

1 **Motorcycle Amendments**
2025 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Norman K Thurston

2
3 **LONG TITLE**

4 **General Description:**

5 This bill defines terms and prohibits certain maneuvers related to the operation of a
6 motorcycle.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms related to a motorcycle;
- 10 ▶ prohibits lane splitting;
- 11 ▶ prohibits the performance of a wheelie by a motorcycle operator on a highway;
- 12 ▶ requires the Driver License Division to suspend an individual's motorcycle endorsement
13 or driver license for certain violations;
- 14 ▶ allows law enforcement to impound a motorcycle for certain violations; and
- 15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **41-1a-404**, as last amended by Laws of Utah 2024, Chapter 251

23 **41-1a-1101**, as last amended by Laws of Utah 2024, Chapter 319

24 **41-6a-102**, as last amended by Laws of Utah 2024, Chapter 236

25 **41-6a-606**, as last amended by Laws of Utah 2023, Chapter 448

26 **41-6a-704**, as last amended by Laws of Utah 2024, Chapter 456

27 **41-6a-1406**, as last amended by Laws of Utah 2024, Chapters 134, 319 and 380

28
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **41-1a-404** is amended to read:

31 **41-1a-404 . Location and position of plates -- Visibility of plates -- Exceptions.**

- 32 (1) Except as provided in Section 41-1a-301 relating to a vehicle with apportioned
 33 registration, the owner or operator of a vehicle shall ensure that the license plate is
 34 attached to the rear of the vehicle as described in this section.
- 35 (2)(a) Except as provided in Subsection (3), a license plate shall at all times be:
 36 ~~[(a)]~~ (i) securely fastened:
 37 ~~[(i)]~~ (A) in a horizontal position to the vehicle for which it is issued to prevent the
 38 plate from swinging;
 39 ~~[(ii)]~~ (B) at a height of not less than 12 inches from the ground, measuring from the
 40 bottom of the plate; and
 41 ~~[(iii)]~~ (C) in a place and position to be clearly visible; and
 42 ~~[(b)]~~ (ii) maintained:
 43 ~~[(i)]~~ (A) free from foreign materials or a tinted or translucent license plate cover;
 44 and
 45 ~~[(ii)]~~ (B) in a condition to be clearly legible.
- 46 (b) For a motorcycle, at all times, a license plate:
 47 (i) shall comply with Subsection (2)(a); and
 48 (ii) may not be attached below or on the underside of the wheel well or in any other
 49 manner that positions the license plate in a manner that is not clearly visible.
- 50 (3) The provisions of Subsections ~~[(2)(a)(iii) and (2)(b)]~~ (2)(a)(i)(C) and (2)(a)(ii) do not
 51 apply:
 52 (a) to a license plate that is obscured exclusively by one or more of the following
 53 devices or by the cargo the device is carrying, if the device is installed according to
 54 manufacturer specifications or generally accepted installation practices:
 55 (i) a trailer hitch;
 56 (ii) a wheelchair lift or wheelchair carrier;
 57 (iii) a trailer being towed by the vehicle;
 58 (iv) a bicycle rack, ski rack, or luggage rack; or
 59 (v) a similar cargo carrying device; or
 60 (b) to a military vehicle if the license plate is in the military vehicle and ready for
 61 inspection by law enforcement upon request.
- 62 (4)(a) ~~[A]~~ Except as provided in Subsection (4)(b), a violation of this section is an
 63 infraction.
- 64 (b)(i) A person who violates Subsection (2)(b) is guilty of an infraction.
 65 (ii) If an individual is convicted of a violation of Subsection (2)(b), the Driver

- 66 License Division shall:
- 67 (A) suspend the individual's motorcycle endorsement for a period of 90 days; or
- 68 (B) if the individual does not have a valid motorcycle endorsement, suspend the
- 69 individual's driver license for a period of 90 days.
- 70 (iii) If an individual with a motorcycle endorsement is convicted of a second
- 71 violation of Subsection (2)(b), the Driver License Division shall suspend the
- 72 individual's motorcycle endorsement for a period of 180 days.
- 73 (iv) If an individual with a motorcycle endorsement is convicted of a third or
- 74 subsequent violation of Subsection (2)(b):
- 75 (A) the Driver License Division shall revoke the individual's motorcycle
- 76 endorsement; and
- 77 (B) the individual is ineligible to obtain a motorcycle endorsement.
- 78 (v) The court shall forward the report of a conviction described in Subsection (2)(b)
- 79 to the Driver License Division in accordance with Section 53-3-218.
- 80 (c) A law enforcement officer may impound a vehicle of a person who violates
- 81 Subsection (2)(b).

82 Section 2. Section **41-1a-1101** is amended to read:

83 **41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.**

- 84 (1) As used in this section:
- 85 (a)(i) "Criminal offense" means a class B misdemeanor offense, a class A
- 86 misdemeanor offense, or a felony offense.
- 87 (ii) "Criminal offense" includes:
- 88 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony
- 89 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
- 90 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah
- 91 Criminal Code; and
- 92 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
- 93 an offense listed in Subsection (1)(a)(ii)(A).
- 94 (b) "Operator" means the same as that term is defined in Section 41-6a-102.
- 95 (c) "Road rage event" means the commission of a criminal offense:
- 96 (i) by an operator of a vehicle;
- 97 (ii) in response to an incident that occurs or escalates upon a roadway; and
- 98 (iii) with the intent to endanger or intimidate an individual in another vehicle.
- 99 (d) "Roadway" means:

- 100 (i) a highway; or
- 101 (ii) a private road or driveway as defined in Section 41-6a-102.
- 102 (2) The division or any peace officer, without a warrant, may seize and take possession of
- 103 any vehicle, vessel, or outboard motor:
- 104 (a) that the division or the peace officer has probable cause to believe has been stolen;
- 105 (b) on which any identification number has been defaced, altered, or obliterated;
- 106 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 107 (d) for which the applicant has written a check for registration or title fees that has not
- 108 been honored by the applicant's bank and that is not paid within 30 days;
- 109 (e) that is placed on the water with improper registration;
- 110 (f) that is being operated on a highway:
- 111 (i) with registration that has been expired for more than three months;
- 112 (ii) having never been properly registered by the current owner; or
- 113 (iii) with registration that is suspended or revoked;~~[-or]~~
- 114 (g)(i) that the division or the peace officer has probable cause to believe has been
- 115 involved in an accident described in Section 41-6a-401, 41-6a-401.3, or
- 116 41-6a-401.5; and
- 117 (ii) whose operator did not remain at the scene of the accident until the operator
- 118 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7[-]; or
- 119 (h) if the division or peace officer has probable cause to believe that the operator:
- 120 (i) failed to properly display the license plate on a motorcycle as described in
- 121 Subsection 41-1a-404(2)(b); or
- 122 (ii) used the motorcycle:
- 123 (A) to perform a wheelie in violation of Section 41-6a-606; or
- 124 (B) to engage in lane splitting in violation of Section 41-6a-704.
- 125 (3)(a) The division or a peace officer shall seize and take possession of a vehicle,
- 126 without a warrant, when:
- 127 (i) the division or the peace officer has probable cause to believe that an operator of
- 128 the vehicle engaged in a road rage event; and
- 129 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
- 130 event.
- 131 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
- 132 to the registered owner of the vehicle if the registered owner is not the individual
- 133 subject to arrest under Subsection (3)(a) and is immediately available, at the location

- 134 of the arrest, to take possession of the vehicle.
- 135 (4)(a) Subject to the restriction in Subsection (4)(b), the division or any peace officer,
136 without a warrant:
- 137 (i) shall seize and take possession of any vehicle that is being operated on a highway
138 without owner's or operator's security in effect for the vehicle as required under
139 Section 41-12a-301 and the vehicle was involved in an accident; or
- 140 (ii) may seize and take possession of any vehicle that is being operated on a highway
141 without owner's or operator's security in effect for the vehicle as required under
142 Section 41-12a-301 after the division or any peace officer makes a reasonable
143 determination whether the vehicle would:
- 144 (A) present a public safety concern to the operator or any of the occupants in the
145 vehicle; or
- 146 (B) prevent the division or the peace officer from addressing other public safety
147 considerations.
- 148 (b) The division or any peace officer may not seize and take possession of a vehicle
149 under Subsection (4)(a):
- 150 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
151 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
152 peace officer verifies that owner's or operator's security is not in effect for the
153 vehicle through the Uninsured Motorist Identification Database created in
154 accordance with Section 41-12a-803; or
- 155 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
156 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
157 Identification Database created in accordance with Section 41-12a-803 indicates
158 that the owner's or operator's security is not in effect for the vehicle, unless the
159 division or a peace officer makes a reasonable attempt to independently verify that
160 owner's or operator's security is not in effect for the vehicle.
- 161 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to
162 transport and store the vessel.
- 163 (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor
164 under this section shall comply with the provisions of Section 41-6a-1406.
- 165 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
166 the commission shall make rules setting standards for public garages, impound lots,
167 and impound yards that may be used by peace officers and the division.

- 168 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
169 public garages, impound lots, or impound yards per geographical area.
- 170 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
171 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a
172 state impound yard set forth in this section and rules made in accordance with
173 Subsection (7)(a).
- 174 (d)(i) Rules made by the commission shall include a requirement that a state
175 impound yard have opaque fencing on any side of the state impound yard that has
176 frontage with a highway.
- 177 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link
178 fencing.
- 179 (8)(a) Except as provided under Subsection (8)(b), a person may not operate or allow to
180 be operated a vehicle stored in a public garage, impound lot, or impound yard
181 regulated under this part without prior written permission of the owner of the vehicle.
- 182 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
183 space to another within the facility and that is necessary for the normal management
184 of the facility is not prohibited under Subsection (8)(a).
- 185 (9) A person who violates the provisions of Subsection (8) is guilty of a class C
186 misdemeanor.
- 187 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown
188 on the vehicle's odometer at the time of seizure, if:
- 189 (a) the vehicle is equipped with an odometer; and
190 (b) the odometer reading is accessible to the division or the peace officer.

191 Section 3. Section **41-6a-102** is amended to read:

192 **41-6a-102 . Definitions.**

193 As used in this chapter:

- 194 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots
195 or buildings in urban districts and not intended for through vehicular traffic.
- 196 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 197 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 198 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 199 (5) "Authorized emergency vehicle" includes:
- 200 (a) a fire department vehicle;
- 201 (b) a police vehicle;

- 202 (c) an ambulance; and
- 203 (d) other publicly or privately owned vehicles as designated by the commissioner of the
204 Department of Public Safety.
- 205 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 206 (7)(a) "Bicycle" means a wheeled vehicle:
- 207 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 208 (ii) with a seat or saddle designed for the use of the operator;
- 209 (iii) designed to be operated on the ground; and
- 210 (iv) whose wheels are not less than 14 inches in diameter.
- 211 (b) "Bicycle" includes an electric assisted bicycle.
- 212 (c) "Bicycle" does not include scooters and similar devices.
- 213 (8)(a) "Bus" means a motor vehicle:
- 214 (i) designed for carrying more than 15 passengers and used for the transportation of
215 persons; or
- 216 (ii) designed and used for the transportation of persons for compensation.
- 217 (b) "Bus" does not include a taxicab.
- 218 (9)(a) "Circular intersection" means an intersection that has an island, generally circular
219 in design, located in the center of the intersection where traffic passes to the right of
220 the island.
- 221 (b) "Circular intersection" includes:
- 222 (i) roundabouts;
- 223 (ii) rotaries; and
- 224 (iii) traffic circles.
- 225 (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
226 motor or electronics that:
- 227 (a) provides assistance only when the rider is pedaling; and
- 228 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 229 (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
230 motor or electronics that:
- 231 (a) may be used exclusively to propel the bicycle; and
- 232 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
233 per hour.
- 234 (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
235 motor or electronics that:

- 236 (a) provides assistance only when the rider is pedaling;
- 237 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
- 238 and
- 239 (c) is equipped with a speedometer.
- 240 (13) "Commissioner" means the commissioner of the Department of Public Safety.
- 241 (14) "Controlled-access highway" means a highway, street, or roadway:
- 242 (a) designed primarily for through traffic; and
- 243 (b) to or from which owners or occupants of abutting lands and other persons have no
- 244 legal right of access, except at points as determined by the highway authority having
- 245 jurisdiction over the highway, street, or roadway.
- 246 (15) "Crosswalk" means:
- 247 (a) that part of a roadway at an intersection included within the connections of the lateral
- 248 lines of the sidewalks on opposite sides of the highway measured from:
- 249 (i)(A) the curbs; or
- 250 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 251 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 252 included within the extension of the lateral lines of the existing sidewalk at right
- 253 angles to the centerline; or
- 254 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 255 pedestrian crossing by lines or other markings on the surface.
- 256 (16) "Department" means the Department of Public Safety.
- 257 (17) "Direct supervision" means oversight at a distance within which:
- 258 (a) visual contact is maintained; and
- 259 (b) advice and assistance can be given and received.
- 260 (18) "Divided highway" means a highway divided into two or more roadways by:
- 261 (a) an unpaved intervening space;
- 262 (b) a physical barrier; or
- 263 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 264 (19) "Echelon formation" means the operation of two or more snowplows arranged
- 265 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
- 266 clear snow from two or more lanes at once.
- 267 (20)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 268 (i) has a power output of not more than 750 watts;
- 269 (ii) has fully operable pedals;

- 270 (iii) has permanently affixed cranks that were installed at the time of the original
271 manufacture;
- 272 (iv) is fully operable as a bicycle without the use of the electric motor; and
273 (v) is one of the following:
- 274 (A) a class 1 electric assisted bicycle;
275 (B) a class 2 electric assisted bicycle;
276 (C) a class 3 electric assisted bicycle; or
277 (D) a programmable electric assisted bicycle.
- 278 (b) "Electric assisted bicycle" does not include:
- 279 (i) a moped;
280 (ii) a motor assisted scooter;
281 (iii) a motorcycle;
282 (iv) a motor-driven cycle; or
283 (v) any other vehicle with less than four wheels that is designed, manufactured,
284 intended, or advertised by the seller to have any of the following capabilities or
285 features, or that is modifiable or is modified to have any of the following
286 capabilities or features:
- 287 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
288 power alone;
289 (B) is equipped with a continuous rated motor power of 750 watts or greater;
290 (C) is equipped with foot pegs for the operator at the time of manufacture, or
291 requires installation of a pedal kit to have operable pedals; or
292 (D) if equipped with multiple operating modes and a throttle, has one or more
293 modes that exceed 20 miles per hour on motor power alone.
- 294 (21)(a) "Electric personal assistive mobility device" means a self-balancing device with:
- 295 (i) two nontandem wheels in contact with the ground;
296 (ii) a system capable of steering and stopping the unit under typical operating
297 conditions;
298 (iii) an electric propulsion system with average power of one horsepower or 750
299 watts;
300 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
301 (v) a deck design for a person to stand while operating the device.
- 302 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 303 (22) "Explosives" means a chemical compound or mechanical mixture commonly used or

304 intended for the purpose of producing an explosion and that contains any oxidizing and
305 combustive units or other ingredients in proportions, quantities, or packing so that an
306 ignition by fire, friction, concussion, percussion, or detonator of any part of the
307 compound or mixture may cause a sudden generation of highly heated gases, and the
308 resultant gaseous pressures are capable of producing destructive effects on contiguous
309 objects or of causing death or serious bodily injury.

310 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
311 implement, for drawing plows, mowing machines, and other implements of husbandry.

312 (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
313 determined by a Tagliabue or equivalent closed-cup test device.

314 (25) "Freeway" means a controlled-access highway that is part of the interstate system as
315 defined in Section 72-1-102.

316 (26)(a) "Golf cart" means a device that:

317 (i) is designed for transportation by players on a golf course;

318 (ii) has not less than three wheels in contact with the ground;

319 (iii) has an unladen weight of less than 1,800 pounds;

320 (iv) is designed to operate at low speeds; and

321 (v) is designed to carry not more than six persons including the driver.

322 (b) "Golf cart" does not include:

323 (i) a low-speed vehicle or an off-highway vehicle;

324 (ii) a motorized wheelchair;

325 (iii) an electric personal assistive mobility device;

326 (iv) an electric assisted bicycle;

327 (v) a motor assisted scooter;

328 (vi) a personal delivery device, as defined in Section 41-6a-1119; or

329 (vii) a mobile carrier, as defined in Section 41-6a-1120.

330 (27) "Gore area" means the area delineated by two solid white lines that is between a
331 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
332 including similar areas between merging or splitting highways.

333 (28) "Gross weight" means the weight of a vehicle without a load plus the weight of any
334 load on the vehicle.

335 (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is:

336 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and

337 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a

- 338 highway or railroad tracks.
- 339 (30) "Highway" means the entire width between property lines of every way or place of any
340 nature when any part of it is open to the use of the public as a matter of right for
341 vehicular travel.
- 342 (31) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 343 (32)(a) "Intersection" means the area embraced within the prolongation or connection of
344 the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of
345 two or more highways that join one another.
- 346 (b) Where a highway includes two roadways 30 feet or more apart:
- 347 (i) every crossing of each roadway of the divided highway by an intersecting
348 highway is a separate intersection; and
- 349 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
350 every crossing of two roadways of the highways is a separate intersection.
- 351 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 352 (33) "Island" means an area between traffic lanes or at an intersection for control of vehicle
353 movements or for pedestrian refuge designated by:
- 354 (a) pavement markings, which may include an area designated by two solid yellow lines
355 surrounding the perimeter of the area;
- 356 (b) channelizing devices;
- 357 (c) curbs;
- 358 (d) pavement edges; or
- 359 (e) other devices.
- 360 (34)(a) "Lane filtering" means, when operating a motorcycle other than an autocycle,
361 the act of overtaking and passing another vehicle that is stopped in the same direction
362 of travel in the same lane.
- 363 (b) "Lane filtering" does not include lane splitting.
- 364 (35)(a) "Lane splitting" means, when operating a motorcycle other than an autocycle,
365 the act of riding a motorcycle between clearly marked lanes for traffic traveling in the
366 same direction of travel while traffic is in motion.
- 367 (b) "Lane splitting" does not include lane filtering.
- 368 [(35)] (36) "Law enforcement agency" means the same as that term is as defined in Section
369 53-1-102.
- 370 [(36)] (37) "Limited access highway" means a highway:
- 371 (a) that is designated specifically for through traffic; and

372 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
373 persons have any right or easement, or have only a limited right or easement of
374 access, light, air, or view.

375 [(37)] (38) "Local highway authority" means the legislative, executive, or governing body of
376 a county, municipal, or other local board or body having authority to enact laws relating
377 to traffic under the constitution and laws of the state.

378 [(38)] (39)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:

- 379 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
380 (ii) has a capacity of not more than six passengers, including a conventional driver or
381 fallback-ready user if on board the vehicle, as those terms are defined in Section
382 41-26-102.1.

383 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

384 [(39)] (40) "Metal tire" means a tire, the surface of which in contact with the highway is
385 wholly or partly of metal or other hard nonresilient material.

386 [(40)] (41)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
387 seat or saddle that is less than 24 inches from the ground as measured on a level
388 surface with properly inflated tires.

389 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

390 (c) "Mini-motorcycle" does not include a motorcycle that is:

- 391 (i) designed for off-highway use; and
392 (ii) registered as an off-highway vehicle under Section 41-22-3.

393 [(41)] (42) "Mobile home" means:

394 (a) a trailer or semitrailer that is:

- 395 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
396 place either permanently or temporarily; and
397 (ii) equipped for use as a conveyance on streets and highways; or

398 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
399 for use as a mobile home, as defined in Subsection [(41)(a)] (42)(a), but that is instead
400 used permanently or temporarily for:

- 401 (i) the advertising, sale, display, or promotion of merchandise or services; or
402 (ii) any other commercial purpose except the transportation of property for hire or the
403 transportation of property for distribution by a private carrier.

404 [(42)] (43) "Mobility disability" means the inability of a person to use one or more of the
405 person's extremities or difficulty with motor skills, that may include limitations with

406 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
407 condition.

408 ~~[(43)]~~ (44)(a) "Moped" means a motor-driven cycle having:

409 (i) pedals to permit propulsion by human power; and

410 (ii) a motor that:

411 (A) produces not more than two brake horsepower; and

412 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
413 on level ground.

414 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
415 centimeters and the moped shall have a power drive system that functions directly or
416 automatically without clutching or shifting by the operator after the drive system is
417 engaged.

418 (c) "Moped" does not include:

419 (i) an electric assisted bicycle; or

420 (ii) a motor assisted scooter.

421 ~~[(44)]~~ (45)(a) "Motor assisted scooter" means a self-propelled device with:

422 (i) at least two wheels in contact with the ground;

423 (ii) a braking system capable of stopping the unit under typical operating conditions;

424 (iii) an electric motor not exceeding 2,000 watts;

425 (iv) either:

426 (A) handlebars and a deck design for a person to stand while operating the device;
427 or

428 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
429 operating the device;

430 (v) a design for the ability to be propelled by human power alone; and

431 (vi) a maximum speed of 20 miles per hour on a paved level surface.

432 (b) "Motor assisted scooter" does not include:

433 (i) an electric assisted bicycle; or

434 (ii) a motor-driven cycle.

435 ~~[(45)]~~ (46)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
436 propelled by electric power obtained from overhead trolley wires, but not operated
437 upon rails.

438 (b) "Motor vehicle" does not include:

439 (i) vehicles moved solely by human power;

- 440 (ii) motorized wheelchairs;
- 441 (iii) an electric personal assistive mobility device;
- 442 (iv) an electric assisted bicycle;
- 443 (v) a motor assisted scooter;
- 444 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 445 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 446 ~~[(46)]~~ (47) "Motorcycle" means:
- 447 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 448 and designed to travel with not more than three wheels in contact with the ground; or
- 449 (b) an auticycle.
- 450 ~~[(47)]~~ (48)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
- 451 bicycle having:
- 452 (i) an engine with less than 150 cubic centimeters displacement; or
- 453 (ii) a motor that produces not more than five horsepower.
- 454 (b) "Motor-driven cycle" does not include:
- 455 (i) an electric personal assistive mobility device;
- 456 (ii) a motor assisted scooter; or
- 457 (iii) an electric assisted bicycle.
- 458 ~~[(48)]~~ (49) "Off-highway implement of husbandry" means the same as that term is defined
- 459 under Section 41-22-2.
- 460 ~~[(49)]~~ (50) "Off-highway vehicle" means the same as that term is defined under Section
- 461 41-22-2.
- 462 ~~[(50)]~~ (51) "Operate" means the same as that term is defined in Section 41-1a-102.
- 463 ~~[(51)]~~ (52) "Operator" means:
- 464 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 465 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
- 466 vehicle.
- 467 ~~[(52)]~~ (53) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
- 468 other device operated, alone or coupled with another device, on stationary rails.
- 469 ~~[(53)]~~ (54)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
- 470 occupied or not.
- 471 (b) "Park" or "parking" does not include:
- 472 (i) the standing of a vehicle temporarily for the purpose of and while actually
- 473 engaged in loading or unloading property or passengers; or

- 474 (ii) a motor vehicle with an engaged automated driving system that has achieved a
475 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 476 [~~54~~] (55) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
477 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
478 violations of traffic laws.
- 479 [~~55~~] (56) "Pedestrian" means a person traveling:
480 (a) on foot; or
481 (b) in a wheelchair.
- 482 [~~56~~] (57) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
483 pedestrians.
- 484 [~~57~~] (58) "Person" means a natural person, firm, copartnership, association, corporation,
485 business trust, estate, trust, partnership, limited liability company, association, joint
486 venture, governmental agency, public corporation, or any other legal or commercial
487 entity.
- 488 [~~58~~] (59) "Pole trailer" means a vehicle without motive power:
489 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
490 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
491 and
492 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
493 pipes, or structural members generally capable of sustaining themselves as beams
494 between the supporting connections.
- 495 [~~59~~] (60) "Private road or driveway" means every way or place in private ownership and
496 used for vehicular travel by the owner and those having express or implied permission
497 from the owner, but not by other persons.
- 498 [~~60~~] (61) "Programmable electric assisted bicycle" means an electric assisted bicycle with
499 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
500 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
501 electric assisted bicycle fully conforms with the respective requirements of each class of
502 electric assisted bicycle when operated in that mode.
- 503 [~~61~~] (62) "Railroad" means a carrier of persons or property upon cars operated on
504 stationary rails.
- 505 [~~62~~] (63) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
506 public body or official or by a railroad and intended to give notice of the presence of
507 railroad tracks or the approach of a railroad train.

- 508 [~~(63)~~] (64) "Railroad train" means a locomotive propelled by any form of energy, coupled
509 with or operated without cars, and operated upon rails.
- 510 [~~(64)~~] (65) "Restored-modified vehicle" means the same as the term defined in Section
511 41-1a-102.
- 512 [~~(65)~~] (66) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
513 lawful manner in preference to another vehicle or pedestrian approaching under
514 circumstances of direction, speed, and proximity that give rise to danger of collision
515 unless one grants precedence to the other.
- 516 [~~(66)~~] (67)(a) "Roadway" means that portion of highway improved, designed, or
517 ordinarily used for vehicular travel.
- 518 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
519 them are used by persons riding bicycles or other human-powered vehicles.
- 520 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
521 highway includes two or more separate roadways.
- 522 [~~(67)~~] (68) "Safety zone" means the area or space officially set apart within a roadway for
523 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
524 signs as to be plainly visible at all times while set apart as a safety zone.
- 525 [~~(68)~~] (69)(a) "School bus" means a motor vehicle that:
- 526 (i) complies with the color and identification requirements of the most recent edition
527 of "Minimum Standards for School Buses"; and
- 528 (ii) is used to transport school children to or from school or school activities.
- 529 (b) "School bus" does not include a vehicle operated by a common carrier in
530 transportation of school children to or from school or school activities.
- 531 [~~(69)~~] (70)(a) "Semitrailer" means a vehicle with or without motive power:
- 532 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
533 and
- 534 (ii) constructed so that some part of its weight and that of its load rests on or is
535 carried by another vehicle.
- 536 (b) "Semitrailer" does not include a pole trailer.
- 537 [~~(70)~~] (71) "Shoulder area" means:
- 538 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
539 edge line as established in the current approved "Manual on Uniform Traffic Control
540 Devices"; or
- 541 (b) that portion of the road contiguous to the roadway for accommodation of stopped

542 vehicles, for emergency use, and for lateral support.

543 ~~[(71)]~~ (72) "Sidewalk" means that portion of a street between the curb lines, or the lateral
544 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

545 ~~[(72)]~~ (73)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
546 that is designated for the use of a bicycle.

547 (b) "Soft-surface trail" does not mean a trail:

548 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
549 federal law, regulation, or rule; or

550 (ii) located in whole or in part on land granted to the state or a political subdivision
551 subject to a conservation easement that prohibits the use of a motorized vehicle.

552 ~~[(73)]~~ (74) "Solid rubber tire" means a tire of rubber or other resilient material that does not
553 depend on compressed air for the support of the load.

554 ~~[(74)]~~ (75) "Stand" or "standing" means the temporary halting of a vehicle, whether
555 occupied or not, for the purpose of and while actually engaged in receiving or
556 discharging passengers.

557 ~~[(75)]~~ (76) "Stop" when required means complete cessation from movement.

558 ~~[(76)]~~ (77) "Stop" or "stopping" when prohibited means any halting even momentarily of a
559 vehicle, whether occupied or not, except when:

560 (a) necessary to avoid conflict with other traffic; or

561 (b) in compliance with the directions of a peace officer or traffic-control device.

562 ~~[(77)]~~ (78) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
563 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
564 the requirements of Section 41-6a-1509 to operate on highways in the state in
565 accordance with Section 41-6a-1509.

566 ~~[(78)]~~ (79) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
567 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
568 operate on highways in the state in accordance with ~~[with]~~ Section 41-6a-1509.

569 ~~[(79)]~~ (80) "Tow truck operator" means the same as that term is defined in Section 72-9-102.

570 ~~[(80)]~~ (81) "Tow truck motor carrier" means the same as that term is defined in Section
571 72-9-102.

572 ~~[(81)]~~ (82) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
573 conveyances either singly or together while using any highway for the purpose of travel.

574 ~~[(82)]~~ (83) "Traffic signal preemption device" means an instrument or mechanism designed,
575 intended, or used to interfere with the operation or cycle of a traffic-control signal.

576 [(83)] (84) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
577 with this chapter placed or erected by a highway authority for the purpose of regulating,
578 warning, or guiding traffic.

579 [(84)] (85) "Traffic-control signal" means a device, whether manually, electrically, or
580 mechanically operated, by which traffic is alternately directed to stop and permitted to
581 proceed.

582 [(85)] (86)(a) "Trailer" means a vehicle with or without motive power designed for
583 carrying persons or property and for being drawn by a motor vehicle and constructed
584 so that no part of its weight rests upon the towing vehicle.

585 (b) "Trailer" does not include a pole trailer.

586 [(86)] (87) "Truck" means a motor vehicle designed, used, or maintained primarily for the
587 transportation of property.

588 [(87)] (88) "Truck tractor" means a motor vehicle:

589 (a) designed and used primarily for drawing other vehicles; and

590 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
591 tractor.

592 [(88)] (89) "Two-way left turn lane" means a lane:

593 (a) provided for vehicle operators making left turns in either direction;

594 (b) that is not used for passing, overtaking, or through travel; and

595 (c) that has been indicated by a lane traffic-control device that may include lane
596 markings.

597 [(89)] (90) "Urban district" means the territory contiguous to and including any street, in
598 which structures devoted to business, industry, or dwelling houses are situated at
599 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

600 [(90)] (91) "Vehicle" means a device in, on, or by which a person or property is or may be
601 transported or drawn on a highway, except a mobile carrier, as defined in Section
602 41-6a-1120, or a device used exclusively on stationary rails or tracks.

603 (92) "Wheelie" means a maneuver performed while operating a motorcycle whereby the
604 front wheel of the motorcycle is raised off of the ground.

605 Section 4. Section **41-6a-606** is amended to read:

606 **41-6a-606 . Speed contest or exhibition on highway -- Barricade or obstruction --**
607 **-- Spectators of a speed contest -- Seizure of non-street legal vehicles.**

608 (1) A person may not engage in any motor vehicle speed contest or exhibition of speed on a
609 highway.

- 610 (2) A person operating a motorcycle on a highway may not perform a wheelie.
611 ~~[(2)]~~ (3) A person may not, in any manner, obstruct or place any barricade or obstruction or
612 assist or participate in placing any barricade or obstruction upon any highway for any
613 purpose prohibited under Subsection (1).
- 614 ~~[(3)]~~ (4)(a) A person who violates Subsection (1) is guilty of a class A misdemeanor.
615 (b)(i) A person who violates Subsection (2) is guilty of an infraction.
616 (ii) If an individual is convicted of a violation of Subsection (2), the Driver License
617 Division shall:
618 (A) suspend the individual's motorcycle endorsement for a period of 90 days; or
619 (B) if the individual does not have a valid motorcycle endorsement, suspend the
620 individual's driver license for a period of 90 days.
621 (iii) If an individual with a motorcycle endorsement is convicted of a second
622 violation of Subsection (2), the Driver License Division shall suspend the
623 individual's motorcycle endorsement for a period of 180 days.
624 (iv) If an individual with a motorcycle endorsement is convicted of a third or
625 subsequent violation of Subsection (2):
626 (A) the Driver License Division shall revoke the individual's motorcycle
627 endorsement; and
628 (B) the individual is ineligible to obtain a motorcycle endorsement.
629 (c) The court shall forward the report of a conviction described in Subsection (2) to the
630 Driver License Division in accordance with Section 53-3-218.
631 (d) A law enforcement officer may impound a vehicle of a person who violates
632 Subsection (2).
- 633 ~~[(b)]~~ (e) A person who violates Subsection ~~[(2)]~~ (3) is guilty of a class B misdemeanor.
634 ~~[(4)]~~ (5)(a) In addition to the penalty provided under this section or any other section, a
635 person who violates Subsection (1) shall have the person's driver license suspended
636 under Subsection 53-3-220(1)(a)(xv) for a period of:
637 (i) 60 days for a first offense; and
638 (ii) 90 days for a second offense within three years of a prior offense.
639 (b) The court shall forward the report of ~~[the]~~ a conviction described in Subsection (1) to
640 the Driver License Division in accordance with Section 53-3-218.
- 641 ~~[(5)]~~ (6) A motor vehicle that is not street legal that is operated or used in a manner that
642 violates this section is subject to seizure in accordance with Title 77, Chapter 11a, Part
643 2, Seizure of Property and Contraband.

644 Section 5. Section **41-6a-704** is amended to read:

645 **41-6a-704 . Overtaking and passing vehicles proceeding in same direction.**

646 (1) As used in this section:

647 (a)(i) "Off-ramp" means the portion of a roadway that connects a freeway or limited
648 access highway to an intersection.

649 (ii) "Off-ramp" does not include the portion of a roadway that connects two
650 controlled access highways, two limited access highways, or a controlled access
651 highway and a limited access highway.

652 (b)(i) "On-ramp" means the portion of a roadway that connects an intersection to a
653 freeway or limited access highway.

654 (ii) "On-ramp" does not include the portion of a roadway that connects two controlled
655 access highways, two limited access highways, or a controlled access highway
656 and a limited access highway.

657 (2)(a) Except as provided in Section 41-6a-718, on any highway:

658 (i) the operator of a vehicle overtaking another vehicle proceeding in the same
659 direction shall:

660 (A) except as provided under Section 41-6a-705, promptly pass the overtaken
661 vehicle on the left at a safe distance; and

662 (B) enter a right-hand lane or the right side of the roadway only when safely clear
663 of the overtaken vehicle;

664 (ii) the operator of an overtaken vehicle:

665 (A) shall give way to the right in favor of the overtaking vehicle; and

666 (B) may not increase the speed of the vehicle until completely passed by the
667 overtaking vehicle.

668 (b) The exemption from the minimum speed regulations for a vehicle operating on a
669 grade under Section 41-6a-605 does not exempt the vehicle from promptly passing a
670 vehicle as required under Subsection (2)(a)(i)(A).

671 (3) On a highway having more than one lane in the same direction, the operator of a vehicle
672 traveling in the left general purpose lane:

673 (a) shall, upon being overtaken by another vehicle in the same lane, yield to the
674 overtaking vehicle by moving safely to a lane to the right; and

675 (b) may not impede the movement or free flow of traffic in the left general purpose lane.

676 (4) An operator of a vehicle traveling in the left general purpose lane that has a vehicle
677 following directly behind the operator's vehicle at a distance so that less than two

678 seconds elapse before reaching the location of the operator's vehicle when space is
 679 available for the operator to yield to the overtaking vehicle by traveling in the right-hand
 680 lane is prima facie evidence that the operator is violating Subsection (3).

681 (5) The provisions of Subsection (3) do not apply to an operator of a vehicle traveling in the
 682 left general purpose lane when:

- 683 (a) overtaking and passing another vehicle proceeding in the same direction in
 684 accordance with Subsection (2)(a)(i);
- 685 (b) preparing to turn left or taking a different highway or an exit on the left;
- 686 (c) responding to emergency conditions;
- 687 (d) avoiding actual or potential traffic moving onto the highway from an acceleration or
 688 merging lane; or
- 689 (e) following the direction of a traffic-control device that directs the use of a designated
 690 lane.

691 (6) An individual may not engage in lane splitting.

692 [~~6~~] (7) An individual may engage in lane filtering only when the following conditions
 693 exist:

- 694 (a) the individual is operating a motorcycle;
- 695 (b) the individual is:
 - 696 (i) on a roadway that is divided into two or more adjacent traffic lanes in the same
 697 direction of travel; or
 - 698 (ii) on an off-ramp that is divided into two or more adjacent traffic lanes in the same
 699 direction of travel;
- 700 (c) the individual is:
 - 701 (i) on a roadway with a speed limit of 45 miles per hour or less; or
 - 702 (ii) on an off-ramp;
- 703 (d) the individual is not on an on-ramp;
- 704 (e) the vehicle being overtaken in the same lane is stopped;
- 705 (f) the motorcycle is traveling at a speed of 15 miles per hour or less; and
- 706 (g) the movement may be made safely.

707 [~~7~~] (8)(a) A violation of Subsection (2), (3), [~~6~~], or (7) is an infraction.

708 (b) If an individual is convicted of a violation of Subsection (6), the Driver License
 709 Division shall:

- 710 (i) suspend the individual's motorcycle endorsement for a period of 90 days; or
- 711 (ii) if the individual does not have a valid motorcycle endorsement, suspend the

- 712 individual's driver license for a period of 90 days.
- 713 (c) If an individual with a motorcycle endorsement is convicted of a second violation of
 714 Subsection (6), the Driver License Division shall suspend the individual's motorcycle
 715 endorsement for a period of 180 days.
- 716 (d) If an individual with a motorcycle endorsement is convicted of a third or subsequent
 717 violation of Subsection (6):
- 718 (i) the Driver License Division shall revoke the individual's motorcycle endorsement;
 719 and
- 720 (ii) the individual is ineligible to obtain a motorcycle endorsement.
- 721 (e) The court shall forward the report of a conviction described in Subsection (6) to the
 722 Driver License Division in accordance with Section 53-3-218.
- 723 (f) A law enforcement officer may impound a vehicle of a person who violates
 724 Subsection (6).

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

726 **41-6a-1406 . Removal and impoundment of vehicles -- Reporting and notification**
 727 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

- 728 (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section
 729 41-1a-404, 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-606, 41-6a-704, 41-6a-1405,
 730 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person
 731 acting on behalf of a law enforcement agency or highway authority, the impoundment of
 732 the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- 733 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a
 734 state impound yard.
- 735 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
 736 removed by a tow truck motor carrier that meets standards established:
- 737 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
 738 (b) by the department under Subsection (11).
- 739 (4)(a) A report described in this Subsection (4) is required for a vehicle, vessel, or
 740 outboard motor that is impounded as described in Subsection (1).
- 741 (b) Before noon on the next business day after the date of the removal of the vehicle,
 742 vessel, or outboard motor, a report of the impoundment shall be sent to the Motor
 743 Vehicle Division, in an electronic format approved by the Motor Vehicle Division,
 744 by:
- 745 (i) the peace officer or agency by whom the peace officer is employed; and

- 746 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
747 operator is employed.
- 748 (c) The report shall be in a form specified by the Motor Vehicle Division and shall
749 include:
- 750 (i) the operator's name, if known;
- 751 (ii) a description of the vehicle, vessel, or outboard motor;
- 752 (iii) the vehicle identification number or vessel or outboard motor identification
753 number;
- 754 (iv) the case number designated by the peace officer, law enforcement agency
755 number, or government entity;
- 756 (v) the license number, temporary permit number, or other identification number
757 issued by a state agency;
- 758 (vi) the date, time, and place of impoundment;
- 759 (vii) the reason for removal or impoundment;
- 760 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
761 outboard motor; and
- 762 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 763 (d)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
764 the State Tax Commission shall make rules to establish proper format and
765 information required on the form described in this Subsection (4).
- 766 (ii) The State Tax Commission shall ensure that the form described in this Subsection
767 (4) is provided in an electronic format.
- 768 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
769 required under this Subsection (4), a tow truck motor carrier or impound yard may
770 not:
- 771 (i) collect any fee associated with the removal; and
- 772 (ii) begin charging storage fees.
- 773 (5)(a) A report described in this Subsection (5) is required for any vehicle, vessel, or
774 outboard motor that is removed, except for:
- 775 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in
776 Subsection (1); or
- 777 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in
778 accordance with Section 72-9-603.
- 779 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer

780 shall provide documentation to the tow truck operator or tow truck motor carrier that
781 includes:

- 782 (i) the name and badge number of the peace officer;
- 783 (ii) the name and originating agency identifier of the law enforcement agency; and
- 784 (iii) the case number designated by the law enforcement officer or law enforcement
785 agency.

786 (c) For a removal described in Subsection (5)(a), before noon on the next business day
787 following the date of the removal of the vehicle, vessel, or outboard motor, the tow
788 truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in
789 an electronic format approved by the Motor Vehicle Division:

- 790 (i) the report described in Subsection (4); or
- 791 (ii) the report described in Subsection (5)(d).

792 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck
793 motor carrier does not provide the report described in Subsection (4), the tow truck
794 operator or tow truck motor carrier shall provide a report to the Motor Vehicle
795 Division that includes:

- 796 (i) the name and badge number of the relevant peace officer;
- 797 (ii) the name and originating agency identifier of the law enforcement agency;
- 798 (iii) the law enforcement agency case number;
- 799 (iv) subject to Subsection (5)(e), the vehicle identification number and the license
800 number, temporary permit number, or other identification number issued by a
801 state agency;
- 802 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
- 803 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.

804 (e) If either the vehicle identification number or the license number, temporary permit
805 number, or other identification number issued by a state agency is not available, the
806 report shall include:

- 807 (i) as much information as is available from both the vehicle identification number
808 and the license plate number of the vehicle, vessel, or outboard motor; and
- 809 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make,
810 model, and model year of the vehicle, vessel, or outboard motor.

811 (f) Until the tow truck operator or tow truck motor carrier reports the removal as
812 required under this Subsection (5), a tow truck motor carrier may not:

- 813 (i) collect any fee associated with the removal; or

- 814 (ii) begin charging storage fees.
- 815 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be
816 removed to:
- 817 (i) a state impound yard; or
- 818 (ii) a location that has been requested by the registered owner at the time of removal,
819 if payment is made to the tow truck motor carrier or tow truck operator at the time
820 of removal.
- 821 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
822 State Tax Commission may make rules to establish proper format and information
823 required on the [form] report described in Subsection (5)(e), including submission in
824 an electronic format.
- 825 (6)(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in
826 Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner
827 described in Section 41-1a-114, to the following parties with an interest in the
828 vehicle, vessel, or outboard motor, as applicable:
- 829 (i) the registered owner;
- 830 (ii) any lien holder; or
- 831 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard
832 motor is currently operating under a temporary permit issued by the dealer, as
833 described in Section 41-3-302.
- 834 (b) The notice shall:
- 835 (i) state the date, time, and place of removal, the name, if applicable, of the person
836 operating the vehicle, vessel, or outboard motor at the time of removal, the reason
837 for removal, and the place where the vehicle, vessel, or outboard motor is stored;
- 838 (ii) state that the registered owner is responsible for payment of towing, impound,
839 and storage fees charged against the vehicle, vessel, or outboard motor;
- 840 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
841 motor is released; and
- 842 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the
843 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal
844 or impoundment under this section, one of the parties fails to make a claim for
845 release of the vehicle, vessel, or outboard motor.
- 846 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor
847 is not registered in this state, the Motor Vehicle Division shall make a reasonable

- 848 effort to notify the parties described in Subsection (6)(a) of the removal and the place
849 where the vehicle, vessel, or outboard motor is stored.
- 850 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6)
851 if a report was received by a tow truck operator or tow truck motor carrier reporting a
852 tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- 853 (e)(i) The Motor Vehicle Division shall disclose the information in the report
854 described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent
855 as defined in Section 41-12a-802 regarding a tow that was initiated:
- 856 (A) by law enforcement; or
857 (B) without the vehicle owner's consent.
- 858 (ii) The Motor Vehicle Division may rely on the information provided by the tow
859 truck operator or tow truck motor carrier to determine if a tow meets the criteria
860 described in Subsections (6)(e)(i)(A) and (B).
- 861 (iii) The designated agent may disclose information received regarding a tow
862 described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the
863 vehicle owner's verified insurance company.
- 864 (iv) The designated agent may not disclose information to a vehicle owner's
865 insurance company if the tow does not meet the criteria described in Subsections
866 (6)(e)(i)(A) and (B).
- 867 (7)(a) The vehicle, vessel, or outboard motor impounded or removed to a state impound
868 yard as described in this section shall be released after a party described in
869 Subsection (6)(a):
- 870 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
871 the State Tax Commission;
- 872 (ii) presents identification sufficient to prove ownership of the impounded or
873 removed vehicle, vessel, or outboard motor;
- 874 (iii) completes the registration, if needed, and pays the appropriate fees;
- 875 (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101
876 (3), pays:
- 877 (A) an administrative impound fee of \$425; and
878 (B) in addition to the administrative fee described in Subsection (6)(a)(iv)(A), an
879 administrative testing fee of \$30; and
- 880 (v) pays all towing and storage fees to the place where the vehicle, vessel, or
881 outboard motor is stored.

- 882 (b)(i) \$29 of the administrative impound fee assessed under Subsection (7)(a)(iv)(A)
883 shall be dedicated credits to the Motor Vehicle Division.
- 884 (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed
885 under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public
886 Safety Restricted Account created in Section 53-3-106.
- 887 (iii) Twenty dollars of the administrative impound fee assessed under Subsection
888 (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund
889 created in Section 26B-1-318.
- 890 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the
891 remainder of the administrative impound fee assessed under Subsection
892 (7)(a)(iv)(A) shall be deposited into the General Fund.
- 893 (v) The administrative testing fee described in Subsection [~~(6)(a)(iv)(B)~~] (7)(a)(iv)(B)
894 shall be deposited into the State Laboratory Drug Testing Account created in
895 Section 26B-1-304.
- 896 (c) The administrative impound fee and the administrative testing fee assessed under
897 Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the
898 registered owner, lien holder, or owner's agent presents written evidence to the State
899 Tax Commission that:
- 900 (i) the Driver License Division determined that the arrested person's driver license
901 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as
902 shown by a letter or other report from the Driver License Division presented
903 within 180 days after the day on which the Driver License Division mailed the
904 final notification; or
- 905 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
906 stolen vehicle report presented within 180 days after the day of the impoundment.
- 907 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
908 payment by cash and debit or credit card for a removal or impoundment under
909 Subsection (1) or any service rendered, performed, or supplied in connection with a
910 removal or impoundment under Subsection (1).
- 911 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
912 impounded vehicle, vessel, or outboard motor if:
- 913 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
914 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
915 Subsection (6)(a), even if the party satisfies the requirements to release the

- 916 vehicle, vessel, or outboard motor under this Subsection (7).
- 917 (8)(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed
918 by a party described in Subsection (6)(a) within the time prescribed by Section
919 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the
920 impounded or removed vehicle, vessel, or outboard motor as described in Section
921 41-1a-1103.
- 922 (b) The date of impoundment or removal is considered the date of seizure for computing
923 the time period provided under Section 41-1a-1103.
- 924 (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the
925 impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause
926 of action for all the fees and charges, together with damages, court costs, and attorney
927 fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused
928 the removal or impoundment.
- 929 (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or
930 outboard motor.
- 931 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
932 department shall make rules setting the performance standards for towing companies to
933 be used by the department.
- 934 (12)(a) The Motor Vehicle Division may specify that a report required under Subsection
935 (4) be submitted in electronic form utilizing a database for submission, storage, and
936 retrieval of the information.
- 937 (b)(i) Unless otherwise provided by statute, the Motor Vehicle Division or the
938 administrator of the database may adopt a schedule of fees assessed for utilizing
939 the database.
- 940 (ii) The fees under this Subsection (12)(b) shall:
- 941 (A) be reasonable and fair; and
- 942 (B) reflect the cost of administering the database.

943 **Section 1. Effective Date.**

944 This bill takes effect on May 7, 2025.