

Towing Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- ▶ amends provisions related to impounded or towed vehicles to allow a state impound yard or tow yard to release a vehicle to certain individuals beside the owner if certain requirements are met;
- ▶ requires a private property owner who contracts with a tower to patrol a parking lot to publish the contract with the tower for the public to view;
- ▶ allows signage for towing and parking restrictions to remain valid if the signage substantially conforms with the statutory standards;
- ▶ removes the possessory lien on personal items in a vehicle, limiting the possessory lien of the tower to apply only to the vehicle that was towed;
- ▶ enacts a limitation on what debit card processing fees may be charged by a tower to limitations in federal regulations;
- ▶ amends provisions related to an individual's ability to access and obtain release of a vehicle after regular business hours;
- ▶ prohibits a local government from imposing a maximum rate that deviates from the towing rates established by the Department of Transportation in administrative rule; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

32 **72-9-604**, as last amended by Laws of Utah 2024, Chapter 134

33

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

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

36 **41-6a-1406 . Removal and impoundment of vehicles -- Reporting and notification**
37 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

38 (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section
39 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order
40 of a peace officer or by an order of a person acting on behalf of a law enforcement
41 agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor
42 shall be at the expense of the owner.

43 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a
44 state impound yard.

45 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
46 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
50 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,
52 vessel, or outboard motor, a report of the impoundment shall be sent to the Motor
53 Vehicle Division, in an electronic format approved by the Motor Vehicle Division,
54 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
57 operator is employed.

58 (c) The report shall be in a form specified by the Motor Vehicle Division and shall
59 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
63 number;

64 (iv) the case number designated by the peace officer, law enforcement agency
65 number, or government entity;

- 66 (v) the license number, temporary permit number, or other identification number
67 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
71 outboard motor; and
- 72 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 73 (d)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
74 Act, the State Tax Commission shall make rules to establish proper format and
75 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
77 (4) is provided in an electronic format.
- 78 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
79 required under this Subsection (4), a tow truck motor carrier or impound yard may
80 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
84 outboard motor that is removed, except for:
- 85 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in
86 Subsection (1); or
87 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in
88 accordance with Section 72-9-603.
- 89 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer
90 shall provide documentation to the tow truck operator or tow truck motor carrier that
91 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
95 agency.
- 96 (c) For a removal described in Subsection (5)(a), before noon on the next business day
97 following the date of the removal of the vehicle, vessel, or outboard motor, the tow
98 truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in
99 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
103 motor carrier does not provide the report described in Subsection (4), the tow truck
104 operator or tow truck motor carrier shall provide a report to the Motor Vehicle
105 Division that includes:
- 106 (i) the name and badge number of the relevant peace officer;
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
110 number, temporary permit number, or other identification number issued by a
111 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
115 number, or other identification number issued by a state agency is not available, the
116 report shall include:
- 117 (i) as much information as is available from both the vehicle identification number
118 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,
120 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
122 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
126 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,
129 if payment is made to the tow truck motor carrier or tow truck operator at the time
130 of removal.
- 131 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
132 State Tax Commission may make rules to establish proper format and information
133 required on the form described in Subsection [~~(5)(e)~~] (4)(c), including submission in

134 an electronic format.

135 (6)(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in
136 Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner
137 described in Section 41-1a-114, to the following parties with an interest in the
138 vehicle, vessel, or outboard motor, as applicable:

139 (i) the registered owner;

140 (ii) any lien holder; or

141 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard
142 motor is currently operating under a temporary permit issued by the dealer, as
143 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
146 operating the vehicle, vessel, or outboard motor at the time of removal, the reason
147 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,
149 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
151 motor is released; and

152 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the
153 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal
154 or impoundment under this section, one of the parties fails to make a claim for
155 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
157 is not registered in this state, the Motor Vehicle Division shall make a reasonable
158 effort to notify the parties described in Subsection (6)(a) of the removal and the place
159 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)
161 if a report was received by a tow truck operator or tow truck motor carrier reporting a
162 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
164 described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent
165 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
169 truck operator or tow truck motor carrier to determine if a tow meets the criteria
170 described in Subsections (6)(e)(i)(A) and (B).
- 171 (iii) The designated agent may disclose information received regarding a tow
172 described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the
173 vehicle owner's verified insurance company.
- 174 (iv) The designated agent may not disclose information to a vehicle owner's
175 insurance company if the tow does not meet the criteria described in Subsections
176 (6)(e)(i)(A) and (B).
- 177 (7)(a) The vehicle, vessel, or outboard motor impounded or removed to a state impound
178 yard as described in this section shall be released after a party described in
179 Subsection (6)(a) or (7)(f):
- 180 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
181 the State Tax Commission;
- 182 (ii) presents identification sufficient to prove ownership of the impounded or
183 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
186 (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), an
189 administrative testing fee of \$30; and
- 190 (v) pays all towing and storage fees to the place where the vehicle, vessel, or
191 outboard motor is stored.
- 192 (b)(i) [~~\$29~~] Twenty-nine dollars of the administrative impound fee assessed under
193 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
195 under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public
196 Safety Restricted Account created in Section 53-3-106.
- 197 (iii) Twenty dollars of the administrative impound fee assessed under Subsection
198 (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund
199 created in Section 26B-1-318.
- 200 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the
201 remainder of the administrative impound fee assessed under Subsection

- 202 (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)
- 204 shall be deposited into the State Laboratory Drug Testing Account created in
- 205 Section 26B-1-304.
- 206 (c) The administrative impound fee and the administrative testing fee assessed under
- 207 Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the
- 208 registered owner, lien holder, or owner's agent presents written evidence to the State
- 209 Tax Commission that:
- 210 (i) the Driver License Division determined that the arrested person's driver license
- 211 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as
- 212 shown by a letter or other report from the Driver License Division presented
- 213 within 180 days after the day on which the Driver License Division mailed the
- 214 final notification; or
- 215 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
- 216 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
- 218 payment by cash and debit or credit card for a removal or impoundment under
- 219 Subsection (1) or any service rendered, performed, or supplied in connection with a
- 220 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
- 222 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
- 225 Subsection (6)(a), even if the party satisfies the requirements to release the
- 226 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
- 228 outboard motor impounded or removed to a state impound yard as described in this
- 229 section shall be released to an individual that is not described in Subsection (6)(a) if
- 230 the individual:
- 231 (i) 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
- 233 motor to operate the vehicle, vessel, or outboard motor; and
- 234 (iii) presents the individual's driving credential.
- 235 (8)(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed

- 236 by a party described in Subsection (6)(a) or ~~(7)(f)~~ within the time prescribed by
 237 Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for
 238 the impounded or removed vehicle, vessel, or outboard motor as described in Section
 239 41-1a-1103.
- 240 (b) The date of impoundment or removal is considered the date of seizure for computing
 241 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
 243 impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause
 244 of action for all the fees and charges, together with damages, court costs, and attorney
 245 fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused
 246 the removal or impoundment.
- 247 (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or
 248 outboard motor.
- 249 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 250 department shall make rules setting the performance standards for towing companies to
 251 be used by the department.
- 252 (12)(a) The Motor Vehicle Division may specify that a report required under Subsection
 253 (4) be submitted in electronic form utilizing a database for submission, storage, and
 254 retrieval of the information.
- 255 (b)(i) Unless otherwise provided by statute, the Motor Vehicle Division or the
 256 administrator of the database may adopt a schedule of fees assessed for utilizing
 257 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.
- 261 Section 2. Section **72-9-603** is amended to read:
- 262 **72-9-603 . Towing notice requirements -- Cost responsibilities -- Abandoned**
 263 **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
 265 behalf of a law enforcement agency, or a highway authority, after performing a tow
 266 truck service that is being done without the vehicle, vessel, or outboard motor owner's
 267 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,
 269 or outboard motor:

- 270 (i) provide relevant information to the impound vehicle service system database
271 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
275 number; and
276 (ii) contact the law enforcement agency having jurisdiction over the area where the
277 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
280 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;
283 and
284 (E) description, including the identification number, license number, or other
285 identification number issued by a state agency, of the vehicle, vessel, or
286 outboard motor;
- 287 (b) within two business days of performing the tow truck service under Subsection
288 (1)(a), send a certified letter to the last-known address of each party described in
289 Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor
290 obtained from the Motor Vehicle Division or, if the person has actual knowledge of
291 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
294 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
298 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
301 motor was removed, provide the owner or operator with a copy of the Utah
302 Consumer Bill of Rights Regarding Towing established by the department in
303 Subsection (16)(e).

- 304 (2) Until the tow truck operator or tow truck motor carrier reports the information required
305 under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard
306 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
310 motor carrier may not perform a tow truck service at the request or direction of a
311 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
313 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
 - 318 (B) publishes the agreement with the tow truck operator or tow truck motor carrier
319 as described in Subsection (4)(b).
- 320 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or
321 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
325 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
328 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
331 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,
337 enforce parking restrictions by:

- 338 (i) authorizing a tow truck motor carrier to patrol and monitor the property and
 339 enforce parking restrictions on behalf of the property owner in accordance with
 340 Subsection (7);
- 341 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck
 342 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
 344 notice in accordance with Subsection (9).
- 345 (b)(i) Any agreement between a private property owner and tow truck motor carrier
 346 authorizing the tow truck motor carrier to patrol and monitor the property under
 347 Subsection (4)(a)(i) shall:
- 348 (A) include specific terms and conditions for the tow truck motor carrier to
 349 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 (ii) In addition to the signage described in Subsection (7) or (8), a private property
 352 owner who allows public parking shall erect appropriate signage on the property
 353 indicating clear instructions for parking at the property.
- 354 (iii) Where a single parking area includes abutting parcels of property owned by two
 355 or more private property owners who enforce different parking restrictions under
 356 Subsection (7) or (8), each property owner shall, in addition to the requirements
 357 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
 359 parcel; and
- 360 (B) if there is no clearly defined entrance between one property owner's parcel and
 361 another property owner's parcel, at intervals of 40 feet or less along the line
 362 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
 364 property owner shall erect signage as required by this section at intervals of 40
 365 feet or less along any portion of a property line where a vehicle, vessel, or
 366 outboard motor may enter the parking area.
- 367 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from,
 368 subject to the provisions of this section, instituting and enforcing regulations for parking
 369 at the property.
- 370 (6) In addition to any other powers provided by law, a political subdivision or state agency
 371 may:

- 372 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on
 373 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
 378 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
 380 owner shall ensure that each entrance to the property has ~~[the following]~~ signs located
 381 on the property and clearly visible to the driver of a vehicle entering the property that
 382 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
 386 Patrolled";
 - 387 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an
 388 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
 390 "Towing Enforced"; and
 - 391 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
 392 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
 398 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
 404 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
 407 property owner shall ensure that each entrance to the property has a clearly visible
 408 sign located on the property that substantially follows the following format, as
 409 determined by the department:
- 410 (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
 411 border, and has:
- 412 [(i)] (A) at the top of the sign, a blue background with a white, reflective towing
 413 logo that is at least four inches tall and 16 inches wide that depicts an entire
 414 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)]
 416 (8)(b)(i)(A), a blue background with white, reflective letters at least two inches
 417 tall with the capitalized words "Towing Enforced";
- 418 [(iii)] (C) in the middle of the sign, a red background with white, reflective letters
 419 at least one inch tall indicating[;]
- 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
 423 least one inch tall indicating:
- 424 (A) either[;]
- 425 [(F)] the name and telephone number of the property owner or the property
 426 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
 428 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
 431 complies with the requirements of this section, the department shall determine
 432 whether the sign substantially complies.
- 433 (9)(a) For private property without signage substantially meeting the requirements of
 434 Subsection (7) or (8), as determined by the department, the property owner may
 435 request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from
 436 the private property 24 hours after the property owner or the property owner's agent
 437 affixes a written notice to the vehicle, vessel, or outboard motor in accordance with
 438 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
441 outboard motor;
- 442 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel,
443 or outboard motor will be towed from the property if it is not removed within 24
444 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
447 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
449 owner's agent for purposes of affixing the written notice described in Subsection
450 (9)(a) to a vehicle, vessel, or outboard motor.
- 451 (10) The department shall publish on the department Internet website the signage
452 requirements and written notice requirements and illustrated or photographed examples
453 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
455 the towing of a vehicle, vessel, or outboard motor from private property that the property
456 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)(c)(ii) or a party described in
460 Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor
461 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) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or
465 outboard motor~~[and any nonlife essential items contained in the vehicle, vessel, or~~
466 ~~outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor]~~
467 until paid.
- 468 (b) A tow truck operator, tow truck motor carrier, or impound yard shall allow a party
469 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
470 outboard motor or an individual described in Subsection (19)(c)(ii) to enter the
471 vehicle, vessel, or outboard motor during normal business hours and remove personal
472 property not attached to the vehicle upon signing a receipt for the property.
- 473 ~~[(b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,~~

- 474 ~~vessel, or outboard motor and items described in Subsection (13)(a) in an approved~~
475 ~~state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an~~
476 ~~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,
480 vessel, or outboard motor to take possession of any item within the vehicle, vessel, or
481 outboard motor regardless of whether the fees described in Subsection (12) have been
482 paid.
- 483 (14)(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party
484 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
485 outboard motor or an individual described in Subsection (19)(c)(ii) does not, within
486 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
490 outboard motor until at least 30 days after notice has been sent under Subsection
491 (1)(b).
- 492 (15)(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post
493 and disclose all its current fees, rates, and acceptable forms of payment for tow truck
494 service and storage of a vehicle in accordance with rules established under
495 Subsection (16).
- 496 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
497 payment by cash and debit or credit card for a tow truck service under Subsection (1)
498 or any service rendered, performed, or supplied in connection with a tow truck
499 service under Subsection (1).
- 500 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
501 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,
504 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

- 508 motor has not consented to the removal;
- 509 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard
510 motor stored as a result of one of the conditions listed under Subsection (16)(a)(i);
511 and
- 512 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or
513 outboard motor stored as a result of one of the conditions described in Subsection
514 (16)(a)(i);
- 515 (b) establish authorized towing certification requirements, not in conflict with federal
516 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
518 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
520 charge for reporting the information required under Subsection (1)(a)(i) and
521 providing notice of the removal to each party described in Subsection 41-6a-1406
522 (6)(a) with an interest in the vehicle, vessel, or outboard motor as required in
523 Subsection (1)(b);
- 524 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
525 specific information regarding:
- 526 (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is
527 towed;
- 528 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the
529 tow truck service of a vehicle, vessel, or outboard motor that is transported in
530 response to a call or request where the owner of the vehicle, vessel, or outboard
531 motor has not consented to the removal; and
- 532 (iii) identifies the maximum rates that an impound yard may charge for the storage of
533 vehicle, vessel, or outboard motor that is transported in response to a call or
534 request where the owner of the vehicle, vessel, or outboard motor has not
535 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,
538 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
541 Subsection 41-6a-1406(6)(a) or an individual described in Subsection (19)(c)(ii),

542 even if the party satisfies the requirements to release the vehicle, vessel, or outboard
543 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
545 by the department in rules made under Subsection (16).

546 (ii) In addition to the maximum rates established under Subsection (16) and when
547 receiving payment by credit card, a tow truck operator, a tow truck motor carrier,
548 or an[-] impound yard may charge a credit card processing fee of 3% of the
549 transaction total.

550 (iii)(A) In addition to the maximum rates established under Subsection (16) and
551 when receiving payment by debit card, a tow truck operator, a tow truck motor
552 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)
554 (A) may not exceed the allowable debit interchange transaction fee allowed
555 under 12 C.F.R. Part 235.

556 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a
557 higher level than required in rules made pursuant to Subsection (16).

558 (19)(a) When a tow truck motor carrier or impound lot is in possession of a vehicle,
559 vessel, or outboard motor as a result of a tow service that was performed without the
560 consent of the owner, [and that was not ordered by a peace officer or a person acting
561 on behalf of a law enforcement agency,]the tow truck motor carrier or impound yard
562 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
565 party described in Subsection 41-6a-1406(6)(a) or an individual described in
566 Subsection (19)(c)(ii) within one hour of when the [owner] individual calls the tow
567 truck motor carrier or impound yard.

568 (b) If a tow truck motor carrier or an impound yard fails to meet the one-hour
569 requirement described in Subsection (19)(a)(ii), the tow truck motor carrier or
570 impound yard:

571 (i) may not charge an after-hours fee to release a vehicle, vessel, or outboard motor
572 regardless of when the owner or an individual described in Subsection (19)(c)(ii)
573 requests the release of the vehicle; and

574 (ii) shall provide a discount on the towing, storage, and other fees not less than 10%
575 for each hour and for each partial hour beyond the one-hour requirement described

- 576 in Subsection (19)(a)(ii).
- 577 (c) A tow truck motor carrier or an impound yard shall release a vehicle, vessel, or
 578 outboard motor as described in this section to:
- 579 (i) a party described in Subsection 41-6a-1406(6)(a) that has satisfied the
 580 requirements for release of the vehicle; or
- 581 (ii) notwithstanding other provisions of this section, an individual who is not
 582 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
 584 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
 587 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
 590 outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the
 591 tow truck motor carrier or tow truck operator has performed a tow service; and
- 592 (b) receive payment for referring a person for whom the tow truck motor carrier or tow
 593 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.

600 Section 3. Section **72-9-604** is amended to read:

601 **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
 604 in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard
 605 motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor
 606 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
- 613 Act; or
- 614 (iv) a special service district created under Title 17D, Chapter 1, Special Service
- 615 District Act.
- 616 (2)(a) Notwithstanding any other provision of law, a political subdivision of this state
- 617 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow
- 618 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 (ii) imposes a maximum rate that deviates from the maximum rates set in rules made
- 625 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
- 627 storage of an impounded vehicle, vessel, or outboard motor if the county or
- 628 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
- 631 holder, or the owner's agent even if the registered owner, lien holder, or the
- 632 owner's agent satisfies the requirements to release the vehicle, vessel, or outboard
- 633 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
- 635 business located within that county or municipality may not be required to obtain
- 636 another business license in order to perform a tow truck service in another county or
- 637 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
- 639 carrier, tow truck, or tow truck operator that has been issued a current, authorized
- 640 towing certificate by the department, as described in Section 72-9-602, to obtain an
- 641 additional towing certificate.
- 642 (5) A county or municipal legislative body may require an annual tow truck safety
- 643 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602

- 644 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
- 648 Subsection (5)(b).
- 649 (b) A county or municipality that requires the additional annual safety inspection shall
- 650 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
- 652 53-1-106.2, the towing entity may charge a fee to cover costs associated with the
- 653 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
- 655 not exceed the actual costs of the dispatch vendor contracted to provide the
- 656 dispatch service.
- 657 (b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a
- 658 towing dispatch vendor described in Section 53-1-106.2, the towing entity may
- 659 not charge a fee to cover costs associated with providing towing dispatch and
- 660 rotation service.
- 661 (ii) A special service district created under Title 17D, Chapter 1, Special Service
- 662 District Act, that charges a dispatch fee on or before January 1, 2023, may
- 663 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)
- 665 may not exceed an amount reasonably reflective to the actual costs of providing
- 666 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)
- 668 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
- 670 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a
- 671 fee described in this Subsection (7) to owners, lien holders, or insurance providers of
- 672 towed vehicles, vessels, or outboard motors.
- 673 (8)(a) In addition to the fees described in Subsection (7), a tow truck operator or tow
- 674 truck motor carrier may charge an additional fee to absorb unrecovered costs of
- 675 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
- 677 truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not

- 678 to exceed an amount greater than 25% of the relevant fee described in Subsection
679 (7)(a)(i) or (7)(b)(ii).
- 680 (c)(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,
681 based on data provided by the State Tax Commission, determine the percentage of
682 vehicles, vessels, or outboard motors that were abandoned during the previous
683 year by:
- 684 (A) determining the total number of vehicles, vessels, or outboard motors that
685 were towed as part of a towing entity's towing rotation during the previous
686 calendar year that were also abandoned; and
- 687 (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number
688 of vehicles, vessels, or outboard motors that were towed as part of the towing
689 entity's towing rotation during the previous calendar year.
- 690 (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall
691 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
695 tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an
696 amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the
697 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
699 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
701 towing certificate from the department to submit additional criminal background check
702 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
704 operator that responds may not respond to the location in a tow truck that is owned by a
705 tow truck motor carrier that is different than the tow truck motor carrier that was
706 dispatched.

707 **Section 4. Effective Date.**

708 This bill takes effect on May 7, 2025.