

# HB0398

~~{Omitted text}~~ shows text that was in HB0398 but was omitted in HB0398S01

**inserted text** shows text that was not in HB0398 but was inserted into HB0398S01

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## Towing Dispatch Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Thomas W. Peterson**

Senate Sponsor:

# LONG TITLE

### General Description:

This bill changes the requirements for products that tow truck dispatch vendors can provide to tow truck motor carriers.

### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ changes the requirements for technology products that tow truck dispatch vendors can provide to truck motor carriers;
- ▶ changes how tow truck motor carriers can be removed from a dispatch list;
- ▶ prevents persons with an interest in a tow truck motor carrier removed from a dispatch list from adding a dispatch list with a new tow truck motor carrier; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

**Other Special Clauses:**

## HB0398 compared with HB0398S01

None

### Utah Code Sections Affected:

#### AMENDS:

**53-1-106.2** , as repealed and reenacted by Laws of Utah 2023, Chapter 219

**72-9-604** , as last amended by Laws of Utah 2025, Chapter 378

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

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

Section 1. Section **53-1-106.2** is amended to read:

#### **53-1-106.2. Towing dispatch program.**

- (1) As used in this section, "towing dispatch vendor" means a vendor that provides a product or technology capable of increasing efficiency, effectiveness, and transparency in the dispatching of towing providers and management of towing rotations.
- (2) An interlocal agency established ~~[pursuant to]~~ under Title 11, Chapter 13, Interlocal Cooperation Act, a special service district established ~~[pursuant to]~~ under Title 17D, Chapter 1, Special Service District Act, a political subdivision, or a state agency may enter into a contract with a vendor that provides a product or technology capable of increasing efficiency, effectiveness, and transparency in the dispatching of towing providers and management of towing rotations. towing dispatch vendor.
- ~~[(2)]~~ (3) ~~[The]~~ A product or technology ~~[described in Subsection (1)]~~ provided by a towing dispatch vendor shall comply with the following requirements and capabilities:
- (a) decreasing delays associated with requesting and dispatching a tow truck motor carrier from an established tow rotation;
  - (b) increasing information, transparency, and data collection associated with tow rotation operations~~;~~ including dispatching, response time, completion, clearance, and storage; and
  - (c) increasing responder and traffic safety by reducing secondary crashes, responder time on scene, and the impacts of traffic accidents on traffic flow and safety.
- (3){(4)} ~~[The]~~ A product or technology ~~[described in Subsection (1)]~~ provided by a towing dispatch vendor may not require:
- (a) a tow truck operator to manipulate a wireless communication device in a manner that violates Section 41-6a-1716; or

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(b) a tow truck operator or tow truck motor carrier to provide or enter information into a database other than a database described in Section 41-6a-1406.

49 [(3)] (4){(5)} A vendor selected to provide towing dispatch management services as described in this  
section may not also provide towing, storage, impounding, or other services related to the operation  
of a towing provider.

55 Section 2. Section **72-9-604** is amended to read:

56 **72-9-604. Preemption of local authorities -- Tow trucks.**

54 (1) As used in this section:

55 (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection  
41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days  
after the day on which notice is issued that the vehicle, vessel, or outboard motor was towed by a  
towing entity:

59 (i) pay the relevant fees; and

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

61 (b) "Towing dispatch vendor" means the same as that term is defined in Section 53-1-106.2.

63 [(b)] (c) "Towing entity" means:

64 (i) a political subdivision of this state;

65 (ii) a state agency;

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

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

70 (2)

(a) Notwithstanding any other provision of law, a political subdivision of this state may ~~[neither]~~ not  
enact ~~[nor]~~ or enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow  
truck operator, or tow truck that:

73 (i) conflicts with:

74 (A) any provision of this part;

75 (B) Section 41-6a-1401;

76 (C) Section 41-6a-1407; or

77 (D) rules made by the department under this part; or

78 (ii) imposes a maximum rate that deviates from the maximum rates set in rules made by the  
department pursuant to Subsection 72-9-603(16).

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- 80 (b) A county or municipal legislative governing body may not charge a fee for the storage of an  
impounded vehicle, vessel, or outboard motor if the county or municipality:
- 83 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- 84 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or  
the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the  
requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- 88 (3) A tow truck motor carrier that has a county or municipal business license for a place of business  
located within that county or municipality may not be required to obtain another business license  
in order to perform a tow truck service in another county or municipality if there is not a business  
location in the other county or municipality.
- 92 (4) A county or municipal legislative or governing body may not require a tow truck motor carrier,  
tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the  
department, as described in Section 72-9-602, to obtain an additional towing certificate.
- 96 (5) A county or municipal legislative body may require an annual tow truck safety inspection in  
addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
- 99 (a) no fee is charged for the inspection; and
- 100 (b) the inspection complies with federal motor carrier safety regulations.
- 101 (6)
- (a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
- 103 (b) A county or municipality that requires ~~[the-]~~ an additional annual safety inspection shall accept the  
same inspection performed by another county or municipality.
- 105 ~~[(7)~~
- ~~(a)~~
- (i) ~~If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing  
entity may charge a fee to cover costs associated with the use of a dispatch vendor as described  
in Section 53-1-106.2.]~~
- 108 ~~[(ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed  
the actual costs of the dispatch vendor contracted to provide the dispatch service.]~~
- 111 ~~[(b)~~

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- (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.]
- 115 [(ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.]
- 118 [(iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.]
- 121 [(e) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.]
- 123 [(d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.]
- 127 [(8)
- (a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).]
- 130 [(b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).]
- 134 [(e)
- (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:
- 138 [(A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and]
- 141 [(B) dividing the number described in Subsection (8)(e)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.]

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- 144 [~~(ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:~~]  
146 [~~(A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and~~]  
147 [~~(B) the percentage described in Subsection (8)(c)(i).~~]  
148 [~~(iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor  
carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage  
described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)  
(a)(i) or (7)(b)(ii).~~]  
152 [~~(d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice  
any fee described in this Subsection (8).~~]  
154 (7) A towing entity or a towing dispatch vendor may not charge a fee to a tow truck motor carrier for  
the dispatch of a tow truck motor carrier.  
156 [~~(9)~~] (8) A towing entity may not require a tow truck operator who has received an authorized towing  
certificate from the department to submit additional criminal background check information for  
inclusion of the tow truck motor carrier on a rotation.  
159 [~~(10)~~] (9) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator  
that responds may not respond to the location in a tow truck that is owned by a tow truck motor  
carrier that is different than the tow truck motor carrier that was dispatched.  
163 [~~(11)~~] (10) If a towing entity receives a notice from the department as described in Subsection  
72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing entity's  
towing rotation, contract, or request for proposal as provided in the notice from the department.  
167 (11) A towing entity may not contract with a towing dispatch vendor that requires a tow truck motor  
carrier or tow truck operator to manipulate a wireless communication device in violation of Section  
41-6a-1716.  
170 (12) A towing entity or towing dispatch vendor may not require a tow truck motor carrier or tow truck  
operator to provide or enter information into a database other than a database described in Section  
41-6a-1406.  
176 Section 3. Section **72-9-607** is amended to read:  
177 **72-9-607. Required process before removal from towing rotation.**  
175 (1) As used in this section, "common ownership" means any percentage of ownership of a tow truck  
motor carrier by a person that also holds any percentage of ownership in another tow truck motor  
carrier.

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- 178 (2)
- (a) A political subdivision or state agency that establishes a towing rotation shall notify the department when suspending or removing a tow truck motor carrier from a towing rotation.
- 184 (b) Upon receiving notice as described in Subsection (2)(a), the department shall review the reason the tow truck motor carrier was removed or suspended from a towing rotation.
- 181 (b){ (c) } { The department, upon receiving notice that } After reviewing a { tow truck motor carrier has been suspended or removed } removal from a towing rotation as described in Subsection (2)(b), the department shall { remove } determine if removing the tow truck motor carrier from all other towing rotations or contracts within the state is appropriate.
- 190 (d) After making a determination as described in Subsection (2)(c), if appropriate, the department shall remove the tow truck motor carrier from all other towing rotations or contracts within the state.
- 184 (c){ (e) } If the department removes or suspends a tow truck motor carrier that shares common ownership with a tow truck motor carrier that has been removed or suspended from a towing rotation or contract, the department shall remove { the } all tow truck motor carriers sharing common ownership with the removed or suspended tow truck motor carrier from all towing rotations or contracts within the state.
- 188 (3) Each political subdivision or state agency that establishes a towing rotation to facilitate tows initiated by the political subdivision or state agency shall establish a policy for an appeals process to hear and decide appeals from a decision to suspend or remove a tow truck motor carrier or tow truck operator from a towing rotation.
- 192 [(2)] (4) In conducting an appeal as described in Subsection [(1);] (3):
- 193 (a) the appeal process may be conducted by a single appeal officer or a panel; and
- 194 (b) an individual hearing an appeal, whether as a single appeal officer or as part of a panel, may not be the same individual who made the decision to suspend or remove the tow truck motor carrier or tow truck operator from the towing rotation.

207 Section 4. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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