

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Tuesday, October 9, 2001 – 9:00 a.m. – Room 305 State Capitol

Members Present:

Rep. David Ure, House Chair
Sen. Mike Dmitrich
Sen. Ed Mayne
Rep. Judy A. Buffmire
Rep. James R. Gowans

Staff Present:

Mr. Arthur L. Hunsaker, Research Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Cassandra Bauman, Legislative Secretary

Members Absent:

Sen. Howard A. Stephenson, Senate Chair
President Al Mansell
Sen. Michael G. Waddoups
Rep. John E. Swallow
Speaker Martin R. Stephens

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of Minutes

Chair Ure called the meeting to order at 9:29 a.m.

2. R909-19 Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification

Ms. Shirleen Hancock, Deputy Administrator, Motor Carrier Division, Department of Transportation, explained H.B. 30, 2001 General Session, which required the division to write rules regulating the towing industry. She stated that a \$45 fee for the non-consent impoundment of a vehicle from private property was intended to address problems with business owners holding cars until large fees are paid for the towing costs to the business.

Mr. Dave Woodbury, Utah Professional Towing Association, explained that when the impound facility contacts the owner of the vehicle, the date and time of contact are recorded. He also stated that the information is available online. Ms. Hancock stated that the rule requires the impound facility to report the impound to the registered owner before storage fees can be applied.

Mr. Vern Belcher, President, Park City Towing, clarified that when a vehicle is towed, correspondence is sent to the last registered owner.

Mr. Ben Rhodes, owner, Park City Towing, stated that individuals often do not re-register their vehicle with their new address, causing some towing notifications to be sent to the wrong address.

Mr. Kurt Stoffer, Vice President, Davis Towing Association, stated that abuse of private impounds is decreasing with the new rule. He explained that private impounds should be separate from the towing industry to assist in eliminating problems with payment for the tow. He also said that tow truck operating

Minutes of the Administrative Rules Review Committee
October 9, 2001
Page 2

cannot be a profitable business at \$45 per tow.

Minutes of the Administrative Rules Review Committee

October 9, 2001

Page 3

Mr. Dennis Pollock, President, Utah Professional Towing Association, explained that there is nothing in the rule prohibiting tow truck companies from charging private businesses an additional fee to tow vehicles off their property. He stated that the fee can be built into a contract or that the tow truck company can insist that the private business pay the difference between the \$45 maximum for the vehicle owner and the expenses of the tow truck company in towing the vehicle.

Mr. Sam Adams, attorney representing Park City Towing, distributed: "UCA 72-9-603. Towing notice requirements -- Cost responsibility -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification," "R909-19 Rule Analysis," Correspondence Re: Request for Public Hearing, and "Other Jurisdictions Third Party Non-consent Tows (private impoundment)." He explained that rates for private impoundments in surrounding states range from \$120 to \$160 and that Utah's \$45 fee should be raised to reflect that range. He stated that the public interest in protecting individuals who park illegally should not hurt the business/private property owner financially.

Chair Ure recommended that the towing industry meet and work out its differences and come back to the Legislature once a unified solution is reached. Rep. Buffmire suggested that citizens be included in hearings on this subject to help them be more informed about the process.

3. Discussion of Future Agenda Items

Chair Ure explained that Committee members need to review rules dating back to August to ensure that rules with potential problems receive a hearing. He stated that departments have improved the quality of their rules.

Mr. Kent Bishop, Governor's Office of Planning and Budget, stated that he would bring information to the Committee at its next meeting regarding advisory documents of state agencies.

Mr. Ken Hansen, Department of Administrative Rules, suggested that the Committee consider reaching out to inform the public of the work of the Committee. He mentioned the press release that the Committee issues several years ago which explained the purpose of the Committee.

Sen. Mayne requested that staff verify whether rules affected by S.B. 2006, Pete Suazo Utah Athletic Commission, 2001 2nd Special Session, are being amended. He also requested that staff verify whether rules are being prepared to reflect changes to law regarding substance abuse centers next to schools.

Rep. Gowans inquired about the individuals or organizations that should be reporting back to the Committee. The Committee requested reports on snagging salmon and the limitation on the number of children in foster homes, which were discussed during the Committee's August 28 meeting.

4. Committee Business

The next meeting will be held Tuesday, October 30, 2001 at 9:00 a.m. in room 305.

5. Adjourn

Minutes of the Administrative Rules Review Committee
October 9, 2001
Page 4

Due to the lack of a quorum, Chair Ure adjourned the meeting at 11:01 a.m.