

Superseded 5/13/2014

72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

- (1) Except for a tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
 - (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
 - (i) send a report of the removal to the Motor Vehicle Division that complies with the requirements of Subsection 41-6a-1406(4)(b); and
 - (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
 - (A) location of the vehicle, vessel, or outboard motor;
 - (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (C) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
 - (E) vehicle, vessel, or outboard motor's description, including its identification number and license number or other identification number issued by a state agency;
 - (b) within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of the registered owner and lien holder of the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or if the person has actual knowledge of the owner's address to the current address, notifying the owner of the:
 - (i) location of the vehicle, vessel, or outboard motor;
 - (ii) date, time, location from which the vehicle, vessel, or outboard motor was removed;
 - (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
 - (v) a description, including its identification number and license number or other identification number issued by a state agency; and
 - (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
 - (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (7)(e).
- (2)
 - (a) Until the tow truck operator or tow truck motor carrier reports the removal as required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
 - (i) collect any fee associated with the removal; or
 - (ii) begin charging storage fees.
 - (b)
 - (i) Except as provided in Subsection (2)(c), a tow truck operator or tow truck motor carrier may not perform a tow truck service without the vehicle, vessel, or outboard motor owner's or a lien holder's knowledge at either of the following locations without signage that meets the requirements of Subsection (2)(b)(ii):
 - (A) a mobile home park as defined in Section 57-16-3; or
 - (B) a multifamily dwelling of more than eight units.
 - (ii) Signage under Subsection (2)(b)(i) shall display:
 - (A) where parking is subject to towing; and
 - (B)

- (I) the Internet website address that provides access to towing database information in accordance with Section 41-6a-1406; or
- (II) one of the following:
 - (Aa) the name and phone number of the tow truck operator or tow truck motor carrier that performs a tow truck service for the locations listed under Subsection (2)(b)(i); or
 - (Bb) the name of the mobile home park or multifamily dwelling and the phone number of the mobile home park or multifamily dwelling manager or management office that authorized the vehicle, vessel, or outboard motor to be towed.
- (c) Signage is not required under Subsection (2)(b) for parking in a location:
 - (i) that is prohibited by law; or
 - (ii) if it is reasonably apparent that the location is not open to parking.
- (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.
- (3) The owner of a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
 - (a) the tow truck service and storage fees set in accordance with Subsection (7); and
 - (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- (4) The fees under Subsection (3) are a possessory lien on the vehicle, non-life essential items that are owned by the owner of the vehicle and securely stored by the tow truck operator, vessel, or outboard motor until paid.
- (5) A person may not request a transfer of title to an abandoned vehicle until at least 30 days after notice has been sent under Subsection (1)(b).
- (6)
 - (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (7).
 - (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation shall:
 - (a) set maximum rates that:
 - (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
 - (A) a peace officer dispatch call;
 - (B) a motor vehicle division call; and
 - (C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (7)(a)(i);
 - (b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
 - (c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
 - (d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor as required in Subsection (1)(b); and

- (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
 - (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;
 - (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal.
- (8) By August 31, 2013, the department shall report and make recommendations to the Transportation Interim Committee regarding:
 - (a) the methods the department uses to set maximum rates of fees established by the department under Subsection (7);
 - (b) the methods used by other entities to set maximum rates of fees equivalent to the fees established by the department under Subsection (7); and
 - (c) administering state laws and rules pertaining to towing including the procedures for tow truck motor carrier violations.