

**MOTOR CARRIER AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Carrier Safety Act by amending tow truck provisions.

**Highlighted Provisions:**

This bill:

- ▶ prohibits certain tow truck operators or tow truck motor carriers from performing a tow truck service from a vacant commercial property without the vehicle, vessel, or outboard motor owner's or a lien holder's knowledge under certain conditions;
  - ▶ requires signs to notify the public where parking is subject to towing;
  - ▶ provides for specifications, content, and spacing of the "subject to towing" signs;
  - ▶ exempts a vacant commercial property from the "subject to towing" sign requirements if fewer than a certain number of tow truck services are performed;
- and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-9-603**, as last amended by Laws of Utah 2013, Chapter 328



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

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

**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;

59 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;

60 (v) a description, including its identification number and license number or other

61 identification number issued by a state agency; and

62 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and

63 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was

64 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding

65 Towing established by the department in Subsection ~~[(7)]~~ (11)(e).

66 (2) ~~[(a)]~~ Until the tow truck operator or tow truck motor carrier reports the removal as

67 required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound

68 yard may not:

69 ~~[(i)]~~ (a) collect any fee associated with the removal; or

70 ~~[(ii)]~~ (b) begin charging storage fees.

71 ~~[(b)(i)]~~ (3)(a) Except as provided in Subsection ~~[(2)(c)]~~ (5)(a), a tow truck operator or

72 tow truck motor carrier may not perform a tow truck service without the vehicle, vessel, or

73 outboard motor owner's or a lien holder's knowledge at either of the following locations

74 without signage that meets the requirements of Subsection ~~[(2)(b)(ii)]~~ (3)(b):

75 ~~[(A)]~~ (i) a mobile home park as defined in Section 57-16-3; or

76 ~~[(B)]~~ (ii) a multifamily dwelling of more than eight units.

77 ~~[(ii)]~~ (b) Signage under Subsection ~~[(2)(b)(i)]~~ (3)(a) shall display:

78 ~~[(A)]~~ (i) where parking is subject to towing; ~~[and]~~

79 ~~[(B)(i)]~~ (ii) the Internet website address that provides access to towing database

80 information in accordance with Section 41-6a-1406; ~~[or]~~ and

81 ~~[(ii)]~~ (iii) one of the following:

82 ~~[(Aa)]~~ (A) the name and phone number of the tow truck operator or tow truck motor

83 carrier that performs a tow truck service for the locations listed under Subsection ~~[(2)(b)(i)]~~

84 (3)(a); or

85 ~~[(Bb)]~~ (B) the name of the mobile home park or multifamily dwelling and the phone

86 number of the mobile home park or multifamily dwelling manager or management office that

87 authorized the vehicle, vessel, or outboard motor to be towed.

88 (4)(a) Except as provided in Subsection (5)(b), a tow truck operator or tow truck

89 motor carrier may not perform a tow truck service from a vacant commercial property without

90 the vehicle, vessel, or outboard motor owner's or a lien holder's knowledge, unless the  
91 commercial property meets the signage requirements of Subsection (4)(b).

92 (b) The sign required under Subsection (4)(a) shall:

93 (i) be placed:

94 (A) at each entrance and exit to the vacant commercial property; and

95 (B) if the vacant commercial property is adjacent to an occupied commercial property  
96 or parking lot, every 20 feet along the property line between the vacant commercial property  
97 and the occupied commercial property or parking lot;

98 (ii) include:

99 (A) not less than 16 square feet of surface area on each sign;

100 (B) lettering of not less than the size required for the words "Speed Limit" on a sign on  
101 an interstate freeway; and

102 (iii) clearly display:

103 (A) where parking is subject to towing;

104 (B) the Internet website address that provides access to towing database information in  
105 accordance with Section 41-6a-1406;

106 (C) the name and phone number of the tow truck operator or tow truck motor carrier  
107 that performs a tow truck service for the vacant commercial property; and

108 (D) the name of the vacant commercial property and the phone number of the vacant  
109 commercial property manager or management office that authorized the vehicle, vessel, or  
110 outboard motor to be towed.

111 ~~[(e)]~~ (5) (a) Signage is not required under Subsection ~~[(2)(b)]~~ (3) for parking in a  
112 location:

113 (i) that is prohibited by law; or

114 (ii) if it is reasonably apparent that the location is not open to parking.

115 (b) The provisions of Subsection (4) do not apply to a vacant commercial property if a  
116 tow truck service has towed a vehicle without the vehicle, vessel, or outboard motor owner's or  
117 a lien holder's knowledge, from the vacant commercial property fewer than:

118 (i) 52 times in the previous 12 calendar months; and

119 (ii) four times in the previous calendar month.

120 ~~[(d)]~~ (6) Nothing in Subsection ~~[(2)(b)]~~ (3)(a) restricts the ability of a mobile home

121 park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing  
122 regulations on parking.

123 ~~[(3)]~~ (7) The owner of a vehicle, vessel, or outboard motor lawfully removed is only  
124 responsible for paying:

125 (a) the tow truck service and storage fees set in accordance with Subsection ~~[(7)]~~ (11);  
126 and

127 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

128 ~~[(4)]~~ (8) The fees under Subsection ~~[(3)]~~ (7) are a possessory lien on the vehicle,  
129 non-life essential items that are owned by the owner of the vehicle and securely stored by the  
130 tow truck operator, vessel, or outboard motor until paid.

131 ~~[(5)]~~ (9) A person may not request a transfer of title to an abandoned vehicle until at  
132 least 30 days after notice has been sent under Subsection (1)(b).

133 ~~[(6)]~~ (10) (a) A tow truck motor carrier or impound yard shall clearly and  
134 conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for  
135 tow truck service and storage of a vehicle in accordance with rules established under  
136 Subsection ~~[(7)]~~ (11).

137 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept  
138 payment by cash and debit or credit card for a tow truck service under Subsection (1) or any  
139 service rendered, performed, or supplied in connection with a tow truck service under  
140 Subsection (1).

141 ~~[(7)]~~ (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
142 Act, the Department of Transportation shall:

143 (a) set maximum rates that:

144 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,  
145 or outboard motor that are transported in response to:

146 (A) a peace officer dispatch call;

147 (B) a motor vehicle division call; and

148 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor  
149 has not consented to the removal; and

150 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor  
151 stored as a result of one of the conditions listed under Subsection ~~[(7)]~~ (11)(a)(i);

152 (b) establish authorized towing certification requirements, not in conflict with federal  
153 law, related to incident safety, clean-up, and hazardous material handling;

154 (c) specify the form and content of the posting and disclosure of fees and rates charged  
155 and acceptable forms of payment by a tow truck motor carrier or impound yard;

156 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may  
157 charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of  
158 the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor as  
159 required in Subsection (1)(b); and

160 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains  
161 specific information regarding:

162 (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;

163 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow  
164 truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or  
165 request where the owner of the vehicle, vessel, or outboard motor has not consented to the  
166 removal; and

167 (iii) identifies the maximum rates that an impound yard may charge for the storage of  
168 vehicle, vessel, or outboard motor that is transported in response to a call or request where the  
169 owner of the vehicle, vessel, or outboard motor has not consented to the removal.

170 ~~[(8) By August 31, 2013, the department shall report and make recommendations to the~~  
171 ~~Transportation Interim Committee regarding:]~~

172 ~~[(a) the methods the department uses to set maximum rates of fees established by the~~  
173 ~~department under Subsection (7);]~~

174 ~~[(b) the methods used by other entities to set maximum rates of fees equivalent to the~~  
175 ~~fees established by the department under Subsection (7); and]~~

176 ~~[(c) administering state laws and rules pertaining to towing including the procedures~~  
177 ~~for tow truck motor carrier violations;]~~

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**Legislative Review Note**  
**as of 2-6-14 12:41 PM**

**Office of Legislative Research and General Counsel**