

# HB0261S02 compared with HB0261

~~{Omitted text}~~ shows text that was in HB0261 but was omitted in HB0261S02

inserted text shows text that was not in HB0261 but was inserted into HB0261S02

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## Towing Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor:

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### 3 LONG TITLE

#### 4 General Description:

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

#### 6 Highlighted Provisions:

7 This bill:

8 ▶ 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;

11 ▶ requires a private property owner who contracts with a tower to patrol a parking lot to publish information about the ~~{contract-}~~ agreement with the tower for the public to view;

13 ▶ allows signage for towing and parking restrictions to remain valid if the signage substantially conforms with the statutory standards;

15 ▶ ~~{removes the possessory lien on-}~~ requires a tow truck motor carrier or impound yard to allow an individual to remove personal items ~~{in-}~~ from a vehicle~~{, limiting-}~~ if the ~~{possessory lien of-}~~ individual has paid the ~~{tower to apply only to the vehicle that was towed}~~ towing fee;

17 ▶ ~~{enacts a limitation on what debit card processing fees may be charged by a tower to limitations in federal regulations;}~~

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- 19       ▶ ~~{ amends provisions related to an individual's ability to access and obtain release of a~~  
~~vehicle after regular business hours; }~~
- 17       ▶ 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;
- 20       ▶ 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;
- 21       ▶ 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
- 23       ▶ makes technical changes.

### 25 Money Appropriated in this Bill:

26       None

### 27 Other Special Clauses:

28       This bill provides a special effective date.

### 30 AMENDS:

31       **41-6a-1406** , as last amended by Laws of Utah 2024, Chapters 134, 319 and 380 , as last amended  
by Laws of Utah 2024, Chapters 134, 319 and 380

32       **72-9-601** , as last amended by Laws of Utah 2017, Chapter 298 , as last amended by Laws of  
Utah 2017, Chapter 298

33       **72-9-602** , as last amended by Laws of Utah 2017, Chapter 298 , as last amended by Laws of  
Utah 2017, Chapter 298

34       **72-9-603** , as last amended by Laws of Utah 2024, Chapter 134 , as last amended by Laws of Utah  
2024, Chapter 134

35       **72-9-604** , as last amended by Laws of Utah 2024, Chapter 134 , as last amended by Laws of Utah  
2024, Chapter 134

36

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

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

39       **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**  
**requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

38 (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

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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.

- 43 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a state impound yard.
- 45 (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:
- 47 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- 48 (b) by the department under Subsection (11).
- 49 (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).
- 51 (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:
- 55 (i) the peace officer or agency by whom the peace officer is employed; and
- 56 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
- 58 (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:
- 60 (i) the operator's name, if known;
- 61 (ii) a description of the vehicle, vessel, or outboard motor;
- 62 (iii) the vehicle identification number or vessel or outboard motor identification number;
- 64 (iv) the case number designated by the peace officer, law enforcement agency number, or government entity;
- 66 (v) the license number, temporary permit number, or other identification number issued by a state agency;
- 68 (vi) the date, time, and place of impoundment;
- 69 (vii) the reason for removal or impoundment;
- 70 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
- 72 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 73 (d)

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- (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).
- 76 (ii) The State Tax Commission shall ensure that the form described in this Subsection (4) is provided in an electronic format.
- 78 (e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
- 81 (i) collect any fee associated with the removal; and
- 82 (ii) begin charging storage fees.
- 83 (5)
- (a) A report described in this Subsection (5) is required for any vehicle, vessel, or outboard motor that is removed, except for:
- 85 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1);  
or
- 87 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in accordance with Section 72-9-603.
- 89 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer shall provide documentation to the tow truck operator or tow truck motor carrier that includes:
- 92 (i) the name and badge number of the peace officer;
- 93 (ii) the name and originating agency identifier of the law enforcement agency; and
- 94 (iii) the case number designated by the law enforcement officer or law enforcement agency.
- 96 (c) For a removal described in Subsection (5)(a), before noon on the next business day following the date of the removal of the vehicle, vessel, or outboard motor, the tow truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in an electronic format approved by the Motor Vehicle Division:
- 100 (i) the report described in Subsection (4); or
- 101 (ii) the report described in Subsection (5)(d).
- 102 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck motor carrier does not provide the report described in Subsection (4), the tow truck operator or tow truck motor carrier shall provide a report to the Motor Vehicle Division that includes:
- 106 (i) the name and badge number of the relevant peace officer;

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- 107 (ii) the name and originating agency identifier of the law enforcement agency;
- 108 (iii) the law enforcement agency case number;
- 109 (iv) subject to Subsection (5)(e), the vehicle identification number and the license number, temporary  
permit number, or other identification number issued by a state agency;
- 112 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
- 113 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 114 (e) If either the vehicle identification number or the license number, temporary permit number, or other  
identification number issued by a state agency is not available, the report shall include:
- 117 (i) as much information as is available from both the vehicle identification number and the license plate  
number of the vehicle, vessel, or outboard motor; and
- 119 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make, model, and model  
year of the vehicle, vessel, or outboard motor.
- 121 (f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this  
Subsection (5), a tow truck motor carrier may not:
- 123 (i) collect any fee associated with the removal; or
- 124 (ii) begin charging storage fees.
- 125 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:
- 127 (i) a state impound yard; or
- 128 (ii) a location that has been requested by the registered owner at the time of removal, if payment is  
made to the tow truck motor carrier or tow truck operator at the time of removal.
- 131 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax  
Commission may make rules to establish proper format and information required on the form  
described in ~~Subsection (f) (5)(e)~~ ~~(4)(e)~~ this Subsection (5), including submission in an  
electronic format.
- 135 (6)
- (a) Except as provided in Subsection (6)(d) and upon receipt of a report described in Subsection (4) or  
(5), the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to  
the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
- 139 (i) the registered owner;
- 140 (ii) any lien holder; or
- 141

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- (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
- 144 (b) The notice shall:
- 145 (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
- 148 (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
- 150 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
- 152 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- 156 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (6)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
- 160 (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).
- 163 (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:
- 166 (A) by law enforcement; or
- 167 (B) without the vehicle owner's consent.
- 168 (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).
- 171 (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.

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- 174 (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).
- 177 (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):
- 180 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax  
Commission;
- 182 (ii) presents identification sufficient to prove ownership of the impounded or removed vehicle,  
vessel, or outboard motor;
- 184 (iii) completes the registration, if needed, and pays the appropriate fees;
- 185 (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
- 187 (A) an administrative impound fee of \$425; and
- 188 (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
- 190 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is  
stored.
- 192 (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.
- 194 (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed under Subsection  
(7)(a)(iv)(A) shall be deposited into the Department of Public Safety Restricted Account created in  
Section 53-3-106.
- 197 (iii) Twenty dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be  
deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.
- 200 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the remainder of the  
administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the  
General Fund.
- 203 (v) The administrative testing fee described in Subsection ~~[(6)(a)(iv)(B)]~~ (7)(a)(iv)(B) shall be  
deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.
- 206

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- (c) The administrative impound fee and the administrative testing fee assessed under Subsection (7)(a) (iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
- 210 (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
- 215 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.
- 217 (d) 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 removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).
- 221 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:
- 223 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 224 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (6)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under this Subsection (7).
- 227 (f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or 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:
- 234 (i)
- 231 {(i)} (A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);
- 232 {(ii) {has in the individual's possession the keys of the vehicle, vessel, or outboard motor to operate the vehicle, vessel, or outboard motor; and} }
- 234 {(iii)} (B) presents the individual's {driving credential;} driver license or other government-issued identification; and
- 235 {(8)}
- {(a)} demonstrates that the individual has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle; or
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(ii) is a tow truck operator or tow truck motor carrier that 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.

242 (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.

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

242 (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.

247 (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).

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

258 (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.

260 (d) 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.

265 (e) 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.

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(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.

252 (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.

255 (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.

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

259 (A) be reasonable and fair; and

260 (B) reflect the cost of administering the database.

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

283 **72-9-601. Tow truck motor carrier requirements -- Authorized towing certificates.**

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

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

287 (i) trained to operate tow truck equipment;

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

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

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

291 (i) have cleared the criminal background check required in Subsections 72-9-602(2) and (3); and

293 (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45; ~~and~~

295 (c) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and tow truck operator, as required under Section 72-9-602[-] ; and

298 (d) provide to the department, at least once per calendar quarter, information indicating each towing entity dispatch and rotation service of which the tow truck motor carrier is part.

301 (2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a current authorized towing certificate under this part.

304 Section 3. Section 72-9-602 is amended to read:

305

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### 72-9-602. Towing inspections, investigations, and certification -- Equipment requirements --

#### Consumer information.

- 307 (1)
- (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck operators to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
- 310 (b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
- 312 (c)
- (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and tow truck operator that complies with this part and rules made by the department in accordance with Subsection (6).
- 315 (ii) The authorized towing certificate described in this section shall expire two years from the month of issuance.
- 317 (d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.
- 320 (2)
- (a) To qualify for an authorized towing certificate described in Subsection (1), a tow truck operator shall:
- 322 (i) submit to a fingerprint-based criminal background check, as described in Subsection (3); and
- 324 (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45.
- 326 (b) For each tow truck operator employed, a tow truck motor carrier shall:
- 327 (i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and
- 329 (ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.
- 331 (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:
- 335 (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
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- (ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.
- 338 (b) The Bureau of Criminal Identification shall:
- 339 (i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;
- 341 (ii) report the results of the background check to the requesting tow truck motor carrier;
- 343 (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
- 346 (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.
- 349 (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.
- 353 (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.
- 356 (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.
- 359 (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.
- 363 (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:
- 366 (i) deny or revoke a tow truck motor carrier's certification under this part;
- 367 (ii) impose a civil penalty up to \$2,000 for each violation; and
- 368 (iii) require the removal of the tow truck motor carrier from a towing dispatch rotation as described in Section 72-9-604.
- 370 (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:

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- 373 (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
- 375 (ii) notify the tow truck motor carrier of the removal.
- 376 (c) A notice described in Subsection (6)(b) shall:
- 377 (i) identify the tow truck motor carrier; and
- 378 (ii) specify how long the tow truck motor carrier is required to be removed from the towing dispatch  
rotation.
- 380 [(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.
- 383 Section 4. Section **72-9-603** is amended to read:
- 384 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title**  
**restrictions -- Rules for maximum rates and certification.**
- 264 (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:
- 268 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard  
motor:
- 270 (i) provide relevant information to the impound vehicle service system database administered by the  
Motor Vehicle Division, including:
- 272 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
- 273 (B) a description of the vehicle, vessel, or outboard motor; and
- 274 (C) the vehicle identification number or vessel or outboard motor identification number; and
- 276 (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:
- 278 (A) location of the vehicle, vessel, or outboard motor;
- 279 (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
- 281 (C) reasons for the removal of the vehicle, vessel, or outboard motor;
- 282 (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
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- (E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;
- 287 (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 each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:
- 292 (i) location of the vehicle, vessel, or outboard motor;
- 293 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
- 295 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 296 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 297 (v) a description, including its identification number and license number or other identification number issued by a state agency; and
- 299 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 300 (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard motor was removed, provide the owner or operator with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).
- 304 (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:
- 307 (a) collect any fee associated with the removal; or
- 308 (b) begin charging storage fees.
- 309 (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:
- 312 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or
- 314 (ii) the property owner ~~{:~~
- 315 ~~{(A)}~~ erects signage that meets the requirements of ~~{:~~
- 316 ~~{(A)}~~ Subsection (4)(b)(ii) ~~{;~~ ~~{}~~ ~~;~~ and
- 317 ~~{(B)}~~ Subsection (7) or (8) ~~{;~~ ~~{}~~ ~~;~~ ~~and~~.

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- 318 ~~{(B) publishes the agreement with the tow truck operator or tow truck motor carrier as described in~~  
319 ~~Subsection (4)(b).}~~
- 320 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
- 322 (i) from a location where parking is prohibited by law, including:
- 323 (A) a designated fire lane;
- 324 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
- 326 (C) a marked parking stall or space legally designated for disabled persons;
- 327 (ii) from a location where it is reasonably apparent that the location is not open to parking;
- 329 (iii) from a location where all public access points are controlled by:
- 330 (A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
- 332 (B) a parking attendant;
- 333 (iv) from a location that materially interferes with access to private property;
- 334 (v) from the property of a detached single-family dwelling or duplex; or
- 335 (vi) pursuant to a legal repossession.
- 336 (4)
- (a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:
- 338 (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);
- 341 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or
- 343 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
- 345 (b)
- (i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall~~{.}~~
- 348 ~~(A) include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property~~~~{[.]} ~~and~~~~
- 350 ~~{(B) be made available to the public online by the private property owner.}~~
- 351

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- (ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.
- 354 (iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:
- 358 (A) at each entrance to the property owner's parcel from another property owner's parcel; and
- 360 (B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.
- 363 (iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.
- 367 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.
- 370 (6) In addition to any other powers provided by law, a political subdivision or state agency may:
- 372 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:
- 374 (i) owned by the political subdivision or state agency;
- 375 (ii) located outside of the public right-of-way; and
- 376 (iii) open to public parking; and
- 377 (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.
- 379 (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:
- 383 (a) a top sign that is 24 inches tall by 18 inches wide and has:
- 384 (i) a blue, reflective background with a 1/2 inch white border;
- 385 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";
- 387



## HB0261 compared with HB0261S02

- (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
- 389 (iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and
- 391 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
- 393 (i) a top half that is red background with white, reflective letters indicating:
- 394 (A) who is authorized to park or restricted from parking at the property; and
- 395 (B) any type of vehicle prohibited from parking at the property; and
- 396 (ii) a bottom half that has a white, reflective background with red letters indicating:
- 397 (A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and
- 399 (B) the Internet web address "tow.utah.gov".
- 400 (8)
- (a) For private property where parking is enforced under Subsection (4)(a)(ii):
- 401 ~~[(a)]~~ (i) a tow truck motor carrier may not:
- 402 ~~[(i)]~~ (A) patrol and monitor the property;
- 403 ~~[(ii)]~~ (B) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or
- 405 ~~[(iii)]~~ (C) act as the property owner's agent to request a tow truck service~~[-and]~~ .
- 406 (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:
- 410 (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
- 412 ~~[(i)]~~ (A) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;
- 415 ~~[(ii)]~~ (B) immediately below the towing logo described in Subsection ~~[(8)(b)(i)]~~ (8)(b)(i)(A), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";
- 418 ~~[(iii)]~~ (C) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating~~[-]~~

## HB0261 compared with HB0261S02

- 420 [~~(A)~~] who is authorized to park or restricted from parking at the property[~~;~~] , and  
421 [~~(B)~~] any type of vehicle prohibited from parking at the property; and  
422 [~~(iv)~~] (ii) at the bottom of the sign, a white, reflective background with red letters at least one inch tall  
indicating:  
424 (A) either[~~;~~]  
425 [~~(F)~~] the name and telephone number of the property owner or the property owner's agent who is  
authorized to request a tow truck service[~~;~~] , or  
427 [~~(H)~~] the name and telephone number of the tow truck motor carrier that provides tow truck services for  
the property; and  
429 (B) the Internet web address "tow.utah.gov".  
430 (c) If a dispute arises regarding whether a sign required under this section substantially complies with  
the requirements of this section, the department shall determine whether the sign substantially  
complies.  
433 (9)  
(a) For private property without signage substantially meeting the requirements of Subsection (7) or  
(8), as determined by the department, the property owner may request a tow truck motor carrier to  
remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property  
owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor  
in accordance with this Subsection (9).  
439 (b) The written notice described in Subsection (9)(a) shall:  
440 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;  
442 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor  
will be towed from the property if it is not removed within 24 hours after the time indicated in  
Subsection (9)(b)(i);  
445 (iii) be at least four inches tall and four inches wide; and  
446 (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.  
448 (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.

451

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(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).

454 (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:

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

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

459 (12) [The] An individual described in Subsection ~~{(19)(e)(ii)}~~ 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:

462 (a) the tow truck service and storage fees set in accordance with Subsection (16); and

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

464 (13)

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

582 (i) prescription medication;

583 (ii) medical equipment;

584 (iii) shoes;

585 (iv) coats;

586 (v) food and water;

587 (vi) child safety seats;

588 (vii) government-issued photo identification; and

589 (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].

468 {(b)} (c) {A tow truck operator, tow truck motor carrier, or impound yard shall allow } Towing fees are a {party described in Subsection 41-6a-1406(6)(a) with an interest in } possessory lien on the vehicle, vessel, or outboard motor {or an individual described } and any nonlife essential items contained in {Subsection (19)(e)(ii) to enter } the vehicle, vessel, or outboard motor {during normal

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business hours and remove personal property not attached to the vehicle upon signing a receipt for the property}.

473 ~~{(b)}~~ }

596 (d) 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.

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.

608 ~~{(b)} (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: { }~~

477 ~~{(i)}~~ pays the fees described in Subsection (12); and { }

478 ~~{(ii)}~~ removes the vehicle, vessel, or outboard motor from the state impound yard. { }

479 ~~{(c) A tow truck operator or tow truck motor carrier shall allow the owner of a vehicle, vessel, or outboard motor to take possession of any item within the vehicle, vessel, or outboard motor regardless of whether the fees described in Subsection (12) have been paid. }~~

483 (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 ~~{(19)(c)(ii)}~~ 41-6a-1406(7)(f)(i) does not, within 30 days after notice has been sent under Subsection (1)(b):

487 (i) pay the fees described in Subsection (12); and

488 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

489 (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).

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492 (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).

496 (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).

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

502 (a) subject to the restriction in Subsection (17), set maximum rates that:

503 (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:

505 (A) a peace officer dispatch call;

506 (B) a motor vehicle division call; and

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

509 (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

512 (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);

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

517 (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;

519 (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);

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

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

## HB0261 compared with HB0261S02

- 528 (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
- 532 (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; and
- 536 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- 537 (17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or  
outboard motor if:
- 539 (a) the vehicle, vessel, or outboard motor is being held as evidence; and
- 540 (b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection  
41-6a-1406(6)(a) or an individual described in Subsection ~~{(19)(e)(ii)}~~ 41-6a-1406(7)(f)(i), even if  
the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section  
41-6a-1406.
- 544 (18)
- (a)
- (i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in  
rules made under Subsection (16).
- 546 (ii) In addition to the maximum rates established under Subsection (16) and when ~~[-]~~receiving  
payment by credit card or debit card, a tow truck operator, a tow truck motor carrier, or an[-]  
impound yard may charge a ~~[credit]~~card processing fee of 3% of the transaction total.
- 550 ~~{(iii)}~~
- ~~{(A) In addition to the maximum rates established under Subsection (16) and when receiving payment  
by debit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a  
debit card interchange transaction fee.}~~
- 553 ~~{(B) A debit card interchange transaction fee described in Subsection (18)(a)(iii)(A) may not exceed the  
allowable debit interchange transaction fee allowed under 12 C.F.R. Part 235.}~~
- 556 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than  
required in rules made pursuant to Subsection (16).
- 558 (19)

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- {(a)} When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the owner, ~~{and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, }~~ the tow truck motor carrier or impound yard shall make personnel available:
- 563 ~~{(a){} (i)}~~ by phone 24 hours a day, seven days a week; and
- 564 ~~{(b){} (ii)}~~ to release the impounded vehicle, vessel, or outboard motor to ~~{the owner{}}~~ a party described in Subsection 41-6a-1406(6)(a) or an individual described in Subsection (19)(c)(ii) within one hour of when the ~~{owner{}}~~ individual calls the tow truck motor carrier or impound yard.
- 568 ~~{(b) If a tow truck motor carrier or an impound yard fails to meet the one-hour requirement described in Subsection (19)(a)(ii), the tow truck motor carrier or impound yard: }~~
- 571 ~~{(i) may not charge an after-hours fee to release a vehicle, vessel, or outboard motor regardless of when the owner or an individual described in Subsection (19)(c)(ii) requests the release of the vehicle; and }~~
- 574 ~~{(ii) shall provide a discount on the towing, storage, and other fees not less than 10% for each hour and for each partial hour beyond the one-hour requirement described in Subsection (19)(a)(ii). }~~
- 577 ~~{(c) A tow truck motor carrier or an impound yard shall release a vehicle, vessel, or outboard motor as described in this section to: }~~
- 579 ~~{(i) a party described in Subsection 41-6a-1406(6)(a) that has satisfied the requirements for release of the vehicle; or }~~
- 581 ~~{(ii) notwithstanding other provisions of this section, an individual who is not described in Subsection 41-6a-1406(6)(a) that: }~~
- 583 ~~{(A) has in the individual's possession the keys of the vehicle, vessel, or outboard motor to operate the vehicle, vessel, or outboard motor; }~~
- 585 ~~{(B) presents the individual's driving credential; and }~~
- 586 ~~{(C) has satisfied the requirements for release of the vehicle, vessel, or outboard motor as described in this section. }~~
- 588 (20) A tow truck motor carrier or a tow truck operator may not:
- 589 (a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the tow truck motor carrier or tow truck operator has performed a tow service; and

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592 (b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator  
has performed a tow service to another service, including:

594 (i) a lawyer referral service;

595 (ii) a medical provider;

596 (iii) a funding agency;

597 (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);

598 (v) a marketer for any other service; or

599 (vi) a third party vendor.

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

704 **72-9-604. Preemption of local authorities -- Tow trucks.**

602 (1) As used in this section:

603 (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:

607 (i) pay the relevant fees; and

608 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

609 (b) "Towing entity" means:

610 (i) a political subdivision of this state;

611 (ii) a state agency;

612 (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or

614 (iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.

616 (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:

619 (i) conflicts with:

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

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

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

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

624



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(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).

- 626 (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:
- 629 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- 630 (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.
- 634 (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.
- 638 (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.
- 642 (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:
- 645 (a) no fee is charged for the inspection; and
- 646 (b) the inspection complies with federal motor carrier safety regulations.
- 647 (6)
- (a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
- 649 (b) A county or municipality that requires the additional annual safety inspection shall accept the same  
inspection performed by another county or municipality.
- 651 (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.
- 654 (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.
- 657 (b)

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- (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.
- 661 (ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.
- 664 (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.
- 667 (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.
- 669 (d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.
- 673 (8)
- (a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).
- 676 (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).
- 680 (c)
- (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:
- 684 (A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and
- 687 (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.

## HB0261 compared with HB0261S02

- 690 (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:
- 692 (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
- 693 (B) the percentage described in Subsection (8)(c)(i).
- 694 (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).
- 698 (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).
- 700 (9) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.
- 703 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.
- 810 (11) If a towing entity receives a notice from the department as described in Subsection 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal as provided in the notice from the department.

814 **Section 6. Effective date.**

This bill takes effect on {~~May 7, 2025~~} January 1, 2026.

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