

Rough Draft
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REFERENCE TITLE: drop box; private property; consent

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

H. B. _____

Introduced by _____

AN ACT

AMENDING TITLE 33, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 23; RELATING TO PRIVATE PROPERTY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 33, Arizona Revised Statutes, is amended by adding
3 chapter 23, to read:

4 CHAPTER 23

5 PRIVATE PROPERTY RIGHTS

6 ARTICLE 1. GENERAL PROVISIONS

7 33-2501. Drop box; private property; required consent;
8 exemptions; definitions

9 A. ANY PERSON THAT PLACES A DROP BOX ON PRIVATE PROPERTY SHALL OBTAIN
10 NOTARIZED APPROVAL THAT IS SIGNED BY THE PRIVATE PROPERTY OWNER OR THE
11 PRIVATE PROPERTY OWNER'S AUTHORIZED AGENT BEFORE PLACING THE DROP BOX ON THE
12 PRIVATE PROPERTY.

13 B. ALL DROP BOXES SHALL DISPLAY, IN A CLEAR AND CONSPICUOUS MANNER,
14 THE NAME OF THE PERSON THAT OWNS THE DROP BOX AND THE CONTACT INFORMATION FOR
15 THE DROP BOX OWNER, INCLUDING THE PERSON'S NAME, ADDRESS, TELEPHONE NUMBER
16 AND E-MAIL ADDRESS.

17 C. THE PRIVATE PROPERTY OWNER OR THE PRIVATE PROPERTY OWNER'S
18 AUTHORIZED AGENT MAY RESCIND PERMISSION FOR THE PLACEMENT OF A DROP BOX ON
19 THE PRIVATE PROPERTY AT ANY TIME. THE PRIVATE PROPERTY OWNER OR THE PRIVATE
20 PROPERTY OWNER'S AUTHORIZED AGENT SHALL NOTIFY THE OWNER OF THE DROP BOX BY
21 CERTIFIED MAIL OF THE DECISION TO RESCIND PERMISSION FOR THE PLACEMENT OF THE
22 DROP BOX. THE NOTICE SHALL BE MAILED TO THE ADDRESS LISTED ON THE DROP BOX.
23 THE DROP BOX OWNER SHALL REMOVE THE DROP BOX WITHIN TEN BUSINESS DAYS AFTER
24 RECEIPT OF THE NOTIFICATION. IF THE DROP BOX IS NOT REMOVED AFTER TEN
25 BUSINESS DAYS, THE PRIVATE PROPERTY OWNER OR THE PRIVATE PROPERTY OWNER'S
26 AUTHORIZED AGENT MAY DISPOSE OF THE DROP BOX AND ITS CONTENTS.

27 D. ANY DROP BOX THAT IS PLACED ON PRIVATE PROPERTY WITHOUT NOTARIZED
28 CONSENT OF THE PRIVATE PROPERTY OWNER OR THE PRIVATE PROPERTY OWNER'S
29 AUTHORIZED AGENT MAY BE REMOVED AND DISPOSED OF BY THE PRIVATE PROPERTY OWNER
30 OR THE PRIVATE PROPERTY OWNER'S AUTHORIZED AGENT AT ANY TIME WITHOUT
31 NOTIFICATION.

32 E. A PRIVATE PROPERTY OWNER OR THE PRIVATE PROPERTY OWNER'S AUTHORIZED
33 AGENT WHO REMOVES A DROP BOX PURSUANT TO SUBSECTION C OR D OF THIS SECTION IS
34 NOT LIABLE FOR THE LOSSES ASSOCIATED WITH THE REMOVAL OF A DROP BOX AND ITS
35 CONTENTS.

36 F. THIS SECTION DOES NOT:

37 1. APPLY TO A DROP BOX THAT IS LOCATED ON PRIVATE PROPERTY THAT IS
38 OWNED BY THE PERSON THAT OWNS THE DROP BOX.

39 2. PREEMPT A CITY OR TOWN FROM ADOPTING AN ORDINANCE TO REGULATE DROP
40 BOXES IF THE ORDINANCE DOES NOT CONFLICT WITH THIS SECTION.

41 3. PREEMPT A COUNTY BOARD OF SUPERVISORS FROM ADOPTING AN ORDINANCE OR
42 RESOLUTION TO REGULATE DROP BOXES IF THE ORDINANCE OR RESOLUTION DOES NOT
43 CONFLICT WITH THIS SECTION.

44 4. APPLY TO A LEASE AGREEMENT OR CONTRACT BETWEEN THE PRIVATE PROPERTY
45 OWNER AND THE OWNER OF THE DROP BOX.

1 5. CREATE ANY ADDITIONAL LIABILITY, RESPONSIBILITY OR DUTY ON ANOTHER
2 TENANT OR LESSEE OF THE PRIVATE PROPERTY.
3 G. FOR THE PURPOSES OF THIS SECTION:
4 1. "DROP BOX" MEANS ANY CONTAINER, STORAGE UNIT OR STRUCTURE, OTHER
5 THAN A PRIMARY BUILDING OR ACCESSORY BUILDING, USED FOR THE COLLECTION OF
6 DONATED ITEMS BY THE GENERAL PUBLIC, INCLUDING CLOTHING, MATERIALS, HOUSEHOLD
7 GOODS, TOYS, BOOKS AND PAPERS.
8 2. "PRIVATE PROPERTY OWNER'S AUTHORIZED AGENT" MEANS AN INDIVIDUAL WHO
9 IS EITHER:
10 (a) IF THE PRIVATE PROPERTY OWNER IS A CORPORATION, A PRINCIPAL
11 EXECUTIVE OFFICER OR OTHER CORPORATE OFFICER WITH SIGNATORY POWERS PURSUANT
12 TO THE CORPORATION'S BY-LAWS OR A VOTE OF THE DIRECTORS.
13 (b) IF THE PRIVATE PROPERTY OWNER IS A PARTNERSHIP OR SOLE
14 PROPRIETORSHIP, A GENERAL PARTNER OR PROPRIETOR.
15 (c) A DULY AUTHORIZED REPRESENTATIVE WHO IS RESPONSIBLE FOR THE
16 OVERALL OPERATION OF THE PRIVATE PROPERTY OR WHO HAS AUTHORITY TO SIGN
17 CONTRACTS, PERMITS, PERMIT APPLICATIONS, MONITORING RESULTS AND OTHER
18 DOCUMENTS IN THE PRIVATE PROPERTY OWNER'S NAME.