

90 (4) The fees under Subsection (3) are a possessory lien on the vehicle, non-life
 91 essential items that are owned by the owner of the vehicle and securely stored by the tow truck
 92 operator, vessel, or outboard motor until paid.

93 (5) A person may not request a transfer of title to an abandoned vehicle until at least 30
 94 days after notice has been sent under Subsection (1)(b).

95 (6) (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post
 96 and disclose all its current fees, rates, and acceptable forms of payment for tow truck service
 97 and storage of a vehicle in accordance with rules established under Subsection (7).

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

102 ~~Ĥ~~→ ~~[(c) A tow truck operator, a tow truck motor carrier, or an impound yard, when~~
 103 ~~receiving payment by credit card, may charge a credit card processing fee in an amount equal to~~
 104 ~~the lesser of:~~

105 ~~—— (i) the actual cost of processing the credit card transaction; or~~

106 ~~—— (ii) 3% of the transaction total.]~~ ←Ĥ

107 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 108 Department of Transportation shall:

109 (a) subject to the restriction in Subsection (8), set maximum rates that:

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

112 (A) a peace officer dispatch call;

113 (B) a motor vehicle division call; and

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

116 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor
 117 stored as a result of one of the conditions listed under Subsection (7)(a)(i);

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

120 (c) specify the form and content of the posting and disclosure of fees and rates charged

121 and acceptable forms of payment by a tow truck motor carrier or impound yard;

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

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

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

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

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

136 (8) An impound yard may not charge a fee for the storage of an impounded vehicle,
 137 vessel, or outboard motor if:

138 (a) the vehicle, vessel, or outboard motor is being held as evidence; and

139 (b) the vehicle, vessel, or outboard motor is not being released to the registered owner,
 140 lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
 141 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
 142 41-6a-1406.

142a **Ĥ→ (9) In addition to the maximum rates established under Subsection (7) and when**
 142b **receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an**
 142c **impound yard may charge a credit card processing fee in an amount equal to the lesser of:**

142d **(a) the actual cost of processing the credit card transaction; or**

142e **(b) 3% of the transaction total. ←Ĥ**

Legislative Review Note
Office of Legislative Research and General Counsel