

# HB0561S02 compared with HB0561S01

~~{Omitted text}~~ shows text that was in HB0561S01 but was omitted in HB0561S02  
inserted text shows text that was not in HB0561S01 but was inserted into HB0561S02

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## 1 Use of Motorized Vehicles by Minors ~~{and Impound}~~ Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ashlee Matthews**

Senate Sponsor: Wayne A. Harper

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### 3 LONG TITLE

#### 4 General Description:

5 This bill addresses the use of mini-motorcycles ~~{, motoreycles, and the retrieval of items from an~~  
6 ~~impounded vehicle}~~ and motorcycles.

#### 6 Highlighted Provisions:

7 This bill:

- 9 ▶ amends the definition of "motorcycle" to include a mini-motorcycle;
- 10 ▶ amends the definition of "mini-motorcycle";
- 11 ▶ ~~{amends the definition of "life essential item" to include cell phones and employment~~  
12 ~~tools;}~~
- 13 ▶ ~~{adds a requirement that the removal of items may not interfere with health and safety;}~~
- 14 ▶ provides that mini-motorcycles are the same as a motorcycle for purposes of traffic laws,  
15 registration, insurance, and driver license purposes;
- 16 ▶ provides for the impoundment of a motorcycle involved in certain traffic violations; and
- 17 ▶ makes technical changes.

#### 14 Money Appropriated in this Bill:

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15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **41-1a-102 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 285

21 **41-6a-102 (Effective 07/01/26) (Partially Repealed 07/01/27)**, as last amended by Laws of Utah  
2025, Chapters 220, 471

23 **41-6a-210 (Effective 07/01/26)**, as last amended by Laws of Utah 2024, Chapter 134

24 **41-6a-1406 (Effective 07/01/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah  
2025, Chapter 378

29 ~~**72-9-102 (Effective 07/01/26), as last amended by Laws of Utah 2024, Chapter 457**~~

30 ~~**72-9-603 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 378**~~

26 ENACTS:

27 **41-6a-1511 (Effective 07/01/26)**, Utah Code Annotated 1953

28 REPEALS:

29 **41-6a-1117 (Effective 07/01/26)**, as last amended by Laws of Utah 2015, Chapter 412

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

32 Section 1. Section **41-1a-102** is amended to read:

33 **41-1a-102. Definitions.**

As used in this chapter:

- 40 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- 41 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as  
operated and certified to by a weighmaster.
- 43 (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 44 (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 45 (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 46 (6) "Alternative fuel vehicle" means:
- 47 (a) an electric motor vehicle;
- 48 (b) a hybrid electric motor vehicle;

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- 49 (c) a plug-in hybrid electric motor vehicle; or  
50 (d) a motor vehicle powered exclusively by a fuel other than:  
51 (i) motor fuel;  
52 (ii) diesel fuel;  
53 (iii) natural gas; or  
54 (iv) propane.
- 55 (7) "Amateur radio operator" means a person licensed by the Federal Communications Commission to  
engage in private and experimental two-way radio operation on the amateur band radio frequencies.
- 58 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 59 (9) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.
- 61 (10) "Branded title" means a title certificate that is labeled:  
62 (a) rebuilt and restored to operation;  
63 (b) flooded and restored to operation; or  
64 (c) not restored to operation.
- 65 (11) "Camper" means a structure designed, used, and maintained primarily to be mounted on or affixed  
to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place,  
commercial space, or facilities for human habitation or for camping.
- 69 (12) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership  
between an identified owner and the described vehicle, vessel, or outboard motor.
- 72 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.
- 74 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the  
transportation of persons or property that operates:  
76 (a) as a carrier for hire, compensation, or profit; or  
77 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's  
commercial enterprise.
- 79 (15) "Commission" means the State Tax Commission.
- 80 (16) "Consumer [~~price index~~] Price Index" means the same as that term is defined in Section 59-13-102.
- 82 (17) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or  
exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale,  
bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the  
sale, lease, trade, or display of vehicles, vessels, or outboard motors.

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- 87 (18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
- 88 (19) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
- 90 (20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.
- 91 (21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing  
current from a rechargeable energy storage system.
- 93 (22) "Essential parts" means the integral and body parts of a vehicle of a type required to be registered  
in this state, the removal, alteration, or substitution of which would tend to conceal the identity of  
the vehicle or substantially alter the vehicle's appearance, model, type, or mode of operation.
- 97 (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for  
drawing plows, mowing machines, and other implements of husbandry.
- 99 (24)
- (a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or  
operator's own use in the transportation of:
- 101 (i) farm products, including livestock and its products, poultry and its products, floricultural, and  
horticultural products;
- 103 (ii) farm supplies, including tile, fence, and any other thing or commodity used in agricultural,  
floricultural, horticultural, livestock, and poultry production; and
- 105 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes  
connected with the operation of a farm.
- 107 (b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural  
products.
- 109 (25) "Fleet" means:
- 110 (a) one or more commercial vehicles; or
- 111 (b) for purposes of Section 41-1a-215, one or more personal vehicles.
- 112 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from  
another state, territory, or country other than in the ordinary course of business by or through a  
manufacturer or dealer, and not registered in this state.
- 115 (27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped  
for operation, to which shall be added the maximum load to be carried.

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- (28) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.
- 120 (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard  
sources of stored energy that are both:
- 122 (a) an internal combustion engine or heat engine using consumable fuel; and
- 123 (b) a rechargeable energy storage system where energy for the storage system comes solely from  
sources onboard the vehicle.
- 125 (30)
- (a) "Identification number" means the identifying number assigned by the manufacturer or by the  
division for the purpose of identifying the vehicle, vessel, or outboard motor.
- 128 (b) "Identification number" includes a vehicle identification number, state assigned identification  
number, hull identification number, and motor serial number.
- 130 (31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an  
agricultural operation and only incidentally operated or moved upon the highways.
- 132 (32)
- (a) "In-state miles" means the total number of miles operated in this state during the preceding year by  
fleet power units.
- 134 (b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the total number of  
miles that those vehicles were towed on Utah highways during the preceding year.
- 137 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state, province,  
territory, or possession of the United States or foreign country.
- 139 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the  
United States or any foreign country.
- 141 (35) "Lienholder" means a person with a security interest in particular property.
- 142 (36) "Manufactured home" means a transportable factory built housing unit constructed on or after  
June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974  
(HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more  
in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet,  
and which is built on a permanent chassis and designed to be used as a dwelling with or without a

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permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

- 150 (37) "Manufacturer" means a person engaged in the business of constructing, manufacturing,  
assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the  
purpose of sale or trade.
- 153 (38) "Military vehicle" means a vehicle of any size or weight that was manufactured for use by  
armed forces and that is maintained in a condition that represents the vehicle's military design and  
markings regardless of current ownership or use.
- 156 (39) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in  
accordance with a state mobile home code which existed prior to the Federal Manufactured Housing  
and Safety Standards Act (HUD Code).
- 159 (40) "Motor fuel" means the same as that term is defined in Section 59-13-102.
- 160 (41)
- (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the  
highways.
- 162 (b) "Motor vehicle" includes a roadable aircraft and a street-legal all-terrain vehicle.
- 163 (c) "Motor vehicle" does not include:
- 164 (i) an off-highway vehicle; or
- 165 (ii) a motor assisted scooter as defined in Section 41-6a-102.
- 166 (42) "Motorboat" means the same as that term is defined in Section 73-18c-102.
- 167 [~~(43) "Motorecycle" means:]~~
- 168 [~~(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than  
three wheels in contact with the ground; or]~~
- 170 [~~(b) an autoecycle.]~~
- 171 (43) "Motorcycle" means the same as that term is defined in Section 41-6a-102.
- 172 (44) "Natural gas" means a fuel of which the primary constituent is methane.
- 173 (45)
- (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202,  
and who does not engage in intrastate business within this state and does not operate in that business  
any motor vehicle, trailer, or semitrailer within this state.

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- (b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains a vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.
- 182 (46) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while  
in operation, but does not include any auxiliary odometer designed to be periodically reset.
- 185 (47) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.
- 187 (48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.
- 188 (49)
- (a) "Operate" means:
- 189 (i) to navigate a vessel; or
- 190 (ii) collectively, the activities performed in order to perform the entire dynamic driving task for a  
given motor vehicle by:
- 192 (A) a human driver as defined in Section 41-26-102.1; or
- 193 (B) an engaged automated driving system.
- 194 (b) "Operate" includes testing of an automated driving system.
- 195 (50) "Original issue license plate" means a license plate that is of a format and type issued by the state  
in the same year as the model year of a vehicle that is a model year 1973 or older.
- 198 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used  
to propel a vessel.
- 200 (52)
- (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard  
motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.
- 203 (b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of  
the vehicle with the right of purchase upon performance of the conditions stated in the agreement  
and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the  
vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is  
considered the owner for the purposes of this chapter.
- 209 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee  
exercises the lessee's option to purchase the vehicle.
- 211 (53) "Park model recreational vehicle" means a unit that:

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- 212 (a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal  
use;
- 214 (b) is not permanently affixed to real property for use as a permanent dwelling;
- 215 (c) requires a special highway movement permit for transit; and
- 216 (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet  
in the setup mode.
- 218 (54) "Personal vehicle" means a vehicle that is not a commercial vehicle.
- 219 (55) "Personalized license plate" means a license plate that has displayed on it a combination of letters,  
numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the  
division.
- 222 (56)
- (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured,  
or materially altered to provide an open cargo area.
- 224 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a camper, camper  
shell, tarp, removable top, or similar structure.
- 226 (57) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the  
capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric  
source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in  
motion.
- 230 (58) "Pneumatic tire" means a tire in which compressed air is designed to support the load.
- 231 (59) "Preceding year" means a period of 12 consecutive months fixed by the division that is within  
16 months immediately preceding the commencement of the registration or license year in which  
proportional registration is sought. The division in fixing the period shall conform it to the terms,  
conditions, and requirements of any applicable agreement or arrangement for the proportional  
registration of vehicles.
- 236 (60) "Public garage" means a building or other place where vehicles or vessels are kept and stored and  
where a charge is made for the storage and keeping of vehicles and vessels.
- 238 (61) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership  
documents described in Section 41-1a-503.
- 240

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- (62) "Reconstructed vehicle" means a vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.
- 243 (63) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.
- 244 (64) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.
- 248 (65) "Registration decal" means the decal issued by the division that is evidence of compliance with the division's registration requirements.
- 250 (66)
- (a) "Registration year" means a 12 consecutive month period commencing with the completion of the applicable registration criteria.
- 252 (b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.
- 254 (67) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.
- 257 (68) "Replica vehicle" means:
- 258 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or
- 259 (b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).
- 261 (69) "Restored-modified vehicle" means a motor vehicle that has been restored and modified with modern parts and technology, including emission control technology and an on-board diagnostic system.
- 264 (70) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.
- 267 (71) "Roadable aircraft" means the same as that term is defined in Section 72-10-102.
- 268 (72) "Sailboat" means the same as that term is defined in Section 73-18-2.
- 269 (73) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.
- 272 (74) "Semitrailer" means the same as the term "trailer."

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- 273 (75) "Special group license plate" means a type of license plate designed for a particular group of  
people or a license plate authorized and issued by the division in accordance with Section 41-1a-418  
or Part 16, Sponsored Special Group License Plates.
- 276 (76)
- (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:
- 278 (i) 20 years or older from the current year; or
- 279 (ii) a make or model of motor vehicle recognized by the division director as having unique interest  
or historic value.
- 281 (b) In making a determination under Subsection (76)(a), the division director shall give special  
consideration to:
- 283 (i) a make of motor vehicle that is no longer manufactured;
- 284 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 285 (iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively  
for educational purposes or museum display; or
- 287 (iv) a motor vehicle of any age or make that has not been substantially altered or modified from original  
specifications of the manufacturer and because of its significance is being collected, preserved,  
restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.
- 291 (77)
- (a) "Special mobile equipment" means a vehicle:
- 292 (i) not designed or used primarily for the transportation of persons or property;
- 293 (ii) not designed to operate in traffic; and
- 294 (iii) only incidentally operated or moved over the highways.
- 295 (b) "Special mobile equipment" includes:
- 296 (i) farm tractors;
- 297 (ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers,  
compactors, graders, loaders, road rollers, tractors, and trenchers; and
- 299 (iii) ditch-digging apparatus.
- 300 (c) "Special mobile equipment" does not include a commercial vehicle as defined under Section  
72-9-102.
- 302

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- (78) "Specially constructed vehicle" means a vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.
- 306 (79)
- (a) "Standard license plate" means a license plate for general issue described in Subsection 41-1a-402(1).
- 308 (b) "Standard license plate" includes a license plate for general issue that the division issues before January 1, 2024.
- 310 (80) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission as described in Subsection 41-1a-1101(7).
- 313 (81) "Street-legal all-terrain vehicle" or "street-legal ATV" means the same as that term is defined in Section 41-6a-102.
- 315 (82) "Symbol decal" means the decal that is designed to represent a special group and displayed on a special group license plate.
- 317 (83) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.
- 318 (84)
- (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.
- 320 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.
- 323 (85) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
- 324 (86) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 325 (87) "Trailer" means a vehicle:
- 326 (a) without motive power; and
- 327 (b) designed for:
- 328 (i) carrying persons or property; and
- 329 (ii) being drawn by a motor vehicle.
- 330 (88) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.
- 332 (89) "Transferor" means a person who transfers the person's ownership in property by sale, gift, or any other means except by creation of a security interest.

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334 (90) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive  
power, designed as a temporary dwelling for travel, recreational, or vacation use that does not  
require a special highway movement permit when drawn by a self-propelled motor vehicle.

338 (91) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and  
not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

341 (92) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model  
recreational vehicle, manufactured home, and mobile home.

343 (93) "Vessel" means the same as that term is defined in Section 73-18-2.

344 (94) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

345 (95) "Waters of this state" means the same as that term is defined in Section 73-18-2.

346 (96) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles  
under this chapter.

343 Section 2. Section **41-6a-102** is amended to read:

344 **41-6a-102. Definitions.**

As used in this chapter:

351 (1) "Adult" means an individual 18 years old or older.

352 [~~(1)~~] (2) "Alley" means a street or highway intended to provide access to the rear or side of lots or  
buildings in urban districts and not intended for through vehicular traffic.

354 [~~(2)~~] (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

356 [~~(3)~~] (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

358 [~~(4)~~] (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

360 [~~(5)~~] (6) "Authorized emergency vehicle" includes:

361 (a) a fire department vehicle;

362 (b) a police vehicle;

363 (c) an ambulance; and

364 (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of  
Public Safety.

366 [~~(6)~~] (7) "Autocycle" means the same as that term is defined in Section 53-3-102.

367 [~~(7)~~] (8)

(a) "Bicycle" means a wheeled vehicle:

368 (i) propelled by human power by feet or hands acting upon pedals or cranks;

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- 369 (ii) with a seat or saddle designed for the use of the operator;
- 370 (iii) designed to be operated on the ground; and
- 371 (iv) whose wheels are not less than 14 inches in diameter.
- 372 (b) "Bicycle" includes an electric assisted bicycle.
- 373 (c) "Bicycle" does not include scooters and similar devices.
- 374 [~~(8)~~] (9)
- (a) "Bicycle lane" means a portion of a highway that has been designated by a highway authority through striping, signage, pavement markings, or barriers for the preferential or exclusive use of bicycle, electric assisted bicycle, and motor assisted scooter traffic.
- 378 (b) "Bicycle lane" does not include shared lanes intended for both motor vehicle and bicycle travel.
- 380 [~~(9)~~] (10)
- (a) "Bus" means a motor vehicle:
- 381 (i) designed for carrying more than 15 passengers and used for the transportation of persons; or
- 383 (ii) designed and used for the transportation of persons for compensation.
- 384 (b) "Bus" does not include a taxicab.
- 385 (11) "Child" means an individual younger than 18 years old.
- 386 [~~(10)~~] (12)
- (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.
- 389 (b) "Circular intersection" includes:
- 390 (i) roundabouts;
- 391 (ii) rotaries; and
- 392 (iii) traffic circles.
- 393 [~~(11)~~] (13) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
- 395 (a) provides assistance only when the rider is pedaling; and
- 396 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 397 [~~(12)~~] (14) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
- 399 (a) may be used exclusively to propel the bicycle; and
- 400 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

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402 ~~[(13)]~~ (15) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a motor  
or electronics that:

404 (a) provides assistance only when the rider is pedaling;

405 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and

407 (c) is equipped with a speedometer.

408 ~~[(14)]~~ (16) "Commissioner" means the commissioner of the Department of Public Safety.

409 ~~[(15)]~~ (17) "Controlled-access highway" means a highway, street, or roadway:

410 (a) designed primarily for through traffic; and

411 (b) to or from which owners or occupants of abutting lands and other persons have no legal right  
of access, except at points as determined by the highway authority having jurisdiction over the  
highway, street, or roadway.

414 ~~[(16)]~~ (18) "Crosswalk" means:

415 (a) that part of a roadway at an intersection included within the connections of the lateral lines of the  
sidewalks on opposite sides of the highway measured from:

417 (i)

(A) the curbs; or

418 (B) in the absence of curbs, from the edges of the traversable roadway; and

419 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the  
extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

422 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing  
by lines or other markings on the surface.

424 ~~[(17)]~~ (19) "Department" means the Department of Public Safety.

425 ~~[(18)]~~ (20) "Direct supervision" means oversight at a distance within which:

426 (a) visual contact is maintained; and

427 (b) advice and assistance can be given and received.

428 ~~[(19)]~~ (21) "Divided highway" means a highway divided into two or more roadways by:

429 (a) an unpaved intervening space;

430 (b) a physical barrier; or

431 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

432

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[(20)] (22) "Echelon formation" means the operation of two or more snowplows arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more lanes at once.

435 [(21)] (23)

(a) "Electric assisted bicycle" means a bicycle with an electric motor that:

436 (i) has a power output of not more than 750 watts;

437 (ii) has fully operable pedals;

438 (iii) has permanently affixed cranks that were installed at the time of the original manufacture;

440 (iv) is fully operable as a bicycle without the use of the electric motor; and

441 (v) is one of the following:

442 (A) a class 1 electric assisted bicycle;

443 (B) a class 2 electric assisted bicycle;

444 (C) a class 3 electric assisted bicycle; or

445 (D) a programmable electric assisted bicycle.

446 (b) "Electric assisted bicycle" does not include:

447 (i) a moped;

448 (ii) a motor assisted scooter;

449 (iii) a motorcycle;

450 (iv) a motor-driven cycle; or

451 (v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:

455 (A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;

457 (B) is equipped with a continuous rated motor power of 750 watts or greater;

458 (C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or

460 (D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.

462 [(22)] (24)

(a) "Electric personal assistive mobility device" means a self-balancing device with:

464 (i) two nontandem wheels in contact with the ground;

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- 465 (ii) a system capable of steering and stopping the unit under typical operating conditions;
- 467 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 469 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 470 (v) a deck design for a person to stand while operating the device.
- 471 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 472 [~~(23)~~] (25) "Electric unicycle" means a self-balancing personal transportation device that:
- 473 (a) has a single wheel;
- 474 (b) is powered by an electric motor that utilizes gyroscopes and accelerometers to stabilize the rider;
- and
- 476 (c) is designed for the operator to face in the direction of travel while operating the device.
- 478 [~~(24)~~] (26) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.
- 485 [~~(25)~~] (27) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.
- 487 [~~(26)~~] (28) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.
- 489 [~~(27)~~] (29) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.
- 491 [~~(28)~~] (30)
- (a) "Golf cart" means a device that:
- 492 (i) is designed for transportation by players on a golf course;
- 493 (ii) has not less than three wheels in contact with the ground;
- 494 (iii) has an unladen weight of less than 1,800 pounds;
- 495 (iv) is designed to operate at low speeds; and
- 496 (v) is designed to carry not more than six persons including the driver.
- 497 (b) "Golf cart" does not include:
- 498 (i) a low-speed vehicle or an off-highway vehicle;

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- 499 (ii) a motorized wheelchair;
- 500 (iii) an electric personal assistive mobility device;
- 501 (iv) an electric assisted bicycle;
- 502 (v) a motor assisted scooter;
- 503 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 504 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 505 [~~(29)~~] (31) "Gore area" means the area delineated by two solid white lines that is between a continuing  
lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas  
between merging or splitting highways.
- 508 [~~(30)~~] (32) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on  
the vehicle.
- 510 [~~(31)~~] (33) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 511 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 512 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad  
tracks.
- 514 [~~(32)~~] (34) "Highway" means the entire width between property lines of every way or place of any  
nature when any part of it is open to the use of the public as a matter of right for vehicular travel.
- 517 [~~(33)~~] (35) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 518 [~~(34)~~] (36) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 519 [~~(35)~~] (37)
- (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb  
lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join  
one another.
- 522 (b) Where a highway includes two roadways 30 feet or more apart:
- 523 (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate  
intersection; and
- 525 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of  
two roadways of the highways is a separate intersection.
- 527 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 528 [~~(36)~~] (38) "Island" means an area between traffic lanes or at an intersection for control of vehicle  
movements or for pedestrian refuge designated by:

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- 530 (a) pavement markings, which may include an area designated by two solid yellow lines surrounding  
the perimeter of the area;
- 532 (b) channelizing devices;
- 533 (c) curbs;
- 534 (d) pavement edges; or
- 535 (e) other devices.
- 536 [(37)] (39)
- (a) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking  
and passing another vehicle that is stopped in the same direction of travel in the same lane.
- 539 (b) "Lane filtering" does not include lane splitting.
- 540 [(38)] (40)
- (a) "Lane splitting" means, when operating a motorcycle other than an autocycle, the act of riding a  
motorcycle between clearly marked lanes for traffic traveling in the same direction of travel while  
traffic is in motion.
- 543 (b) "Lane splitting" does not include lane filtering.
- 544 [(39)] (41) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.
- 546 [(42)] ~~"Life essential item retrieval form" means a document completed by a registered owner or other  
authorized representative of a vehicle, vessel, or outboard motor that has been towed or removed  
to request and document the release of life essential items from the impounded or towed vehicle,  
vessel, or outboard motor.~~
- 550 [(40)] (43) [(42)] "Limited access highway" means a highway:
- 551 (a) that is designated specifically for through traffic; and
- 552 (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any  
right or easement, or have only a limited right or easement of access, light, air, or view.
- 555 [(41)] (44) [(43)] "Local highway authority" means the legislative, executive, or governing body of  
a county, municipal, or other local board or body having authority to enact laws relating to traffic  
under the constitution and laws of the state.
- 558 [(42)] (45) [(44)]
- (a) "Low-speed vehicle" means a four wheeled motor vehicle that:
- 559 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 560

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(ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

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

564 [(43)] (46){(45)} "Metal tire" means a tire, the surface of which in contact with the highway is wholly  
or partly of metal or other hard nonresilient material.

566 [(44)] (47){(46)}

(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that:

567 (i) has a seat or saddle that is less than 24 inches from the ground as measured on a level surface  
with properly inflated tires[-] ; and

569 (ii)

(A) has an electric motor of more than 750 watts, or is capable of exceeding a speed of 20 miles per  
hour using the power of the electric motor alone; or

571 (B) has an internal combustion engine that has a displacement that exceeds 50 cubic centimeters.

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

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

575 (i) designed for off-highway use; and

576 (ii) registered as an off-highway vehicle under Section 41-22-3.

577 [(45)] (48){(47)} "Mobile home" means:

578 (a) a trailer or semitrailer that is:

579 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either  
permanently or temporarily; and

581 (ii) equipped for use as a conveyance on streets and highways; or

582 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a  
mobile home, as defined in [~~Subsection (45)(a)~~] this subsection {(48)}, but that is instead used  
permanently or temporarily for:

585 (i) the advertising, sale, display, or promotion of merchandise or services; or

586 (ii) any other commercial purpose except the transportation of property for hire or the transportation of  
property for distribution by a private carrier.

588 [(46)] (49){(48)} "Mobility disability" means the inability of a person to use one or more of the person's  
extremities or difficulty with motor skills, that may include limitations with walking, grasping, or  
lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

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592 [(47)] (50){(49)}

(a) "Moped" means a motor-driven cycle having:

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

594 (ii) a motor that:

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

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

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

602 (c) "Moped" does not include:

603 (i) an electric assisted bicycle; or

604 (ii) a motor assisted scooter.

605 [(48)] (51){(50)}

(a) "Motor assisted scooter" means a self-propelled device with:

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

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

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

609 (iv) either:

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

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

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

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

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

617 (i) an electric assisted bicycle; or

618 (ii) a motor-driven cycle.

619 [(49)] (52){(51)}

(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

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

623 (i) vehicles moved solely by human power;

624 (ii) motorized wheelchairs;

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- 625 (iii) an electric personal assistive mobility device;
- 626 (iv) an electric assisted bicycle;
- 627 (v) a motor assisted scooter;
- 628 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 629 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 630 [~~(50)~~] (53){(52)}
- (a) "Motorcycle" means:
- 631 [~~(a)~~] (i) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and  
designed to travel with not more than three wheels in contact with the ground, regardless of the  
mode of power generation; or
- 634 [~~(b)~~] (ii) an auticycle.
- 635 (b) "Motorcycle" includes a mini-motorcycle.
- 636 [~~(51)~~] (54){(53)}
- (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:
- 638 (i) an engine with less than 150 cubic centimeters displacement; or
- 639 (ii) a motor that produces not more than five horsepower.
- 640 (b) "Motor-driven cycle" does not include:
- 641 (i) an electric personal assistive mobility device;
- 642 (ii) a motor assisted scooter; or
- 643 (iii) an electric assisted bicycle.
- 644 [~~(52)~~] (55){(54)} "Off-highway implement of husbandry" means the same as that term is defined under  
Section 41-22-2.
- 646 [~~(53)~~] (56){(55)} "Off-highway motorcycle" means the same as that term is defined in Section 41-22-2.
- 648 [~~(54)~~] (57){(56)} "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.
- 650 [~~(55)~~] (58){(57)} "Operate" means the same as that term is defined in Section 41-1a-102.
- 651 [~~(56)~~] (59){(58)} "Operator" means:
- 652 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 653 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.
- 655 [~~(57)~~] (60){(59)} "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or  
other device operated, alone or coupled with another device, on stationary rails.

657

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(61){(60)} "Parent" or "guardian" means an individual with a parent-child relationship under Section 81-5-102.

659 [(58)] (62){(61)}

(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.

661 (b) "Park" or "parking" does not include:

662 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers; or

664 (ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk condition, as those terms are defined in Section 41-26-102.1.

666 [(59)] (63){(62)} "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

669 [(60)] (64){(63)} "Pedestrian" means a person traveling:

670 (a) on foot; or

671 (b) in a wheelchair.

672 [(61)] (65){(64)} "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

674 [(62)] (66){(65)} "Person" means a natural person, firm, copartnership, association, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

678 [(63)] (67){(66)} "Pole trailer" means a vehicle without motive power:

679 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

682 (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

685 [(64)] (68){(67)} "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

688 [(65)] (69){(68)} "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the electric assisted

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bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.

- 693 [(66)] (70){(69)} "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
- 695 [(67)] (71){(70)} "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- 698 [(68)] (72){(71)} "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.
- 700 [(69)] (73){(72)} "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.
- 702 [(70)] (74){(73)} "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.
- 706 [(71)] (75){(74)}
- (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
- 708 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.
- 710 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.
- 712 [(72)] (76){(75)} "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- 715 [(73)] (77){(76)}
- (a) "School bus" means a motor vehicle that:
- 716 (i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and
- 718 (ii) is used to transport school children to or from school or school activities.
- 719 (b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

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- 721 [~~(74)~~] (78){(77)} "Self-balancing electric skateboard" means a device similar to a skateboard that:
- 722 (a) has a single wheel;
- 723 (b) is powered by an electric motor; and
- 724 (c) is designed for the operator to face perpendicular to the direction of travel while operating the device.
- 726 [~~(75)~~] (79){(78)}
- (a) "Semitrailer" means a vehicle with or without motive power:
- 727 (i) designed for carrying persons or property and for being drawn by a motor vehicle; and
- 729 (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.
- 731 (b) "Semitrailer" does not include a pole trailer.
- 732 [~~(76)~~] (80){(79)} "Shoulder area" means:
- 733 (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or
- 736 (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.
- 738 [~~(77)~~] (81){(80)} "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- 740 [~~(78)~~] (82){(81)}
- (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.
- 742 (b) "Soft-surface trail" does not mean a trail:
- 743 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or
- 745 (ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.
- 747 [~~(79)~~] (83){(82)} "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.
- 749 [~~(80)~~] (84){(83)} "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
- 752 [~~(81)~~] (85){(84)} "Stop" when required means complete cessation from movement.

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- 753 [(82)] (86){(85)} "Stop" or "stopping" when prohibited means any halting even momentarily of a  
vehicle, whether occupied or not, except when:
- 755 (a) necessary to avoid conflict with other traffic; or
- 756 (b) in compliance with the directions of a peace officer or traffic-control device.
- 757 [(83)] (87){(86)} "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I  
vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway motorcycle, that  
is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in  
accordance with Section 41-6a-1509.
- 761 [(84)] (88){(87)} "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under  
Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to operate on  
highways in the state in accordance with Section 41-6a-1509.
- 764 [(85)] (89){(88)} "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 765 [(86)] (90){(89)} "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
- 767 [(87)] (91){(90)} "Traffic" means pedestrians, bicyclists, ridden or herded animals, vehicles, and other  
conveyances either singly or together while using any highway for the purpose of travel.
- 770 [(88)] (92){(91)} "Traffic signal preemption device" means an instrument or mechanism designed,  
intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 772 [(89)] (93){(92)} "Traffic-control device" means a sign, signal, marking, or device not inconsistent  
with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or  
guiding traffic.
- 775 [(90)] (94){(93)} "Traffic-control signal" means a device, whether manually, electrically, or  
mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- 778 [(91)] (95){(94)}
- (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property  
and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the  
towing vehicle.
- 781 (b) "Trailer" does not include a pole trailer.
- 782 [(92)] (96){(95)} "Truck" means a motor vehicle designed, used, or maintained primarily for the  
transportation of property.
- 784 [(93)] (97){(96)} "Truck tractor" means a motor vehicle:
- 785 (a) designed and used primarily for drawing other vehicles; and

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

788 [(94)] (98){(97)} "Two-way left turn lane" means a lane:

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

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

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

793 [(95)] (99){(98)} "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

796 [(96)] (100){(99)} "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

799 [(97)] (101){(100)} "Wheelie" means a maneuver performed while operating a motorcycle whereby the front wheel of the motorcycle is raised off of the ground.

792 Section 3. Section **41-6a-210** is amended to read:

793 **41-6a-210. Failure to respond to officer's signal to stop -- Fleeing -- Causing property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle -- Penalties.**

805 (1)

(a) An operator who receives a visual or audible signal from a law enforcement officer to bring the vehicle to a stop may not:

807 (i) operate the vehicle in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vehicle or person; or

809 (ii) knowingly or intentionally attempt to flee or elude a law enforcement officer by vehicle or other means.

811 (b)

(i) A person who violates Subsection (1)(a) is guilty of a [~~felony of the third degree~~] a third degree felony.

813 (ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of not less than \$1,000.

815 (c) A law enforcement officer may impound a vehicle of a person who violates Subsection (1)(a).

817 (2)

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- (a) An operator who violates Subsection (1) and while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder, is guilty of a ~~[felony of the second degree]~~ second degree felony.
- 821 (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than \$5,000.
- 823 (3)
- (a) In addition to the penalty provided under this section or any other section, a person who violates Subsection (1)(a) or (2)(a) shall have the person's driver license revoked under Subsection 53-3-220(1)(a)(ix) for a period of one year.
- 826 (b) If the individual has not been issued a driver license, the division shall deny the individual's application for a driver license or learner's permit for the longer of:
- 828 (i) one year after the conviction; or
- 829 (ii) one year after the individual is old enough to qualify for a driver license or learner's permit.
- 831 ~~(b)~~ (c)
- (i) The court shall forward the report of the conviction to the division.
- 832 (ii) If the person is the holder of a driver license from another jurisdiction, the division shall notify the appropriate officials in the licensing state.
- 825 Section 4. Section **41-6a-1406** is amended to read:
- 826 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**
- 838 (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, 41-6a-1511, 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.
- 843 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a state impound yard.
- 845 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
- 847 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- 848 (b) by the department under Subsection (11).

## HB0561S01 compared with HB0561S02

- 849 (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).
- 851 (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:
- 855 (i) the peace officer or agency by whom the peace officer is employed; and
- 856 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
- 858 (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:
- 860 (i) the operator's name, if known;
- 861 (ii) a description of the vehicle, vessel, or outboard motor;
- 862 (iii) the vehicle identification number or vessel or outboard motor identification number;
- 864 (iv) the case number designated by the peace officer, law enforcement agency number, or government entity;
- 866 (v) the license number, temporary permit number, or other identification number issued by a state agency;
- 868 (vi) the date, time, and place of impoundment;
- 869 (vii) the reason for removal or impoundment;
- 870 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
- 872 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 873 (d)
- (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).
- 876 (ii) The State Tax Commission shall ensure that the form described in this Subsection (4) is provided in an electronic format.
- 878 (e) 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:
- 881 (i) collect any fee associated with the removal; and
- 882 (ii) begin charging storage fees.
- 883 (5)

## HB0561S01 compared with HB0561S02

- (a) A report described in this Subsection (5) is required for any vehicle, vessel, or outboard motor that is removed, except for:
- 885 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1);  
or
- 887 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in accordance with  
Section 72-9-603.
- 889 (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:
- 892 (i) the name and badge number of the peace officer;
- 893 (ii) the name and originating agency identifier of the law enforcement agency; and
- 894 (iii) the case number designated by the law enforcement officer or law enforcement agency.
- 896 (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:
- 900 (i) the report described in Subsection (4); or
- 901 (ii) the report described in Subsection (5)(d).
- 902 (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:
- 906 (i) the name and badge number of the relevant peace officer;
- 907 (ii) the name and originating agency identifier of the law enforcement agency;
- 908 (iii) the law enforcement agency case number;
- 909 (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;
- 912 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
- 913 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 914 (e) If either the vehicle identification number or the license number, temporary permit number, or other  
identification number issued by a state agency is not available, the report shall include:
- 917 (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

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- 919 (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.
- 921 (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:
- 923 (i) collect any fee associated with the removal; or
- 924 (ii) begin charging storage fees.
- 925 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:
- 927 (i) a state impound yard; or
- 928 (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.
- 931 (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.
- 935 (6)
- (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:
- 939 (i) the registered owner;
- 940 (ii) ~~any~~ lien holder; or
- 941 (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.
- 944 (b) The notice shall:
- 945 (i) state the date, time, and place of removal, the name, if applicable, of the ~~person~~ individual ~~{ }~~  
individual } 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;
- 949 (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees  
charged against the vehicle, vessel, or outboard motor;
- 951 (iii) state the conditions that ~~must~~ shall be satisfied before the vehicle, vessel, or outboard motor  
is released; and

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- (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 under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- 957 (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.
- 961 (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).
- 964 (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:
- 967 (A) by law enforcement; or
- 968 (B) without the vehicle owner's consent.
- 969 (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).
- 972 (iii) The designated agent may disclose information received {**regarding**} **concerning** a tow described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.
- 975 (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).
- 978 (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):
- 981 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
- 983 (ii) presents identification sufficient to prove ownership of the impounded or removed vehicle, vessel, or outboard motor;

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- 985 (iii) completes the registration, if needed, and pays the appropriate fees;
- 986 (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
- 988 (A) an administrative impound fee of \$425; and
- 989 (B) in addition to the administrative fee described in Subsection (7)(a)(iv)(A), an administrative testing  
fee of \$30; and
- 991 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is  
stored.
- 993 (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.
- 995 (ii) One-hundred and 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.
- 998 (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.
- 1001 (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.
- 1004 (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.
- 1007 (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:
- 1011 (i) the Driver License Division determined that the arrested [person's] individual'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
- 1016 (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.
- 1018

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- (d) 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).
- 1022 (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:
- 1024 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 1025 (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).
- 1028 (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:
- 1032 (i)
- (A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);
- 1033 (B) presents the individual's driver license or other government-issued identification; and
- 1035 (C) demonstrates that the individual has authority granted by a person described in Subsection (6)(a) to  
obtain and operate the vehicle; or
- 1037 (ii) is a tow truck operator or tow truck motor carrier that:
- 1038 (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;
- 1041 (B) provides a towing certificate issued by the Department of Transportation [~~pursuant to~~ **in**  
~~accordance with~~ **in accordance with** Section 72-9-602;
- 1043 (C) pays all towing and storage fees; and
- 1044 (D) obtains or presents an impound release for the vehicle, vessel, or outboard motor [~~pursuant to~~ **in**  
~~accordance with~~ **in accordance with** Subsection (7)(a).
- 1046 (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 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.

1051

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- (b) The date of impoundment or removal is considered the date of seizure for computing the time period provided under Section 41-1a-1103.
- 1053 (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.
- 1058 (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).
- 1060 (b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.
- 1062 (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.
- 1064 (d)
- {~~(i)~~} 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 within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.
- 1070 {~~(ii) A tow truck operator, a tow truck motor carrier, or an impound yard may not allow an individual to retrieve the items described in Subsection (10)(d)(i) if the retrieval would cause an unreasonable delay to vehicle impounding or storage or create a safety risk.~~}
- 1074 (e) Except for a vehicle, vessel, {for } outboard motor{~~, or an item~~} 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 {~~after completion of a life essential item retrieval form~~} during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.
- 1080 (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.

## HB0561S01 compared with HB0561S02

- 1083 (12)
- (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form ~~{utilizing{}}~~ using a database for submission, storage, and retrieval of the information.
- 1086 (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{}}~~ using the database.
- 1089 (ii) The fees under this Subsection (12)(b) shall:
- 1090 (A) be reasonable and fair; and
- 1091 (B) reflect the cost of administering the database.
- 1092 ~~{(13) If an owner or authorized representative of a vehicle, vessel, or outboard motor that has been towed or removed requests to retrieve a life essential item, an operator of an impound yard shall provide a life essential item retrieval form. }~~
- 1095 ~~{(14)}~~
- ~~{(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules creating, managing, and distributing a life essential item retrieval form. }~~
- 1098 ~~{(b) The commission shall ensure that a life essential item retrieval form includes: }~~
- 1099 ~~{(i) identifying information of: }~~
- 1100 ~~{(A) the individual requesting release of a life essential item; }~~
- 1101 ~~{(B) the vehicle, vessel, or outboard motor containing the life essential item; and }~~
- 1102 ~~{(C) the life essential item for which the individual is requesting release; }~~
- 1103 ~~{(ii) if the individual requesting release of a life essential item is not the registered owner of the vehicle, vessel, or outboard motor, proof of authority to retrieve a life essential item; }~~
- 1106 ~~{(iii) space for a representative of the impound yard to note the condition of a life essential item upon the item's release; }~~
- 1108 ~~{(iv) the date of request and release; }~~
- 1109 ~~{(v) if the individual requesting release of a life essential item is requesting an item specific to the individual's employment, the name and phone number of an employer of the individual; }~~
- 1112 ~~{(vi) space for signatures of the individual requesting release of a life essential item and a representative of the impound yard; and }~~
- 1114 ~~{(vii) other items deemed necessary and proper by the commission. }~~

## HB0561S01 compared with HB0561S02

1079 Section 5. Section 5 is enacted to read:

1080 **41-6a-1511. Parents and guardians may not authorize child's violation of part --**

### **Impoundment.**

1118 (1) An adult, parent, or guardian may not authorize or knowingly permit a child to violate this part.

1120 (2) A child who violates this part is guilty of an infraction.

1121 (3) A law enforcement officer shall notify the parent or guardian of a child who violates this part.

1123 (4) A law enforcement officer may impound a motorcycle if the operator commits a violation of this part.

1125 (5) An impoundment under this section is subject to Section 41-6a-1406.

1090 Section 6. **Repealer.**

This Bill Repeals:

1091 This bill repeals:

1092 Section **41-6a-1117, Mini-motorcycle restrictions -- Exceptions.**

1126 ~~{Section 7. Section 72-9-102 is amended to read: }~~

1127 **72-9-102. Definitions.**

As used in this chapter:

1129 (1)

(a) "Commercial vehicle" includes:

1130 (i) an interstate commercial vehicle;

1131 (ii) an intrastate commercial vehicle; and

1132 (iii) a tow truck.

1133 (b) "Commercial vehicle" does not include the following vehicles for purposes of this chapter:

1135 (i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;

1141 (ii) firefighting and emergency vehicles, operated by emergency personnel, not including commercial tow trucks;

1143 (iii) recreational vehicles that are driven solely as family or personal conveyances for noncommercial purposes; or

## HB0561S01 compared with HB0561S02

- 1145 (iv) vehicles owned by the state or a local government.
- 1146 (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property if the vehicle:
- 1148 (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds, or gross combination weight rating or gross combination weight of 10,001 or more pounds, whichever is greater;
- 1151 (b) is designed or used to transport more than eight passengers, including the driver, for compensation;
- 1153 (c) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- 1155 (d)
- (i) is used to transport materials designated as hazardous in accordance with 49 U.S.C. Sec. 5103; and
- 1157 (ii) is required to be placarded in accordance with regulations under 49 C.F.R.[?] Subtitle B, Chapter I, Subchapter C.
- 1159 (3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer used or maintained for business, compensation, or profit to transport passengers or property on a highway only within the boundaries of this state if the commercial vehicle:
- 1162 (a)
- (i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, and is operated by an individual who is 18 years old or older; or
- 1166 (ii) has a manufacturer's gross vehicle weight rating or gross combination weight rating of 16,001 or more pounds and is operated by an individual who is under 18 years old;
- 1169 (b)
- (i) is designed to transport more than 15 passengers, including the driver; or
- 1170 (ii) is designed to transport more than 12 passengers, including the driver, and has a manufacturer's gross vehicle weight rating or gross combination weight rating of 13,000 or more pounds; or
- 1173 (c) is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.
- 1175 (4) "Life essential item retrieval form" means the same as that term is defined in Section 41-6a-102.
- 1177

## HB0561S01 compared with HB0561S02

[(4)] (5) "Motor carrier" means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property by a commercial vehicle on a highway within this state and includes a tow truck business.

1180 [(5)] (6) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as that term is defined in Section 41-1a-102.

1182 [(6)] (7) "Property owner" means the owner or lessee of real property.

1183 [(7)] (8) "State impound yard" means the same as that term is defined in Section 41-1a-102.

1184 [(8)] (9) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow line, dolly, tilt bed, or other means.

1188 [(9)] (10) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting business for tow truck services.

1190 [(10)] (11) "Tow truck operator" means an individual that performs operations related to a tow truck service as an employee or as an independent contractor on behalf of a tow truck motor carrier.

1193 [(11)] (12) "Tow truck service" means the functions and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.

1196 [(12)] (13) "Transportation" means the actual movement of property or passengers by motor vehicle, including loading, unloading, and any ancillary service provided by the motor carrier in connection with movement by motor vehicle, which is performed by or on behalf of the motor carrier, its employees or agents, or under the authority of the motor carrier, its employees or agents, or under the apparent authority and with the knowledge of the motor carrier.

1202 ~~{Section 7. Section 72-9-603 is amended to read: }~~

1203 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.**

1206 (1) Except for a tow truck service that was ordered by a peace officer, a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:

1210

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- (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
- 1212 (i) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:
- 1214 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
- 1215 (B) a description of the vehicle, vessel, or outboard motor; and
- 1216 (C) the vehicle identification number or vessel or outboard motor identification number; and
- 1218 (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
- 1220 (A) location of the vehicle, vessel, or outboard motor;
- 1221 (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
- 1223 (C) reasons for the removal of the vehicle, vessel, or outboard motor;
- 1224 (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
- 1226 (E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;
- 1229 (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner or operator, within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the ~~person~~ individual has actual knowledge of the party's address, to the ~~current~~ party's address, notifying the party of the:
- 1236 (i) location of the vehicle, vessel, or outboard motor;
- 1237 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
- 1239 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 1240 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 1241 (v) ~~a~~description, including ~~its~~ an identification number and license number or other identification number issued by a state agency; and
- 1243 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 1244 (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard motor was removed, provide the owner or operator with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).

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- 1248 (2) Until the tow truck operator or tow truck motor carrier reports the information required under  
Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
- 1251 (a) collect any fee associated with the removal; or
- 1252 (b) begin charging storage fees.
- 1253 (3)
- (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier  
may not perform a tow truck service at the request or direction of a private property owner or the  
property owner's agent unless:
- 1256 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck  
service; or
- 1258 (ii) the property owner erects signage that meets the requirements of:
- 1259 (A) Subsection (4)(b)(ii); and
- 1260 (B) Subsection (7) or (8).
- 1261 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
- 1263 (i) from a location where parking is prohibited by law, including:
- 1264 (A) a designated fire lane;
- 1265 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
- 1267 (C) a marked parking stall or space legally designated for disabled ~~persons~~ individuals;
- 1269 (ii) from a location where it is reasonably apparent that the location is not open to parking;
- 1271 (iii) from a location where all public access points are controlled by:
- 1272 (A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
- 1274 (B) a parking attendant;
- 1275 (iv) from a location that materially interferes with access to private property;
- 1276 (v) from the property of a detached single-family dwelling or duplex; or
- 1277 (vi) ~~pursuant to~~ in accordance with a legal repossession.
- 1278 (4)
- (a) A private property owner may, subject to the requirements of a local ordinance, enforce parking  
restrictions by:
- 1280 (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking  
restrictions on behalf of the property owner in accordance with Subsection (7);
- 1283

## HB0561S01 compared with HB0561S02

- 1285 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or
- 1287 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
- 1287 (b)
- (i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property.
- 1291 (ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.
- 1294 (iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:
- 1298 (A) at each entrance to the property owner's parcel from another property owner's parcel; and
- 1300 (B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.
- 1303 (iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.
- 1307 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to [~~the provisions of~~]this section, instituting and enforcing regulations for parking at the property.
- 1310 (6) In addition to any other powers provided by law, a political subdivision or state agency may:
- 1312 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:
- 1314 (i) owned by the political subdivision or state agency;
- 1315 (ii) located outside of the public right-of-way; and
- 1316 (iii) open to public parking; and
- 1317

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(b) request or direct a tow truck service [~~in order~~]to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.

1319 (7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has signs located on the property and clearly visible to the driver of a vehicle entering the property that substantially comply with the following, as determined by the department:

1323 (a) a top sign that is 24 inches tall by 18 inches wide and has:

1324 (i) a blue, reflective background with a 1/2 inch white border;

1325 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";

1327 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and

1329 (iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and

1331 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:

1333 (i) a top half that is red background with white, reflective letters indicating:

1334 (A) who is authorized to park or restricted from parking at the property; and

1335 (B) any type of vehicle prohibited from parking at the property; and

1336 (ii) a bottom half that has a white, reflective background with red letters indicating:

1337 (A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and

1339 (B) the [~~Internet~~] internet web address "tow.utah.gov".

1340 (8)

(a) For private property where parking is enforced under Subsection (4)(a)(ii), a tow truck motor carrier may not:

1342 [~~(i) a tow truck motor carrier may not:~~]

1343 [~~(A)~~] (i) patrol and monitor the property;

1344 [~~(B)~~] (ii) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or

1346 [~~(C)~~] (iii) act as the property owner's agent to request a tow truck service.

1347

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- (b) For private property where parking is enforced under Subsection (4)(a)(ii), the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that substantially follows the following format, as determined by the department:
- 1351 (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
- 1353 (A) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;
- 1356 (B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced"; and
- 1359 (C) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating who is authorized to park or restricted from parking at the property, and any type of vehicle prohibited from parking at the property; and
- 1363 (ii) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:
- 1365 (A) either the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service, or the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and
- 1369 (B) the [~~Internet~~] internet web address "tow.utah.gov".
- 1370 (c) If a dispute arises regarding whether a sign required under this section substantially complies with the requirements of this section, the department shall determine whether the sign substantially complies.
- 1373 (9)
- (a) For private property without signage substantially meeting the requirements of Subsection (7) or (8), as determined by the department, the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).
- 1379 (b) The written notice described in Subsection (9)(a) shall:
- 1380 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;
- 1382

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- (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);
- 1385 (iii) be at least four inches tall and four inches wide; and
- 1386 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.
- 1388 (c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.
- 1391 (10) The department shall publish on the [~~department Internet~~] department's website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).
- 1395 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:
- 1398 (a) Subsection (4)(b)(ii); and
- 1399 (b) Subsection (7) or (8).
- 1400 (12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
- 1403 (a) the tow truck service and storage fees set in accordance with Subsection (16); and
- 1404 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- 1405 (13)
- (a) As used in this Subsection (13), "life essential item" means:
- 1406 (i) prescription medication;
- 1407 (ii) medical equipment;
- 1408 (iii) shoes;
- 1409 (iv) coats;
- 1410 (v) food and water;
- 1411 (vi) child safety seats;
- 1412 (vii) a cell phone;

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- 1413 (viii) tools specific to the registered owner's current employment;  
1414 ~~[(vii)]~~ (ix) government-issued photo identification; and  
1415 ~~[(viii)]~~ (x) human remains.
- 1416 (b) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor.
- 1418 (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.
- 1420 (d) Except for a vehicle, vessel, ~~[or]~~ outboard motor, or an item being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor after completion of a life essential item retrieval form during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.
- 1427 (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 party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(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.
- 1434 (f) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
- 1438 (i) pays the fees described in Subsection (12); and  
1439 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.
- 1440 (14)
- (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not, within 30 days after notice has been sent under Subsection (1)(b):
- 1444 (i) pay the fees described in Subsection (12); and  
1445 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.  
1446

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(b) A person may not request a transfer of title to an abandoned vehicle, vessel, or outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

1449 (15)

(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all [its ~~current~~]fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).

1453 (b) 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 tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).

1457 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:

1459 (a) subject to the restriction in Subsection (17), set maximum rates that:

1460 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:

1462 (A) a peace officer dispatch call;

1463 (B) a motor vehicle division call; and

1464 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal;

1466 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (16)(a)(i); and

1469 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);

1472 (b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;

1474 (c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;

1476 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the information required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);

1481

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- (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
- 1483 (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is towed;
- 1485 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
- 1489 (iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
- 1493 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- 1494 (17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:
- 1496 (a) the vehicle, vessel, or outboard motor is being held as evidence; and
- 1497 (b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(6)(a) or an individual described in Subsection 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- 1501 (18)
- (a)
- (i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in rules made under Subsection (16).
- 1503 (ii) In addition to the maximum rates established under Subsection (16) and when receiving payment by credit card or debit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a card processing fee of 3% of the transaction total.
- 1507 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made ~~pursuant to~~ in accordance with Subsection (16).
- 1510 (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the owner, and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck motor carrier or impound yard shall make personnel available:
- 1515 (a) by phone 24 hours a day, seven days a week; and

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- 1516 (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one hour of when  
the owner calls the tow truck motor carrier or impound yard.
- 1518 (20) A tow truck motor carrier or a tow truck operator may not:
- 1519 (a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor or a  
party described in Subsection 41-6a-1406(6)(a) for which the tow truck motor carrier or tow truck  
operator has performed a tow service; and
- 1522 (b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator  
has performed a tow service to another service, including:
- 1524 (i) a lawyer referral service;
- 1525 (ii) a medical provider;
- 1526 (iii) a funding agency;
- 1527 (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);
- 1528 (v) a marketer for any other service; or
- 1529 (vi) a third party vendor.

1093 Section 7. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

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