

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Tow Yard Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Don L. Ipson
House Sponsor: Thomas W. Peterson

LONG TITLE

General Description:

This bill codifies existing rules regarding state impound lot standards and creates a mandatory waiting period for a person removed from a towing rotation to rejoin a towing rotation in a first or second class county.

Highlighted Provisions:

This bill:

- defines terms;
- establishes requirements for an impound lot;
- allows the Motor Vehicle Division to review an impound lot's qualifications;
- creates procedures for retrieval of items from an impounded vehicle;
- creates a waiting period for a person removed from a towing rotation from being added to a towing rotation in a first or second class county with a new tow truck motor carrier;
- includes a coordination clause providing that substantive changes to Section 41-1a-1101 in this bill supersede the changes to that section in S.B. 120, Towing Modifications; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

41-1a-1101, as last amended by Laws of Utah 2025, Chapter 220

72-9-607, as enacted by Laws of Utah 2019, Chapter 373

28 **Utah Code Sections affected by Coordination Clause:**29 **41-1a-1101**, as last amended by Laws of Utah 2025, Chapter 220

30

31 *Be it enacted by the Legislature of the state of Utah:*32 *The following section is affected by a coordination clause at the end of this bill.*33 Section 1. Section **41-1a-1101** is amended to read:34 **41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.**

35 (1) As used in this section:

36 (a)(i) "Criminal offense" means a class B misdemeanor offense, a class A
37 misdemeanor offense, or a felony offense.

38 (ii) "Criminal offense" includes:

39 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony
40 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
41 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah
42 Criminal Code; and43 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
44 an offense listed in Subsection (1)(a)(ii)(A).45 (b) "Impound lot" means a state impound lot or impound yard designated by the division
46 for the storage of a seized vehicle, vessel, or outboard motor as described in
47 Subsection (2).48 (c) "Life essential item" means the same as that term is defined in Section 72-9-603.49 [~~(b)~~] (d) "Operator" means the same as that term is defined in Section 41-6a-102.50 [~~(c)~~] (e) "Road rage event" means the commission of a criminal offense:

51 (i) by an operator of a vehicle;

52 (ii) in response to an incident that occurs or escalates upon a roadway; and

53 (iii) with the intent to endanger or intimidate an individual in another vehicle.

54 [~~(d)~~] (f) "Roadway" means:

55 (i) a highway; or

56 (ii) a private road or driveway as defined in Section 41-6a-102.

57 (2) The division or [~~any~~] a peace officer, without a warrant, may seize and take possession
58 of [~~any~~] a vehicle, vessel, or outboard motor:59 (a) that the division or [~~the~~] a peace officer has probable cause to believe has been stolen;

60 (b) on which any identification number has been defaced, altered, or obliterated;

61 (c) that has been abandoned in accordance with Section 41-6a-1408;

- 62 (d) for which the applicant has written a check for registration or title fees that has not
63 been honored by the applicant's bank and that is not paid within 30 days;
- 64 (e) that is placed on the water with improper registration;
- 65 (f) that is being operated on a highway:
- 66 (i) with registration that has been expired for more than three months;
- 67 (ii) having never been properly registered by the current owner; or
- 68 (iii) with registration that is suspended or revoked;
- 69 (g)(i) that the division or the peace officer has probable cause to believe has been
70 involved in an accident described in Section 41-6a-401, 41-6a-401.3, or
71 41-6a-401.5; and
- 72 (ii) whose operator did not remain at the scene of the accident until the operator
73 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 74 (h) if the division or peace officer has probable cause to believe that the operator:
- 75 (i) failed to properly display the license plate on a motorcycle as described in Section
76 41-1a-404.1; or
- 77 (ii) used the motorcycle:
- 78 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
- 79 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 80 (3)(a) The division or a peace officer shall seize and take possession of a vehicle,
81 without a warrant, when:
- 82 (i) the division or the peace officer has probable cause to believe that an operator of
83 the vehicle engaged in a road rage event; and
- 84 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
85 event.
- 86 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
87 to the registered owner of the vehicle if the registered owner is not the individual
88 subject to arrest under Subsection (3)(a) and is immediately available, at the location
89 of the arrest, to take possession of the vehicle.
- 90 (4)(a) Subject to the restriction in Subsection (4)(b), the division or ~~any~~ a peace officer,
91 without a warrant:
- 92 (i) shall seize and take possession of ~~any~~ a vehicle that is being operated on a
93 highway without owner's or operator's security in effect for the vehicle as required
94 under Section 41-12a-301 and the vehicle was involved in an accident; or
- 95 (ii) may seize and take possession of ~~any~~ a vehicle that is being operated on a

96 highway without owner's or operator's security in effect for the vehicle as required
97 under Section 41-12a-301 after the division or ~~[any-]~~ a peace officer makes a
98 reasonable determination whether the vehicle would:

99 (A) present a public safety concern to the operator or any of the occupants in the
100 vehicle; or

101 (B) prevent the division or the peace officer from addressing other public safety
102 considerations.

103 (b) The division or ~~[any-]~~ a peace officer may not seize and take possession of a vehicle
104 under Subsection (4)(a):

105 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
106 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
107 peace officer verifies that owner's or operator's security is not in effect for the
108 vehicle through the Uninsured Motorist Identification Database created in
109 accordance with Section 41-12a-803; or

110 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
111 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
112 Identification Database created in accordance with Section 41-12a-803 indicates
113 that the owner's or operator's security is not in effect for the vehicle, unless the
114 division or a peace officer makes a reasonable attempt to independently verify that
115 owner's or operator's security is not in effect for the vehicle.

116 (5) If necessary for the transportation of a seized vessel, the division or a peace officer may
117 seize the vessel's trailer ~~[may be seized-]~~to transport and store the vessel.

118 (6) The division or a peace officer who seizes a vehicle shall record the mileage shown on
119 the vehicle's odometer at the time of seizure, if:

120 (a) the vehicle is equipped with an odometer; and

121 (b) the odometer reading is accessible to the division or the peace officer.

122 ~~[(6)] (7) [Any-]~~ A peace officer seizing or taking possession of a vehicle, vessel, or outboard
123 motor under this section shall comply with ~~[the provisions of]~~Section 41-6a-1406.

124 (8)(a) An operator of an impound lot shall ensure the impound lot has a conspicuously
125 placed, well-maintained sign that:

126 (i) is at least 24 square feet in size;

127 (ii) includes the business name, address, phone number, and hours of business for the
128 impound lot;

129 (iii) displays the impound lot identification number issued by the division in

- 130 characters at least four inches high; and
131 (iv) is visible from the nearest highway.
- 132 (b) An operator of an impound lot shall maintain a hard-surfaced storage area of
133 concrete, black top, gravel, road base, or other aggregate material in the impound lot.
- 134 (c) An operator of an impound lot shall fence the perimeter of the impound lot:
135 (i) separately from any other personal or business activity that is not directly related
136 to state impounds; and
137 (ii) with six-foot high chain link or other similar fence or wall topped with three
138 strands of barbed wire or razor security wire that are properly affixed to the fence
139 or wall.
- 140 (d) An operator of an impound lot shall maintain opaque fencing, which may be opaque
141 chain link fencing, on any side that has frontage with a paved road that is a:
142 (i) class A road as described in Section 72-3-102;
143 (ii) class B road as described in Section 72-3-103; or
144 (iii) class C road as described in Section 72-3-104.
- 145 (e) An operator of an impound lot shall maintain spacing between vehicles that is
146 adequate to allow opening of vehicle doors without interfering with other vehicles or
147 objects.
- 148 (f) Except as provided in Subsection (9), an operator of an impound lot shall have an
149 office on the premises.
- 150 (g) An operator of an impound lot shall ensure the impound lot office is staffed and open
151 for public business during normal business hours, Monday through Friday, except for
152 designated state and federal holidays.
- 153 (h) An operator of an impound lot shall provide compressed air and battery boosting
154 capabilities at the impound lot at no additional cost.
- 155 (9)(a) Upon request, the division may authorize an impound lot to maintain multiple
156 storage areas managed by a central office facility if each storage area is within a 10
157 mile radius of the central office facility.
- 158 (b) An operator of an impound lot with a central office facility authorized under this
159 Subsection (9) shall appear at an appropriate storage area within 60 minutes of
160 notification to release a vehicle held at that storage area.
- 161 (c) If an operator of an impound lot fails to appear as described in Subsection (9)(b), the
162 division may revoke the impound lot's authorization to operate as an impound lot for
163 a minimum of six months.

- 164 (d) In addition to the requirements of this Subsection (9), each sign at a storage area
165 affiliated with a central office facility shall provide the location and phone number of
166 the central office facility.
- 167 (10) A crusher, dismantler, or salvage dealer may not operate as an impound lot unless the
168 crusher, dismantler, or salvage dealer meets all of the requirements for an impound lot
169 described in this section.
- 170 (11) The division shall enforce an impound lot's compliance with the standards described in
171 this section.
- 172 (12)(a) The division shall provide written notice, in person or by certified mail, to an
173 operator of an impound lot not in compliance with the standards described in this
174 section and give 30 days from that notice to rectify any noncompliance.
- 175 (b) The division may suspend the impound lot's authorization to operate as an impound
176 lot if no action or insufficient action is taken by the operator of the impound lot.
- 177 (13) An impound lot contesting suspension, or an impound lot directly and adversely
178 affected by the division's refusal to designate an impound lot as an impound lot, may
179 appeal that suspension or designation refusal to the commission.
- 180 (14)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
181 the commission shall make rules setting standards for public garages and impound
182 lots that may be used by peace officers and the division for the storage of a seized
183 vehicle, vessel, or outboard motor.
- 184 (b) The division may not make rules that conflict with Subsection (8).
- 185 (c) The division shall ensure that the standards do not restrict the number of public
186 garages or impound lots per geographical area.
- 187 (15)(a) An operator of an impound lot shall:
- 188 (i) give an individual authorized by Subsection 41-6a-1406(6)(a) possession of a life
189 essential item or other item of personal property if the individual:
- 190 (A) arrives at the impound lot during normal business hours;
- 191 (B) presents the individual's driver license or other government-issued
192 identification;
- 193 (C) shows evidence that the individual is authorized under Subsection
194 41-6a-1406(6)(a) to take possession of the life essential item or other personal
195 property; and
- 196 (D) signs a receipt for any personal property removed from a vehicle, vessel, or
197 outboard motor; and

- 198 (ii) maintain a record of individuals who have been given access to vehicles to
199 remove personal property.
- 200 (b) If an individual is unable to present the individual's driver license or other
201 government-issued identification as required in Subsection (15)(a)(i)(B) because the
202 individual's driver license or other government-issued identification is inside the
203 impounded vehicle, the owner of the impound lot shall retrieve the driver license or
204 government-issued identification, to show that the individual is authorized to take
205 possession of a life essential item or other personal property under Subsection
206 41-6a-1406(6)(a).
- 207 (16) An operator of an impound lot shall:
- 208 (a) remove the license plate or plates from an impounded vehicle before the time of sale
209 as described in Section 41-1a-1103; and
- 210 (b) give the license plates to the division when the vehicle is sold.
- 211 (17) The division may require an operator of an impound lot holding five or fewer vehicles
212 in a month to tow those vehicles to another impound lot to centralize vehicle sales.
- 213 ~~[(7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
214 ~~the commission shall make rules setting standards for public garages, impound lots,~~
215 ~~and impound yards that may be used by peace officers and the division.]~~
- 216 ~~[(b) The standards shall be equitable, reasonable, and unrestrictive as to the number of~~
217 ~~public garages, impound lots, or impound yards per geographical area.]~~
- 218 ~~[(c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard~~
219 ~~unless the crusher, dismantler, or salvage dealer meets all of the requirements for a~~
220 ~~state impound yard set forth in this section and rules made in accordance with~~
221 ~~Subsection (7)(a).]~~
- 222 ~~[(d)(i) Rules made by the commission shall include a requirement that a state~~
223 ~~impound yard have opaque fencing on any side of the state impound yard that has~~
224 ~~frontage with a highway.]~~
- 225 ~~[(ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link~~
226 ~~fencing.]~~
- 227 ~~[(8)]~~ (18)(a) Except as provided under ~~[Subsection (8)(b)]~~ Subsection (18)(b), ~~[a person]~~
228 an individual may not operate or allow ~~[to be operated-]~~ another individual to operate
229 a vehicle stored in ~~[a public garage, impound lot, or impound yard-]~~ an impound lot
230 regulated under this part without ~~[prior-]~~ written permission of the owner of the
231 vehicle.

232 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
 233 space to another within ~~[the facility]~~ an impound lot and that is necessary for the
 234 normal management of ~~[the facility]~~ an impound lot is not prohibited under [
 235 ~~Subsection (8)(a)]~~ Subsection (18)(a).

236 ~~[(9)]~~ (19) ~~[A person]~~ An individual who violates ~~[the provisions of Subsection (8)]~~
 237 Subsection (18) is guilty of a class C misdemeanor.

238 ~~[(10) The division or the peace officer who seizes a vehicle shall record the mileage shown~~
 239 ~~on the vehicle's odometer at the time of seizure, if:]~~

240 ~~[(a) the vehicle is equipped with an odometer; and]~~

241 ~~[(b) the odometer reading is accessible to the division or the peace officer.]~~

242 Section 2. Section **72-9-607** is amended to read:

243 **72-9-607 . Process of removal from towing rotation.**

244 (1) As used in this section, "ownership" means any percentage of ownership of a tow truck
 245 motor carrier by a person.

246 (2) Each ~~[political subdivision]~~ towing entity or state agency that establishes a towing
 247 rotation to facilitate tows initiated by the political subdivision or state agency shall
 248 establish a policy for an appeals process to hear and decide appeals from a decision to
 249 suspend or remove a tow truck motor carrier or tow truck operator from a towing
 250 rotation.

251 ~~[(2)]~~ (3) In conducting an appeal as described in ~~[Subsection (1)]~~ Subsection (2):

252 (a) the appeal process may be conducted by a single appeal officer or a panel; and

253 (b) an individual hearing an appeal, whether as a single appeal officer or as part of a
 254 panel, may not be the same individual who made the decision to suspend or remove
 255 the tow truck motor carrier or tow truck operator from the towing rotation.

256 (4) A person with ownership in a tow truck motor carrier that is removed from a towing
 257 rotation in a first or second class county may not be added to a towing rotation in a first
 258 or second class county for three years after the day on which the tow truck motor carrier
 259 is removed from a towing rotation.

260 (5) Before a towing entity may add a tow truck motor carrier to a towing rotation in a first
 261 or second class county, the tow truck motor carrier shall be certified by the department
 262 as described in Section 72-9-602 for a minimum of three consecutive years.

263 Section 3. **Effective Date.**

264 This bill takes effect on June 1, 2026.

265 Section 4. **Coordinating S.B. 191 with S.B. 120.**

266 If S.B. 191, Tow Yard Amendments, and S.B. 120, Towing Modifications, both pass
_ 267 and become law, the Legislature intends that, on June 1, 2026, the amendments to Section
_ 268 41-1a-1101 in S.B. 191 supersede the amendments to Section 41-1a-1101 in S.B. 120.