined above.

If I am found "not guilty" on my criminal or traffic charges will that affect the impoundment of my vehicle?

No. As long as the officer impounded your vehicle according to the law and Somerton Police Department policies and procedures, the outcome of any trial is not relevant.