

VEHICLE IMPOUND YARD REQUIREMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: Gregory S. Bell

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions relating to vehicle impound yards.

Highlighted Provisions:

This bill:

- requires the Department of Transportation to make rules specifying the requirements for an impound yard to make a stored vehicle, vessel, or outboard motor available to the owner or the owner's authorized representative; and
- provides that the Department of Transportation may impose a civil penalty on an impound yard that violates the rules for making a stored vehicle, vessel, or outboard motor available to the owner or the owner's authorized representative.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-9-603, as last amended by Laws of Utah 2005, Chapter 2

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **72-9-603** is amended to read:

29 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
30 **vehicle title restrictions -- Rules for maximum rates, certification, and vehicle availability.**

31 (1) Except for tow truck service that was ordered by a peace officer, or a person acting
32 on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102,
33 after performing a tow truck service that is being done without the vehicle, vessel, or outboard
34 motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:

35 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
36 or outboard motor, contact the law enforcement agency having jurisdiction over the area where
37 the vehicle, vessel, or outboard motor was picked up and notify the agency of the:

- 38 (i) location of the vehicle, vessel, or outboard motor;
- 39 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
40 removed;
- 41 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 42 (iv) person who requested the removal of the vehicle, vessel, or outboard motor; and
- 43 (v) vehicle, vessel, or outboard motor's description, including its identification number
44 and license number or other identification number issued by a state agency; and

45 (b) within two business days of performing the tow truck service, send a certified letter
46 to the last-known address of the registered owner and lien holder of the vehicle, vessel, or
47 outboard motor obtained from the Motor Vehicle Division or if the person has actual
48 knowledge of the owner's address to the current address, notifying him of the:

- 49 (i) location of the vehicle, vessel, or outboard motor;
- 50 (ii) date, time, location from which the vehicle, vessel, or outboard motor was
51 removed;
- 52 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 53 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 54 (v) a description, including its identification number and license number or other
55 identification number issued by a state agency; and

56 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor.

57 (2) Until the tow truck operator or tow truck motor carrier reports the removal as
58 required under Subsection (1)(a), a tow truck motor carrier or impound yard may not:

- 59 (a) collect any fee associated with the removal; and
- 60 (b) begin charging storage fees.
- 61 (3) The owner of a vehicle, vessel, or outboard motor lawfully removed is only
- 62 responsible for paying:
 - 63 (a) the tow truck service and storage fees set in accordance with Subsection (7); and
 - 64 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- 65 (4) The fees under Subsection (3) are a possessory lien on the vehicle, vessel, or
- 66 outboard motor until paid.
- 67 (5) A person may not request a transfer of title to an abandoned vehicle until at least 30
- 68 days after notice has been sent under Subsection (1)(b).
- 69 (6) A tow truck motor carrier or impound yard shall clearly and conspicuously post and
- 70 disclose all its current fees and rates for tow truck service and storage of a vehicle in
- 71 accordance with rules established under Subsection (7).
- 72 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 73 Department of Transportation shall:
 - 74 (a) set maximum rates that:
 - 75 (i) tow truck motor carriers may charge for the tow truck service of a vehicle, vessel, or
 - 76 outboard motor that are transported in response to:
 - 77 (A) a peace officer dispatch call;
 - 78 (B) a motor vehicle division call; and
 - 79 (C) any other call where the owner of the vehicle, vessel, or outboard motor has not
 - 80 consented to the removal; and
 - 81 (ii) impound yards may charge for the storage of a vehicle, vessel, or outboard motor
 - 82 stored as a result of one of the conditions listed under Subsection (7)(a)(i);
 - 83 (b) establish authorized towing certification requirements, not in conflict with federal
 - 84 law, related to incident safety, clean-up, and hazardous material handling; ~~and~~
 - 85 (c) specify the form and content of the posting and disclosure of fees and rates charged
 - 86 by a tow truck motor carrier or impound yard[-]; and
 - 87 (d) specify the requirements for an impound yard to make a stored vehicle, vessel, or
 - 88 outboard motor available to the owner or the owner's authorized representative.
 - 89 (8) (a) In addition to the penalties imposed under this section, the department may

90 impose a civil penalty on an impound yard that violates a rule authorized under Subsection
91 (7)(d).

92 (b) The department shall specify the amount of the civil penalty in rules made by the
93 department under Subsection (7)(d).

Legislative Review Note
as of 1-21-08 8:30 AM

Office of Legislative Research and General Counsel

H.B. 320 - Vehicle Impound Yard Requirements

Fiscal Note

2008 General Session

State of Utah

State Impact

The bill requires the Department of Transportation to develop rules to implement provisions of the bill and establish a civil penalty for violations. The Department can establish the rule within existing budgets. Until the amount of the civil penalty is established the revenue generated by violations is unknown.

Individual, Business and/or Local Impact

Individuals and businesses that violate provisions of the bill will be fined when a civil penalty is set.
