

HB0136 compared with HB0136S02

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **41-1a-1101 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 220

25 **41-6a-1406 (Effective 05/06/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah
2025, Chapter 378

27 **53-3-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 229

28 **53-3-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 390

29 **53-25-802 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 252**

30 **63I-2-241 (Effective 05/06/26)**, as enacted by Laws of Utah 2024, Third Special Session, Chapter 5

32

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

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

35 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

34 (1) As used in this section:

35 (a)

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

37 (ii) "Criminal offense" includes:

38 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2, Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah Criminal Code; and

42 (B) a local ordinance that is a class B misdemeanor and is substantially similar to an offense listed in Subsection (1)(a)(ii)(A).

44 (b) "Driving credential" means:

45 (i) a driver license, driving privilege card, or learner permit issued by the state in accordance with Title 53, Chapter 3, Uniform Driver License Act; or

47 (ii) a driver license issued by:

48 (A) a state or territory of the United States;

HB0136 compared with HB0136S02

49 (B) the United States Department of State; or

50 (C) a foreign country.

51 [~~(b)~~] (c) "Operator" means the same as that term is defined in Section 41-6a-102.

52 [~~(e)~~] (d) "Road rage event" means the commission of a criminal offense:

53 (i) by an operator of a vehicle;

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

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

56 [~~(d)~~] (e) "Roadway" means:

57 (i) a highway; or

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

59 (2) The division or [~~any~~] a peace officer, without a warrant, may seize and take possession of [~~any~~] a
vehicle, vessel, or outboard motor:

61 (a) that the division or the peace officer has probable cause to believe has been stolen;

62 (b) on which [~~any~~] an identification number has been defaced, altered, or obliterated;

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

64 (d) for which the applicant has written a check for registration or title fees that has not been honored by
the applicant's bank and that is not paid within 30 days;

66 (e) that is placed on the water with improper registration;

67 (f) that is being operated on a highway:

68 (i) with registration that has been expired for more than three months;

69 (ii) having never been properly registered by the current owner; or

70 (iii) with registration that is suspended or revoked;

71 (g)

(i) that the division or the peace officer has probable cause to believe has been involved in an accident
described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and

74 (ii) whose operator did not remain at the scene of the accident until the operator fulfilled the
requirements described in Section 41-6a-401 or 41-6a-401.7; or

76 (h) if the division or peace officer has probable cause to believe that the operator:

77 (i) failed to properly display the license plate on a motorcycle as described in Section 41-1a-404.1; or

79 (ii) used the motorcycle:

80 (A) to perform a wheelie in violation of Section 41-6a-606.1; or

HB0136 compared with HB0136S02

- 81 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 82 (3)
- 83 (a) The division or a peace officer shall seize and take possession of a vehicle, without a warrant, when:
- 84 (i) the division or the peace officer has probable cause to believe that an operator of the vehicle
engaged in a road rage event; and
- 86 (ii) the operator of the vehicle has been arrested in conjunction with the road rage event.
- 88 ~~{(b) {Except as provided in Subsection (3)(d), the division or a peace officer shall seize and take
possession of a vehicle, without a warrant, when an operator of a vehicle does not have a driving
credential in the operator's possession unless the peace officer is able to verify that the operator has
been issued a driving credential.}}~~
- 91 (b)
- 92 ~~{(b)}~~ (e) Except as provided in Subsection (3)(d), the division or a peace officer shall seize and take
possession of a vehicle, without a warrant, when an operator of a vehicle does not have a driving
credential in the operator's possession unless the peace officer is able to verify that the operator has
been issued a driving credential.
- 95 (i) Before seizing and taking possession of a vehicle as described in Subsection (3)(b)(i), a peace
officer shall query the Driver License Division database to verify whether the operator has been
issued a driving credential.
- 98 ~~(b)~~ (c) A peace officer may release a vehicle seized and possessed under Subsection (3)(a) ~~or (3)(b)~~
to the registered owner of the vehicle if the registered owner is not the individual subject to arrest
under Subsection (3)(a) ~~{or (3)(b)}~~ or (3)(b) and is immediately available, at the location of the
arrest, to take possession of the vehicle.
- 96 (d) The division or a peace officer is not required to seize and take possession of a vehicle as described
in Subsection (3)(b) if the division or a peace officer makes a reasonable determination that:
- 99 (i) the operator has been issued a driving credential that is expired;
- 100 (ii) seizing the vehicle would create a public safety concern to the operator or an occupant of the
vehicle;
- 102 (iii) seizing the vehicle would prevent the division or the peace officer from addressing other public
safety considerations;
- 104 (iv) the operator is under 18 years old;
- 105 (v) an occupant of the vehicle possesses a driving credential and is willing to operate the vehicle; or

HB0136 compared with HB0136S02

- 107 (vi) an individual with a driving credential is reasonably available to pick up the vehicle with
108 permission of the registered owner.
- 109 (4)
- (a) Subject to ~~[the restriction in]~~ Subsection (4)(b), the division or ~~[any]~~ a peace officer, without a
warrant:
- 111 (i) shall seize and take possession of ~~[any]~~ a vehicle that is being operated on a highway without
owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and
the vehicle was involved in an accident; or
- 114 (ii) may seize and take possession of ~~[any]~~ a vehicle that is being operated on a highway without
owner's or operator's security in effect for the vehicle as required under Section 41-12a-301
after the division or ~~[any]~~ a peace officer makes a reasonable determination whether the seizure
of the vehicle would:
- 118 (A) present a public safety concern to the operator or ~~[any of the occupants in]~~ an occupant in the
vehicle; or
- 120 (B) prevent the division or the peace officer from addressing other public safety considerations.
- 122 (b) The division or ~~[any]~~ a peace officer may not seize and take possession of a vehicle under
Subsection (4)(a):
- 124 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined
in Section 41-12a-303.2 in the vehicle, unless the division or peace officer verifies that owner's
or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification
Database created in accordance with Section 41-12a-803; or
- 129 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in
Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification Database created in
accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect
for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently
verify that owner's or operator's security is not in effect for the vehicle.
- 135 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport
and store the vessel.
- 137 (6) ~~[Any]~~ A peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this
section shall comply with the provisions of Section 41-6a-1406.
- 139 (7)

HB0136 compared with HB0136S02

- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.
- 142 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.
- 144 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard [set forth] described in this section and rules made in accordance with Subsection (7)(a).
- 148 (d)
- (i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on [any] each side of the state impound yard that has frontage with a highway.
- 151 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.
- 153 (8)
- (a) Except as provided under Subsection (8)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.
- 156 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (8)(a).
- 159 (9) A person who violates [~~the provisions of~~] Subsection (8) is guilty of a class C misdemeanor.
- 161 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:
- 163 (a) the vehicle is equipped with an odometer; and
- 164 (b) the odometer reading is accessible to the division or the peace officer.
- 171 Section 2. Section **41-6a-1406** is amended to read:
- 172 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**
- 169 (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.

HB0136 compared with HB0136S02

- 174 (2) The vehicle, vessel, or outboard motor [~~under~~] described in Subsection (1) shall be impounded to a
state impound yard.
- 176 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause [it] the vehicle, vessel, or
outboard motor to be removed by a tow truck motor carrier that meets standards established:
- 179 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- 180 (b) by the department under Subsection (11).
- 181 (4)
- (a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is
impounded as described in Subsection (1).
- 183 (b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard
motor, a report of the impoundment shall be sent to the Motor Vehicle Division, in an electronic
format approved by the Motor Vehicle Division, by:
- 187 (i) the peace officer or agency by whom the peace officer is employed; and
- 188 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
- 190 (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:
- 192 (i) the operator's name, if known;
- 193 (ii) a description of the vehicle, vessel, or outboard motor;
- 194 (iii) the vehicle identification number or vessel or outboard motor identification number;
- 196 (iv) the case number designated by the peace officer, law enforcement agency number, or government
entity;
- 198 (v) the license number, temporary permit number, or other identification number issued by a state
agency;
- 200 (vi) the date, time, and place of impoundment;
- 201 (vii) the reason for removal or impoundment;
- 202 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
- 204 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 205 (d)
- (i) If the form described in Subsection (4)(c) does not include the reason for the removal or
impoundment described in Subsection (4)(c)(vii), the peace officer and tow truck operator described
in Subsection (4)(b) shall note "other" as the reason for the removal or impoundment.

209

HB0136 compared with HB0136S02

(ii) The commission shall update the form described in Subsection (4)(c) to include operating a vehicle without a driving credential as a reason for impoundment as described in Subsection 41-1a-1101(3) no later than December 31, 2026.

212 [~~(d)~~] (e)

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

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

217 [~~(e)~~] (f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:

220 (i) collect [~~any fee~~] the fees associated with the removal; and

221 (ii) begin charging storage fees.

222 (5)

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

224 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1);
or

226 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in accordance with Section 72-9-603.

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

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

232 (ii) the name and originating agency identifier of the law enforcement agency; and

233 (iii) the case number designated by the law enforcement officer or law enforcement agency.

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

239 (i) the report described in Subsection (4); or

240 (ii) the report described in Subsection (5)(d).

HB0136 compared with HB0136S02

- 241 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck motor carrier
does not provide the report described in Subsection (4), the tow truck operator or tow truck motor
carrier shall provide a report to the Motor Vehicle Division that includes:
- 245 (i) the name and badge number of the relevant peace officer;
- 246 (ii) the name and originating agency identifier of the law enforcement agency;
- 247 (iii) the law enforcement agency case number;
- 248 (iv) subject to Subsection (5)(e), the vehicle identification number and the license number, temporary
permit number, or other identification number issued by a state agency;
- 251 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
- 252 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 253 (e) If ~~[either]~~ the vehicle identification number ~~{;}~~ ~~[f]~~ ~~or the~~ license number, temporary permit
number, or other identification number issued by a state agency is not available, the report shall
include:
- 256 (i) as much information as is available from both the vehicle identification number and the license plate
number of the vehicle, vessel, or outboard motor; and
- 258 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make, model, and model
year of the vehicle, vessel, or outboard motor.
- 260 (f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this
Subsection (5), a tow truck motor carrier may not:
- 262 (i) collect ~~[any fee]~~ the fees associated with the removal; or
- 263 (ii) begin charging storage fees.
- 264 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:
- 266 (i) a state impound yard; or
- 267 (ii) a location that has been requested by the registered owner at the time of removal, if payment is
made to the tow truck motor carrier or tow truck operator at the time of removal.
- 270 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax
Commission may make rules to establish proper format and information required on the form
described in Subsection (5)(d), including submission in an electronic format.
- 274 (6)

HB0136 compared with HB0136S02

- (a) Except as provided in Subsection (6)(d) and upon receipt of a report described in Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
- 278 (i) the registered owner;
- 279 (ii) ~~[any lien holder]~~ all lien holders; or
- 280 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
- 283 (b) The notice shall:
- 284 (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
- 287 (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
- 289 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
- 291 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day ~~[of the removal or impoundment]~~ on which the vehicle, vessel, or outboard motor was removed or impounded under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- 296 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (6)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
- 300 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- 303 (e)
- (i) The Motor Vehicle Division shall disclose the information in the report described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent as defined in Section 41-12a-802 regarding a tow that was initiated:
- 306 (A) by law enforcement; or

HB0136 compared with HB0136S02

- 307 (B) without the vehicle owner's consent.
- 308 (ii) The Motor Vehicle Division may rely on the information provided by the tow truck operator or tow
truck motor carrier to determine if a tow meets the criteria described in Subsections (6)(e)(i)(A) and
(B).
- 311 (iii) The designated agent may disclose information received regarding a tow described in Subsections
(6)(e)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.
- 314 (iv) The designated agent may not disclose information to a vehicle owner's insurance company if the
tow does not meet the criteria described in Subsections (6)(e)(i)(A) and (B).
- 317 (7)
- (a) The vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described
in this section shall be released after a party described in Subsection (6)(a) or (7)(f):
- 320 (i) makes a claim for release of the vehicle, vessel, or outboard motor at ~~any~~ an office of the State
Tax Commission;
- 322 (ii) presents identification sufficient to prove ownership of the impounded or removed vehicle,
vessel, or outboard motor;
- 324 (iii) completes the registration, if needed, and pays the appropriate fees;
- 325 (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
- 327 (A) an administrative impound fee of ~~[\$425]~~ \$600; and
- 328 (B) in addition to the administrative fee described in Subsection (7)(a)(iv)(A), an administrative testing
fee of ~~[\$30]~~ \$60; and
- 330 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is
stored.
- 332 (b)
- (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall
be dedicated credits to the Motor Vehicle Division.
- 334 (ii) ~~[One hundred and]~~ One hundred forty-seven dollars of the administrative impound fee assessed
under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public Safety Restricted
Account created in Section 53-3-106.
- 337 (iii) Twenty dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be
deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.

340

HB0136 compared with HB0136S02

- (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the remainder of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the General Fund.
- 343 (v) The administrative testing fee described in Subsection (7)(a)(iv)(B) shall be deposited into the State
Laboratory Drug Testing Account created in Section 26B-1-304.
- 346 (c) The administrative impound fee and the administrative testing fee assessed under Subsection (7)(a)
(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or
owner's agent presents written evidence to the State Tax Commission that:
- 350 (i) the Driver License Division determined that the arrested person's driver license should not be
suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from
the Driver License Division presented within 180 days after the day on which the Driver License
Division mailed the final notification; or
- 355 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle
report presented within 180 days after the day ~~[of the impoundment]~~ on which the vehicle was
impounded.
- 358 (d)
- (i) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by
cash and debit or credit card for a removal or impoundment under Subsection (1) or ~~[any]~~ service
rendered, performed, or supplied in connection with a removal or impoundment under Subsection
(1).
- 362 (ii) An impound yard may not release a vehicle unless an individual with a driving credential, as
defined in Section 41-1a-1101, is present and able to operate the vehicle.
- 365 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded
vehicle, vessel, or outboard motor if:
- 367 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 368 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (6)(a),
even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under
this Subsection (7).
- 371 (f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or outboard motor
impounded or removed to a state impound yard as described in this section shall be released to an
individual that is not described in Subsection (6)(a) if the individual:

HB0136 compared with HB0136S02

- 375 (i)
- (A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);
- 376 (B) presents the individual's driver license or other government-issued identification; and
- 378 (C) demonstrates that the individual has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle; or
- 380 (ii) is a tow truck operator or tow truck motor carrier that:
- 381 (A) demonstrates that the tow truck operator or tow truck motor carrier has authority granted by a person described in Subsection (6)(a) to obtain and operate the vehicle, vessel, or outboard motor;
- 384 (B) provides a towing certificate issued by the Department of Transportation [~~pursuant to~~] in accordance with Section 72-9-602;
- 386 (C) pays all towing and storage fees; and
- 387 (D) obtains or presents an impound release for the vehicle, vessel, or outboard motor [~~pursuant to~~] in accordance with Subsection (7)(a).
- 389 (8)
- (a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by a party described in Subsection (6)(a) or (7)(f) within the time [~~prescribed by~~] described in Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the impounded or removed vehicle, vessel, or outboard motor as described in Section 41-1a-1103.
- 394 (b) The date of impoundment or removal is considered the date of seizure for computing the time period [~~provided under~~] described in Section 41-1a-1103.
- 396 (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.
- 401 (10)
- (a) As used in this Subsection (10), "life essential item" means the same as that term is defined in Subsection 72-9-603(13).
- 403 (b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.
- 405 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and [~~any~~]nonlife essential items contained in the vehicle, vessel, or outboard motor.

HB0136 compared with HB0136S02

- 407 (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow
truck motor carrier, or an impound yard shall allow a person described in Subsection (6)(a) or an
individual described in Subsection (7)(f)(i) to take possession of [~~any~~]life essential [~~item~~] items
within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the
towing, impound fees, or storage fees have been paid.
- 413 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing
fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a person
described in Subsection (6)(a) or an individual described in Subsection (7)(f)(i) to enter the vehicle,
vessel, or outboard motor during normal business hours and remove personal property not attached
to the vehicle, vessel, or outboard motor.
- 419 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department
shall make rules setting the performance standards for towing companies to be used by the
department.
- 422 (12)
- (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in
electronic form utilizing a database for submission, storage, and retrieval of the information.
- 425 (b)
- (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the
database may adopt a schedule of fees assessed for utilizing the database.
- 428 (ii) The fees under this Subsection (12)(b) shall:
- 429 (A) be reasonable and fair; and
- 430 (B) reflect the cost of administering the database.
- 437 Section 3. Section **53-3-202** is amended to read:
- 438 **53-3-202. Drivers must be licensed -- Violation.**
- 433 (1) A human driver may not drive a motor vehicle or an autocycle on a highway in this state unless the
human driver is:
- 435 (a) granted the privilege to operate a motor vehicle by being licensed as a driver by the division under
this chapter;
- 437 (b) driving an official United States Government class D motor vehicle with a valid United States
Government driver permit or license for that type of vehicle;
- 439 (c)

HB0136 compared with HB0136S02

- (i) driving a road roller, road machinery, or ~~[any]~~ farm tractor or implement of husbandry temporarily drawn, moved, or propelled on the highways; and
- 441 (ii) driving the vehicle described in Subsection (1)(c)(i) in conjunction with a construction or agricultural activity;
- 443 (d) a nonresident who is at least 16 years old and younger than 18 years old who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country and is driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
- 448 (e) a nonresident who is at least 18 years old and who has in the nonresident's immediate possession a valid license certificate issued to the nonresident in the nonresident's home state or country if driving in the class or classes identified on the home state license certificate, except those persons referred to in Part 6, Drivers' License Compact, of this chapter;
- 453 (f) driving under a learner permit in accordance with Section 53-3-210.5;
- 454 (g) driving with a temporary license certificate issued in accordance with Section 53-3-207; or
- 456 (h) exempt under Title 41, Chapter 22, Off-highway Vehicles.
- 457 (2) A human driver may not drive a motor vehicle or perform lateral or longitudinal vehicle motion control for a vehicle being towed by another motor vehicle upon a highway unless the human driver:
- 460 (a) is licensed under this chapter to drive a motor vehicle of the type or class of motor vehicle being towed; or
- 462 (b) is exempted under either Subsection (1)(b) or (1)(c).
- 463 (3)
- (a) A human driver may not drive a motor vehicle as a taxicab on a highway of this state unless the person has a valid class D driver license issued by the division.
- 465 (b) A human driver may not drive a motor vehicle as a private passenger carrier on a highway of this state unless the human driver has:
- 467 (i) a taxicab endorsement issued by the division on the human driver's license certificate; or
- 469 (ii) a commercial driver license with:
- 470 (A) a taxicab endorsement;
- 471 (B) a passenger endorsement; or
- 472 (C) a school bus endorsement.
- 473

HB0136 compared with HB0136S02

- (c) Nothing in Subsection (3)(b) is intended to exempt a human driver driving a motor vehicle as a private passenger carrier from regulation under other statutory and regulatory schemes, including:
- 476 (i) 49 C.F.R. Parts 350-399, Federal Motor Carrier Safety Regulations;
- 477 (ii) Title 34, Chapter 36, Transportation of Workers, and rules adopted by the Labor Commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 480 (iii) Title 72, Chapter 9, Motor Carrier Safety Act, and rules adopted by the Motor Carrier Division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 483 (4)
- (a) Except as provided in Subsections (4)(b), (c), (d), and (e), a human driver may not operate:
- 485 (i) a motorcycle unless the human driver has a valid class D driver license and a motorcycle endorsement issued under this chapter;
- 487 (ii) a street legal all-terrain vehicle unless the human driver has a valid class D driver license; or
- 489 (iii) a motor-driven cycle unless the human driver has a valid class D driver license and a motorcycle endorsement issued under this chapter.
- 491 (b) A human driver operating a moped, as defined in Section 41-6a-102, is not required to have a motorcycle endorsement issued under this chapter.
- 493 (c) An individual operating an electric assisted bicycle, as defined in Section 41-6a-102, is not required to have a valid class D driver license or a motorcycle endorsement issued under this chapter.
- 496 (d) An individual is not required to have a valid class D driver license if the person is:
- 497 (i) operating a motor assisted scooter, as defined in Section 41-6a-102, in accordance with Section 41-6a-1115; or
- 499 (ii) operating an electric personal assistive mobility device, as defined in Section 41-6a-102, in accordance with Section 41-6a-1116.
- 501 (e) A human driver operating an autocycle is not required to have a motorcycle endorsement issued under this chapter.
- 503 (5) An automated driving system as defined in Section 41-26-102.1 is not required to have a driver license.
- 505 (6)
- (a) As used in this Subsection (6), a "quick fingerprint" is a fingerprint, taken on a biometric device, that is:
- 507 (i) taken for the purpose of identifying an individual;

HB0136 compared with HB0136S02

- 508 (ii) queried against ~~{an}~~ the Automated Fingerprint Identification System, Bureau of Criminal
Identification fingerprint database, National Crime Information Center database, or a similar
fingerprint database system;
- 517 (iii) not added to or stored in the Automated Fingerprint Identification System, Bureau of Criminal
Identification fingerprint database, National Crime Information Center database, or a similar
fingerprint database system; and
- 520 (iv) accomplished in approximately 15 minutes or less.
- 521 (b) An individual without a driver license, driving privilege card, or learner permit that is lawfully
subjected to a stop by a peace officer as described in Section 77-7-15 shall present another form of
government-issued identification.
- 524 (c) Subject to Subsection (7), a peace officer shall take a quick fingerprint of an individual described in
Subsection (6)(b) if:
- 526 (i) the peace officer is unable to verify that the individual has been issued a driving credential;
- 528 (ii) the individual does not provide a form of identification; or
- 529 (iii) the peace officer has reasonable suspicion to believe that the form of identification presented is
fraudulent.
- 531 (d) Nothing in this Subsection (6) prohibits a peace officer from conducting a full fingerprint panel
subject to a noncustodial booking.
- 533 (7) A peace officer is not required to comply with Subsection (6)(c) if the peace officer makes a
reasonable determination that:
- 535 (a) doing so would create a safety concern for the driver or peace officer;
- 536 (b) doing so would prevent the peace officer from addressing other public safety considerations;
- 538 (c) the peace officer does not have adequate equipment to take a fingerprint;
- 539 (d) the driver is under 18 years old; or
- 540 (e) the peace officer would be unable to complete a fingerprint check due to lack of cellular service.
- 542 (8) A law enforcement agency shall ensure access to fingerprinting equipment to comply with
Subsection (6) no later than January 1, 2028.
- 544 [~~(6)~~] (9)
- 509 (a) { ~~H~~→ {} {~~-or a similar fingerprint database system~~} {} ←~~H~~ } ;
- (iii) not added to or stored in the Automated Fingerprint Identification System{ ~~H~~→ {} {~~-or a similar~~
fingerprint database system} {} ←~~H~~ } ; and

HB0136 compared with HB0136S02

- 510 (iv) {~~accomplished in approximately 15 minutes or less.~~}
- 511 {(b)} {~~An individual without a driver license, driving privilege card, or learner permit that is lawfully~~
~~subjected to a stop by a peace officer as described in Section 77-7-15 shall present another form of~~
~~government-issued identification.~~}
- 514 {(c)} {~~Subject to Subsection (7), a peace officer shall take a quick fingerprint of an individual described~~
~~in Subsection (6)(b) if:~~}
- 516 {(i)} {~~the peace officer is unable to verify that the individual has been issued a driving credential;~~}
- 518 {(ii)} {~~the individual does not provide a form of identification; or~~}
- 519 {(iii)} {~~the peace officer has reasonable suspicion to believe that the form of identification presented is~~
~~fraudulent.~~}
- 521 {(d)} {~~Nothing in this Subsection (6) prohibits a peace officer from conducting a full fingerprint panel~~
~~subject to a noncustodial booking.~~}
- 523 {(7)} {~~A peace officer is not required to comply with Subsection (6)(c) if the peace officer makes a~~
~~reasonable determination that:~~}
- 525 {(a)} {~~doing so would create a safety concern for the driver or peace officer;~~}
- 526 {(b)} {~~doing so would prevent the peace officer from addressing other public safety considerations;~~}
- 528 {(c)} {~~the peace officer does not have adequate equipment to take a fingerprint;~~}
- 529 {(d)} {~~the driver is under 18 years old; or~~}
- 530 {(e)} {~~the peace officer would be unable to complete a fingerprint check due to lack of cellular~~
~~service.~~}
- 532 {(8)} {~~A law enforcement agency shall ensure access to fingerprinting equipment to comply with~~
~~Subsection (6) no later than January 1, 2028.~~}
- 534 {(6)(9)}
- {(a)} [A person] Except as described in Subsection (9)(b) and (9)(c), an individual who violates this
section is guilty of { ~~Ĥ~~→ { } {f} **an infraction**{f} {~~a class C misdemeanor~~}{ } ←Ĥ } .
- 536 (b)
- (i) Except as provided in Subsection [(6)(d)] (9)(b)(iii), a person who violates Subsection (4)(a)(i) or (4)
(a)(iii) is subject to a minimum fine of \$350.
- 538 [(e)] (ii) The fine described in Subsection [(6)(b)] (9)(b)(i) is in addition to any other fine for a violation
of Title 41, Chapter 6a, Traffic Code, or a local ordinance related to the operation of the motorcycle.
- 541 [(d)] (iii)

HB0136 compared with HB0136S02

547 [(i)] (A) A court shall waive the fine imposed under Subsection [~~(6)(b)~~] (9)(b)(i) if the person provides to the court within 30 days [~~of the date of the entry of a plea or sentencing, whichever is later~~] from the day on which the person enters a plea, or within 30 days from the day on which the court imposes a sentence, whichever is later, proof that the person has been issued a motorcycle endorsement as provided in this chapter.

547 [(ii)] (B) A court may extend the 30-day time period described in Subsection [~~(6)(d)(i)~~] (9)(b)(iii)(A) for a reasonable time period for the person to obtain a motorcycle endorsement for good cause shown.

550 (c)

(i) An individual is guilty of a class B misdemeanor if, at the time of the offense, the individual has previously been convicted of a violation of this section.

552 (ii) In addition to the penalties described in Subsections (9)(a), (b), and (c)(i), an individual who violates this section is also subject to seizure of the vehicle as described in Section 41-1a-1101.

565 Section 4. Section **53-3-203** is amended to read:

566 **53-3-203. Authorizing or permitting driving in violation of chapter -- Renting of motor vehicles -- License requirements -- Employees must be licensed -- Violations.**

559 (1) A person may not authorize or knowingly permit a motor vehicle owned by the person or under the person's control to be driven by a person in violation of this chapter.

561 (2)

(a) A person may not rent a motor vehicle to another person unless the person who will be the driver is licensed in this state, or in the case of a nonresident, licensed under the laws of the state or country of [his-]residence.

564 (b) A person may not rent a motor vehicle to another person until the person:

565 (i) has inspected the license certificate of the person who will be the driver; and

566 (ii) verified the signature on the license certificate by comparison with the signature of the person who will be the driver written in [his] the person's presence.

568 (c)

(i) A person may verify the information described in Subsection (2)(b) for a subsequent vehicle rental through the use of an electronic system maintained by the person for the purposes of expediting the vehicle rental process.

571

HB0136 compared with HB0136S02

(ii) The electronic system described in Subsection (2)(c)(i) may contain information voluntarily provided by the person who will be the driver including:

- 573 (A) information included on the driver license certificate; and
574 (B) biometric information.
575 (d) A person renting a motor vehicle to another shall keep a record of the:
576 (i) registration number of the rented motor vehicle;
577 (ii) name and address of the person to whom the motor vehicle is rented;
578 (iii) number of the license certificate of the renter; and
579 (iv) date and place the license certificate was issued.

580 (e) The record is open to inspection by ~~any~~ a peace officer or officer or employee of the division.

582 (3) A person may not employ a person to drive a motor vehicle who is not licensed as required under this chapter.

584 (4) A person who violates this section is guilty of an infraction~~[-]~~ and subject to a minimum fine of \$500.

596 Section 5. Section 53-25-802 is amended to read:

597 **53-25-802. Portable biometric capture method requirement.**

598 (1) Beginning January 1, ~~[2027]~~ 2028, a law enforcement agency shall ensure that every law enforcement officer who is on duty outside of the law enforcement agency's facility is supplied with a portable biometric capture device.

601 (2)

(a) A software vendor that allows a law enforcement agency to file a citation electronically as described in Section 77-7-20 shall ensure that the software vendor's software is capable of submitting biometric data captured by a portable biometric device electronically to the court's electronic filing interface.

605 (b) A software vendor shall ensure that the connection described in Subsection (2)(a) is operational within one year of the criminal justice agency's system that uses the software service becoming active.

608 (3) A software service is subject to Subsection (2) if the software service:

609 (a) is for use by a criminal justice agency within the state's criminal justice system; and

610 (b) collects and stores data required by statute to be reported to the department.

611 Section 6. Section **63I-2-241** is amended to read:

HB0136 compared with HB0136S02

612 **63I-2-241. Repeal dates: Title 41.**
 [Reserved.]Subsection 41-6a-1406(4)(d), regarding impound report requirements, is
 repealed January 1, 2027.

615 Section 7. **Effective date.**

 Effective Date.

This bill takes effect on May 6, 2026.

2-9-26 2:58 PM