

Towing Modifications
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: A. Cory Maloy
Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill amends provisions related to the towing and impoundment of vehicles.

Highlighted Provisions:

This bill:

- amends provisions related to impounded or towed vehicles to allow a state impound yard or tow yard to release a vehicle to certain individuals beside the owner if certain requirements are met;
- requires a private property owner who contracts with a tower to patrol a parking lot to publish information about the agreement with the tower for the public to view;
- allows signage for towing and parking restrictions to remain valid if the signage substantially conforms with the statutory standards;
- requires a tow truck motor carrier or impound yard to allow an individual to remove personal items from a vehicle if the individual has paid the towing fee;
- requires a tow truck motor carrier to provide to the Department of Transportation information about each towing dispatch rotation that includes the tow truck motor carrier;
- allows the Department of Transportation to require the removal from a towing dispatch rotation a tow truck motor carrier that has violated relevant towing laws and regulations;
- prohibits a local government from imposing a maximum rate that deviates from the towing rates established by the Department of Transportation in administrative rule; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-6a-1406, as last amended by Laws of Utah 2024, Chapters 134, 319 and 380

72-9-601, as last amended by Laws of Utah 2017, Chapter 298

72-9-602, as last amended by Laws of Utah 2017, Chapter 298

72-9-603, as last amended by Laws of Utah 2024, Chapter 134

72-9-604, as last amended by Laws of Utah 2024, Chapter 134

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

Section 1. Section **41-6a-1406** is amended to read:

41-6a-1406 . Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.

- (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a state impound yard.
- (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
- (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- (b) by the department under Subsection (11).
- (4)(a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is impounded as described in Subsection (1).
- (b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the impoundment shall be sent to the Motor Vehicle Division, in an electronic format approved by the Motor Vehicle Division, by:
- (i) the peace officer or agency by whom the peace officer is employed; and
- (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
- (c) The report shall be in a form specified by the Motor Vehicle Division and shall

62 include:

- 63 (i) the operator's name, if known;
- 64 (ii) a description of the vehicle, vessel, or outboard motor;
- 65 (iii) the vehicle identification number or vessel or outboard motor identification
66 number;
- 67 (iv) the case number designated by the peace officer, law enforcement agency
68 number, or government entity;
- 69 (v) the license number, temporary permit number, or other identification number
70 issued by a state agency;
- 71 (vi) the date, time, and place of impoundment;
- 72 (vii) the reason for removal or impoundment;
- 73 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
74 outboard motor; and
- 75 (ix) the place where the vehicle, vessel, or outboard motor is stored.

76 (d)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
77 the State Tax Commission shall make rules to establish proper format and
78 information required on the form described in this Subsection (4).

79 (ii) The State Tax Commission shall ensure that the form described in this Subsection
80 (4) is provided in an electronic format.

81 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
82 required under this Subsection (4), a tow truck motor carrier or impound yard may
83 not:

- 84 (i) collect any fee associated with the removal; and
- 85 (ii) begin charging storage fees.

86 (5)(a) A report described in this Subsection (5) is required for any vehicle, vessel, or
87 outboard motor that is removed, except for:

- 88 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in
89 Subsection (1); or
- 90 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in
91 accordance with Section 72-9-603.

92 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer
93 shall provide documentation to the tow truck operator or tow truck motor carrier that
94 includes:

- 95 (i) the name and badge number of the peace officer;

- 96 (ii) the name and originating agency identifier of the law enforcement agency; and
97 (iii) the case number designated by the law enforcement officer or law enforcement
98 agency.
- 99 (c) For a removal described in Subsection (5)(a), before noon on the next business day
100 following the date of the removal of the vehicle, vessel, or outboard motor, the tow
101 truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in
102 an electronic format approved by the Motor Vehicle Division:
- 103 (i) the report described in Subsection (4); or
104 (ii) the report described in Subsection (5)(d).
- 105 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck
106 motor carrier does not provide the report described in Subsection (4), the tow truck
107 operator or tow truck motor carrier shall provide a report to the Motor Vehicle
108 Division that includes:
- 109 (i) the name and badge number of the relevant peace officer;
110 (ii) the name and originating agency identifier of the law enforcement agency;
111 (iii) the law enforcement agency case number;
112 (iv) subject to Subsection (5)(e), the vehicle identification number and the license
113 number, temporary permit number, or other identification number issued by a
114 state agency;
115 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
116 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 117 (e) If either the vehicle identification number or the license number, temporary permit
118 number, or other identification number issued by a state agency is not available, the
119 report shall include:
- 120 (i) as much information as is available from both the vehicle identification number
121 and the license plate number of the vehicle, vessel, or outboard motor; and
122 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make,
123 model, and model year of the vehicle, vessel, or outboard motor.
- 124 (f) Until the tow truck operator or tow truck motor carrier reports the removal as
125 required under this Subsection (5), a tow truck motor carrier may not:
- 126 (i) collect any fee associated with the removal; or
127 (ii) begin charging storage fees.
- 128 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be
129 removed to:

- 130 (i) a state impound yard; or
- 131 (ii) a location that has been requested by the registered owner at the time of removal,
- 132 if payment is made to the tow truck motor carrier or tow truck operator at the time
- 133 of removal.
- 134 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 135 State Tax Commission may make rules to establish proper format and information
- 136 required on the form described in ~~[Subsection (5)(e)]~~ Subsection (5)(d), including
- 137 submission in an electronic format.
- 138 (6)(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in
- 139 Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner
- 140 described in Section 41-1a-114, to the following parties with an interest in the
- 141 vehicle, vessel, or outboard motor, as applicable:
- 142 (i) the registered owner;
- 143 (ii) any lien holder; or
- 144 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard
- 145 motor is currently operating under a temporary permit issued by the dealer, as
- 146 described in Section 41-3-302.
- 147 (b) The notice shall:
- 148 (i) state the date, time, and place of removal, the name, if applicable, of the person
- 149 operating the vehicle, vessel, or outboard motor at the time of removal, the reason
- 150 for removal, and the place where the vehicle, vessel, or outboard motor is stored;
- 151 (ii) state that the registered owner is responsible for payment of towing, impound,
- 152 and storage fees charged against the vehicle, vessel, or outboard motor;
- 153 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
- 154 motor is released; and
- 155 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the
- 156 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal
- 157 or impoundment under this section, one of the parties fails to make a claim for
- 158 release of the vehicle, vessel, or outboard motor.
- 159 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor
- 160 is not registered in this state, the Motor Vehicle Division shall make a reasonable
- 161 effort to notify the parties described in Subsection (6)(a) of the removal and the place
- 162 where the vehicle, vessel, or outboard motor is stored.
- 163 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6)

if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).

(e)(i) The Motor Vehicle Division shall disclose the information in the report described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent as defined in Section 41-12a-802 regarding a tow that was initiated:

(A) by law enforcement; or

(B) without the vehicle owner's consent.

(ii) The Motor Vehicle Division may rely on the information provided by the tow truck operator or tow truck motor carrier to determine if a tow meets the criteria described in Subsections (6)(e)(i)(A) and (B).

(iii) The designated agent may disclose information received regarding a tow described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.

(iv) The designated agent may not disclose information to a vehicle owner's insurance company if the tow does not meet the criteria described in Subsections (6)(e)(i)(A) and (B).

(7)(a) The vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described in this section shall be released after a party described in Subsection (6)(a) or (7)(f):

(i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;

(ii) presents identification sufficient to prove ownership of the impounded or removed vehicle, vessel, or outboard motor;

(iii) completes the registration, if needed, and pays the appropriate fees;

(iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101 (3), pays:

(A) an administrative impound fee of \$425; and

(B) in addition to the administrative fee described in Subsection [(6)(a)(iv)(A)] (7)(a)(iv)(A), an administrative testing fee of \$30; and

(v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.

(b)(i) [\$29] Twenty-nine dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.

(ii) One-hundred and forty-seven dollars of the administrative impound fee assessed

- 198 under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public
199 Safety Restricted Account created in Section 53-3-106.
- 200 (iii) Twenty dollars of the administrative impound fee assessed under Subsection
201 (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund
202 created in Section 26B-1-318.
- 203 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the
204 remainder of the administrative impound fee assessed under Subsection
205 (7)(a)(iv)(A) shall be deposited into the General Fund.
- 206 (v) The administrative testing fee described in Subsection [~~(6)(a)(iv)(B)~~] (7)(a)(iv)(B)
207 shall be deposited into the State Laboratory Drug Testing Account created in
208 Section 26B-1-304.
- 209 (c) The administrative impound fee and the administrative testing fee assessed under
210 Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the
211 registered owner, lien holder, or owner's agent presents written evidence to the State
212 Tax Commission that:
- 213 (i) the Driver License Division determined that the arrested person's driver license
214 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as
215 shown by a letter or other report from the Driver License Division presented
216 within 180 days after the day on which the Driver License Division mailed the
217 final notification; or
- 218 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
219 stolen vehicle report presented within 180 days after the day of the impoundment.
- 220 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
221 payment by cash and debit or credit card for a removal or impoundment under
222 Subsection (1) or any service rendered, performed, or supplied in connection with a
223 removal or impoundment under Subsection (1).
- 224 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
225 impounded vehicle, vessel, or outboard motor if:
- 226 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 227 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
228 Subsection (6)(a), even if the party satisfies the requirements to release the
229 vehicle, vessel, or outboard motor under this Subsection (7).
- 230 (f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or
231 outboard motor impounded or removed to a state impound yard as described in this

section shall be released to an individual that is not described in Subsection (6)(a) if the individual:

(i)(A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);

(B) presents the individual's driver license or other government-issued identification; and

(C) demonstrates that the individual has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle; or

(ii) is a tow truck operator or tow truck motor carrier that:

(A) demonstrates that the tow truck operator or tow truck motor carrier has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle, vessel, or outboard motor;

(B) provides a towing certificate issued by the Department of Transportation pursuant to Section 72-9-602;

(C) pays all towing and storage fees; and

(D) obtains or presents an impound release for the vehicle, vessel, or outboard motor pursuant to Subsection (7)(a).

(8)(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by a party described in Subsection (6)(a) or (7)(f) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the impounded or removed vehicle, vessel, or outboard motor as described in Section 41-1a-1103.

(b) The date of impoundment or removal is considered the date of seizure for computing the time period provided under Section 41-1a-1103.

(9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

(10)(a) As used in this Subsection (10), "life essential item" means the same as that term is defined in Subsection 72-9-603(13).

(b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.

(c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor.

(d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a person described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.

(e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a person described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.

(11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.

(12)(a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.

(b)(i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.

(ii) The fees under this Subsection (12)(b) shall:

(A) be reasonable and fair; and

(B) reflect the cost of administering the database.

Section 2. Section **72-9-601** is amended to read:

72-9-601 . Tow truck motor carrier requirements -- Authorized towing certificates.

(1) In addition to the requirements of this chapter, a tow truck motor carrier shall:

(a) ensure that all the tow truck motor carrier's tow truck operators are properly:

(i) trained to operate tow truck equipment;

(ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and

(iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603;

(b) ensure that all the tow truck motor carrier's tow truck operators:

(i) have cleared the criminal background check required in Subsections 72-9-602(2)

- 300 and (3); and
- 301 (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec.
- 302 391.45;[~~and~~]
- 303 (c) obtain and display a current authorized towing certificate for the tow truck motor
- 304 carrier, and each tow truck and tow truck operator, as required under Section
- 305 72-9-602[:] ; and
- 306 (d) provide to the department, at least once per calendar quarter, information indicating
- 307 each towing entity dispatch and rotation service of which the tow truck motor carrier
- 308 is part.
- 309 (2) A tow truck motor carrier may only perform a towing service described in Section
- 310 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a
- 311 current authorized towing certificate under this part.
- 312 Section 3. Section **72-9-602** is amended to read:
- 313 **72-9-602 . Towing inspections, investigations, and certification -- Equipment**
- 314 **requirements -- Consumer information.**
- 315 (1)(a) The department shall inspect, investigate, and certify tow truck motor carriers,
- 316 tow trucks, and tow truck operators to ensure compliance with this chapter and
- 317 compliance with Sections 41-6a-1406 and 41-6a-1407.
- 318 (b) The inspection, investigation, and certification shall be conducted prior to any tow
- 319 truck operation and at least every two years thereafter.
- 320 (c)(i) The department shall issue an authorized towing certificate for each tow truck
- 321 motor carrier, tow truck, and tow truck operator that complies with this part and
- 322 rules made by the department in accordance with Subsection (6).
- 323 (ii) The authorized towing certificate described in this section shall expire two years
- 324 from the month of issuance.
- 325 (d) The department may charge a biennial fee established under Section 63J-1-504 to
- 326 cover the cost of the inspection, investigation, and certification required under this
- 327 part.
- 328 (2)(a) To qualify for an authorized towing certificate described in Subsection (1), a tow
- 329 truck operator shall:
- 330 (i) submit to a fingerprint-based criminal background check, as described in
- 331 Subsection (3); and
- 332 (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec.
- 333 391.45.

(b) For each tow truck operator employed, a tow truck motor carrier shall:

(i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and

(ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.

(3)(a) Before a tow truck motor carrier may hire an individual as a tow truck operator and receive an authorized towing certificate from the department as required in Subsection (2), the tow truck motor carrier shall require the individual to submit to the Department of Public Safety:

(i) a fingerprint card in a form acceptable to the Department of Public Safety; and

(ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.

(b) The Bureau of Criminal Identification shall:

(i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;

(ii) report the results of the background check to the requesting tow truck motor carrier;

(iii) maintain a separate file of fingerprints submitted under this part for search by future submissions to the local and regional criminal records databases, including latent prints; and

(iv) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for the individuals with whom the entity maintains an authorizing relationship.

(c)(i) Except for an individual hired as a tow truck operator before July 1, 2017, the department shall deny an individual's authorized towing certification, and the individual may not operate a tow truck in this state, if the individual has been convicted of any felony offense within the previous two years.

(ii) The department may deny or revoke the authorized towing certification of a tow truck motor carrier that employs an individual who fails to comply with the background check required in this section.

(4) The department shall make available to the public electronically accessible consumer protection information, including a list of all tow truck motor carriers that are currently certified by the department.

(5) The department may deny a tow truck motor carrier's certification if the department has

evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under Section 72-9-603.

(6)(a) If the department determines that a tow truck motor carrier has violated a provision of this part or an administrative rule made pursuant to this part, the department may:

(i) deny or revoke a tow truck motor carrier's certification under this part;

(ii) impose a civil penalty up to \$2,000 for each violation; and

(iii) require the removal of the tow truck motor carrier from a towing dispatch rotation as described in Section 72-9-604.

(b) If the department requires the removal of a tow truck motor carrier from a towing dispatch rotation, contract, or request for proposal as described in Section 72-9-604, the department shall:

(i) notify the Department of Public Safety and any relevant towing entity, as that term is defined in Section 72-9-604, of the removal; and

(ii) notify the tow truck motor carrier of the removal.

(c) A notice described in Subsection (6)(b) shall:

(i) identify the tow truck motor carrier; and

(ii) specify how long the tow truck motor carrier is required to be removed from the towing dispatch rotation.

~~[(6)]~~ (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the inspection, investigation, and certification procedures described in this section.

Section 4. 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, 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) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:

- 402 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
403 (B) a description of the vehicle, vessel, or outboard motor; and
404 (C) the vehicle identification number or vessel or outboard motor identification
405 number; and
406 (ii) contact the law enforcement agency having jurisdiction over the area where the
407 vehicle, vessel, or outboard motor was picked up and notify the agency of the:
408 (A) location of the vehicle, vessel, or outboard motor;
409 (B) date, time, and location from which the vehicle, vessel, or outboard motor was
410 removed;
411 (C) reasons for the removal of the vehicle, vessel, or outboard motor;
412 (D) person who requested the removal of the vehicle, vessel, or outboard motor;
413 and
414 (E) description, including the identification number, license number, or other
415 identification number issued by a state agency, of the vehicle, vessel, or
416 outboard motor;
417 (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner
418 or operator, within two business days of performing the tow truck service under
419 Subsection (1)(a), send a certified letter to the last-known address of each party
420 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
421 outboard motor obtained from the Motor Vehicle Division or, if the person has actual
422 knowledge of the party's address, to the current address, notifying the party of the:
423 (i) location of the vehicle, vessel, or outboard motor;
424 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
425 removed;
426 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
427 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
428 (v) a description, including its identification number and license number or other
429 identification number issued by a state agency; and
430 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
431 (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard
432 motor was removed, provide the owner or operator with a copy of the Utah
433 Consumer Bill of Rights Regarding Towing established by the department in
434 Subsection (16)(e).
435 (2) Until the tow truck operator or tow truck motor carrier reports the information required

under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:

(a) collect any fee associated with the removal; or

(b) begin charging storage fees.

(3)(a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:

(i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or

(ii) the property owner erects signage that meets the requirements of:

(A) Subsection (4)(b)(ii); and

(B) Subsection (7) or (8).

(b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:

(i) from a location where parking is prohibited by law, including:

(A) a designated fire lane;

(B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or

(C) a marked parking stall or space legally designated for disabled persons;

(ii) from a location where it is reasonably apparent that the location is not open to parking;

(iii) from a location where all public access points are controlled by:

(A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or

(B) a parking attendant;

(iv) from a location that materially interferes with access to private property;

(v) from the property of a detached single-family dwelling or duplex; or

(vi) pursuant to a legal repossession.

(4)(a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:

(i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking restrictions on behalf of the property owner in accordance with Subsection (7);

(ii) enforcing parking restrictions as needed by requesting a tow from a tow truck

- 470 motor carrier on a case-by-case basis in accordance with Subsection (8); or
471 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written
472 notice in accordance with Subsection (9).
- 473 (b)(i) Any agreement between a private property owner and tow truck motor carrier
474 authorizing the tow truck motor carrier to patrol and monitor the property under
475 Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck
476 motor carrier to remove a vehicle, vessel, or outboard motor from the property.
- 477 (ii) In addition to the signage described in Subsection (7) or (8), a private property
478 owner who allows public parking shall erect appropriate signage on the property
479 indicating clear instructions for parking at the property.
- 480 (iii) Where a single parking area includes abutting parcels of property owned by two
481 or more private property owners who enforce different parking restrictions under
482 Subsection (7) or (8), each property owner shall, in addition to the requirements
483 under Subsection (7) or (8), erect signage as required by this section:
- 484 (A) at each entrance to the property owner's parcel from another property owner's
485 parcel; and
- 486 (B) if there is no clearly defined entrance between one property owner's parcel and
487 another property owner's parcel, at intervals of 40 feet or less along the line
488 dividing the property owner's parcel from the other property owner's parcel.
- 489 (iv) Where there is no clearly defined entrance to a parking area from a highway, the
490 property owner shall erect signage as required by this section at intervals of 40
491 feet or less along any portion of a property line where a vehicle, vessel, or
492 outboard motor may enter the parking area.
- 493 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from,
494 subject to the provisions of this section, instituting and enforcing regulations for parking
495 at the property.
- 496 (6) In addition to any other powers provided by law, a political subdivision or state agency
497 may:
- 498 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on
499 property that is:
- 500 (i) owned by the political subdivision or state agency;
- 501 (ii) located outside of the public right-of-way; and
- 502 (iii) open to public parking; and
- 503 (b) request or direct a tow truck service in order to abate a public nuisance on private

property over which the political subdivision or state agency has jurisdiction.

(7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has ~~[the following-]~~ signs located on the property and clearly visible to the driver of a vehicle entering the property that substantially comply with the following, as determined by the department:

(a) a top sign that is 24 inches tall by 18 inches wide and has:

(i) a blue, reflective background with a 1/2 inch white border;

(ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";

(iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and

(iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and

(b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:

(i) a top half that is red background with white, reflective letters indicating:

(A) who is authorized to park or restricted from parking at the property; and

(B) any type of vehicle prohibited from parking at the property; and

(ii) a bottom half that has a white, reflective background with red letters indicating:

(A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and

(B) the Internet web address "tow.utah.gov".

(8)(a) For private property where parking is enforced under Subsection (4)(a)(ii):

~~[(a)]~~ (i) a tow truck motor carrier may not:

~~[(i)]~~ (A) patrol and monitor the property;

~~[(ii)]~~ (B) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or

~~[(iii)]~~ (C) act as the property owner's agent to request a tow truck service~~[-and]~~.

(b) For private property where parking is enforced under Subsection (4)(a)(ii), the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that substantially follows the following format, as determined by the department:

(i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:

- 538 [(i)] (A) at the top of the sign, a blue background with a white, reflective towing
539 logo that is at least four inches tall and 16 inches wide that depicts an entire
540 tow truck, a tow hook, and an entire vehicle being towed;
- 541 [(ii)] (B) immediately below the towing logo described in Subsection [(8)(b)(i)]
542 (8)(b)(i)(A), a blue background with white, reflective letters at least two inches
543 tall with the capitalized words "Towing Enforced";
- 544 [(iii)] (C) in the middle of the sign, a red background with white, reflective letters
545 at least one inch tall indicating[:]
- 546 [(A)] _who is authorized to park or restricted from parking at the property[;] , and
547 [(B)] _any type of vehicle prohibited from parking at the property; and
- 548 [(iv)] (ii) at the bottom of the sign, a white, reflective background with red letters at
549 least one inch tall indicating:
- 550 (A) either[:]
- 551 [(F)] _the name and telephone number of the property owner or the property
552 owner's agent who is authorized to request a tow truck service[;] , or
- 553 [(H)] _the name and telephone number of the tow truck motor carrier that
554 provides tow truck services for the property; and
- 555 (B) the Internet web address "tow.utah.gov".
- 556 (c) If a dispute arises regarding whether a sign required under this section substantially
557 complies with the requirements of this section, the department shall determine
558 whether the sign substantially complies.
- 559 (9)(a) For private property without signage substantially meeting the requirements of
560 Subsection (7) or (8), as determined by the department, the property owner may
561 request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from
562 the private property 24 hours after the property owner or the property owner's agent
563 affixes a written notice to the vehicle, vessel, or outboard motor in accordance with
564 this Subsection (9).
- 565 (b) The written notice described in Subsection (9)(a) shall:
- 566 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or
567 outboard motor;
- 568 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel,
569 or outboard motor will be towed from the property if it is not removed within 24
570 hours after the time indicated in Subsection (9)(b)(i);
- 571 (iii) be at least four inches tall and four inches wide; and

(iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.

(c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.

(10) The department shall publish on the department Internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).

(11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:

(a) Subsection (4)(b)(ii); and

(b) Subsection (7) or (8).

(12) ~~[The]~~ An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in Subsection 41-6a-1406(6)(a) with an interest in 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 (16); and

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

(13)(a) As used in this Subsection (13), "life essential item" means:

(i) prescription medication;

(ii) medical equipment;

(iii) shoes;

(iv) coats;

(v) food and water;

(vi) child safety seats;

(vii) government-issued photo identification; and

(viii) human remains.

~~[(a)] (b)~~ The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor ~~[-and any nonlife essential items contained in the vehicle, vessel, or outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid].~~

(c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor.

(d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck

operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.

- (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.

~~(f)~~ (f) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:

- (i) pays the fees described in Subsection (12); and
- (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

(14)(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not, within 30 days after notice has been sent under Subsection (1)(b):

- (i) pay the fees described in Subsection (12); and
- (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

(b) A person may not request a transfer of title to an abandoned vehicle, vessel, or outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

(15)(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 (16).

(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).

(16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:

(a) subject to the restriction in Subsection (17), 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;

(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 (16)(a)(i); and

(iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(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 information required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);

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

(i) a vehicle owner's or operator'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

- 674 (iii) identifies the maximum rates that an impound yard may charge for the storage of
675 vehicle, vessel, or outboard motor that is transported in response to a call or
676 request where the owner of the vehicle, vessel, or outboard motor has not
677 consented to the removal; and
- 678 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- 679 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,
680 vessel, or outboard motor if:
- 681 (a) the vehicle, vessel, or outboard motor is being held as evidence; and
- 682 (b) the vehicle, vessel, or outboard motor is not being released to a party described in
683 Subsection 41-6a-1406(6)(a) or an individual described in Subsection
684 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle,
685 vessel, or outboard motor under Section 41-6a-1406.
- 686 (18)(a)(i) A tow truck motor carrier may charge a rate up to the maximum rate set by
687 the department in rules made under Subsection (16).
- 688 (ii) In addition to the maximum rates established under Subsection (16) and when [-]
689 receiving payment by credit card or debit card, a tow truck operator, a tow truck
690 motor carrier, or an[-] impound yard may charge a [credit-]card processing fee of
691 3% of the transaction total.
- 692 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a
693 higher level than required in rules made pursuant to Subsection (16).
- 694 (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or
695 outboard motor as a result of a tow service that was performed without the consent of
696 the owner, and that was not ordered by a peace officer or a person acting on behalf of a
697 law enforcement agency, the tow truck motor carrier or impound yard shall make
698 personnel available:
- 699 (a) by phone 24 hours a day, seven days a week; and
- 700 (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one
701 hour of when the owner calls the tow truck motor carrier or impound yard.
- 702 (20) A tow truck motor carrier or a tow truck operator may not:
- 703 (a) share contact or other personal information of an owner of a vehicle, vessel, or
704 outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the
705 tow truck motor carrier or tow truck operator has performed a tow service; and
- 706 (b) receive payment for referring a person for whom the tow truck motor carrier or tow
707 truck operator has performed a tow service to another service, including:

- (i) a lawyer referral service;
- (ii) a medical provider;
- (iii) a funding agency;
- (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);
- (v) a marketer for any other service; or
- (vi) a third party vendor.

Section 5. Section **72-9-604** is amended to read:

72-9-604 . Preemption of local authorities -- Tow trucks.

(1) As used in this section:

(a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:

- (i) pay the relevant fees; and
- (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

(b) "Towing entity" means:

- (i) a political subdivision of this state;
- (ii) a state agency;
- (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or
- (iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.

(2)(a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that:

(i) conflicts with:

~~[(i)]~~ (A) any provision of this part;

~~[(ii)]~~ (B) Section 41-6a-1401;

~~[(iii)]~~ (C) Section 41-6a-1407; or

~~[(iv)]~~ (D) rules made by the department under this part~~[-]~~ ; or

(ii) imposes a maximum rate that deviates from the maximum rates set in rules made by the department pursuant to Subsection 72-9-603(16).

(b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or

municipality:

(i) is holding the vehicle, vessel, or outboard motor as evidence; and

(ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

(3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.

(4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.

(5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:

(a) no fee is charged for the inspection; and

(b) the inspection complies with federal motor carrier safety regulations.

(6)(a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).

(b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.

(7)(a)(i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.

(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.

(b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.

(ii) A special service district created under Title 17D, Chapter 1, Special Service

- 776 District Act, that charges a dispatch fee on or before January 1, 2023, may
777 continue to charge a fee related to dispatch costs.
- 778 (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii)
779 may not exceed an amount reasonably reflective to the actual costs of providing
780 the towing dispatch and rotation service.
- 781 (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)
782 unless the relevant governing body of the towing entity has approved the fee amount.
- 783 (d) In addition to fees set by the department in rules made in accordance with Subsection
784 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a
785 fee described in this Subsection (7) to owners, lien holders, or insurance providers of
786 towed vehicles, vessels, or outboard motors.
- 787 (8)(a) In addition to the fees described in Subsection (7), a tow truck operator or tow
788 truck motor carrier may charge an additional fee to absorb unrecovered costs of
789 abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).
- 790 (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow
791 truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not
792 to exceed an amount greater than 25% of the relevant fee described in Subsection
793 (7)(a)(i) or (7)(b)(ii).
- 794 (c)(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,
795 based on data provided by the State Tax Commission, determine the percentage of
796 vehicles, vessels, or outboard motors that were abandoned during the previous
797 year by:
- 798 (A) determining the total number of vehicles, vessels, or outboard motors that
799 were towed as part of a towing entity's towing rotation during the previous
800 calendar year that were also abandoned; and
- 801 (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number
802 of vehicles, vessels, or outboard motors that were towed as part of the towing
803 entity's towing rotation during the previous calendar year.
- 804 (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall
805 publish:
- 806 (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
807 (B) the percentage described in Subsection (8)(c)(i).
- 808 (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a
809 tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an

810 amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the
811 relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).

812 (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the
813 towing invoice any fee described in this Subsection (8).

814 (9) A towing entity may not require a tow truck operator who has received an authorized
815 towing certificate from the department to submit additional criminal background check
816 information for inclusion of the tow truck motor carrier on a rotation.

817 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
818 operator that responds may not respond to the location in a tow truck that is owned by a
819 tow truck motor carrier that is different than the tow truck motor carrier that was
820 dispatched.

821 (11) If a towing entity receives a notice from the department as described in Subsection
822 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing
823 entity's towing rotation, contract, or request for proposal as provided in the notice from
824 the department.

825 Section 6. **Effective Date.**

826 This bill takes effect on January 1, 2026.