

SB0191

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2026 GENERAL SESSION

Chief Sponsor: Don L. Ipson

LONG TITLE

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

This bill:

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

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Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

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

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

Utah Code Sections affected by Coordination Clause:

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

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

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

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

(1) As used in this section:

(a)

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

(ii) "Criminal offense" includes:

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

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

"Impound lot" means a state impound lot or impound yard designated by the division for the storage of a seized vehicle, vessel, or outboard motor as described in Subsection (2).

"Life essential item" means the same as that term is defined in Section 72-9-603.

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

(i) by an operator of a vehicle;

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

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

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

(i) a highway; or

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

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

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

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

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

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

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

(f) that is being operated on a highway:

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

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

(iii) with registration that is suspended or revoked;

(g)

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

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

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

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

(ii) used the motorcycle:

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

(B) to engage in lane splitting in violation of Section 41-6a-704.1.

(3)

(a) The division or a peace officer shall seize and take possession of a vehicle, without a warrant, when:

(i) the division or the peace officer has probable cause to believe that an operator of the vehicle engaged in a road rage event; and

(ii) the operator of the vehicle has been arrested in conjunction with the road rage event.

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- 80 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a) to the registered
owner of the vehicle if the registered owner is not the individual subject to arrest under Subsection
84 (3)(a) and is immediately available, at the location of the arrest, to take possession of the vehicle.
- 84 (4)
- (a) Subject to the restriction in Subsection (4)(b), the division or [any] a peace officer, without a
warrant:
- 86 (i) shall seize and take possession of [any] a vehicle that is being operated on a highway without
owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and
the vehicle was involved in an accident; or
- 89 (ii) may seize and take possession of [any] a vehicle that is being operated on a highway without
owner's or operator's security in effect for the vehicle as required under Section 41-12a-301
after the division or [any] a peace officer makes a reasonable determination whether the vehicle
would:
- 93 (A) present a public safety concern to the operator or any of the occupants in the vehicle; or
- 95 (B) prevent the division or the peace officer from addressing other public safety considerations.
- 97 (b) The division or [any] a peace officer may not seize and take possession of a vehicle under
Subsection (4)(a):
- 99 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined
in Section 41-12a-303.2 in the vehicle unless the division or peace officer verifies that owner's or
operator's security is not in effect for the vehicle through the Uninsured Motorist Identification
Database created in accordance with Section 41-12a-803; or
- 104 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in
Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification Database created in
accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect
for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently
verify that owner's or operator's security is not in effect for the vehicle.
- 110 (5) ~~If necessary for the transportation of a seized vessel, the division or a peace officer may seize the
vessel's trailer [may be seized] to transport and store the vessel.~~
- 112 The division or a peace officer who seizes a vehicle shall record the mileage shown on the vehicle's
odometer at the time of seizure, if:
- 114 the vehicle is equipped with an odometer; and

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the odometer reading is accessible to the division or the peace officer.

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

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

is at least 24 square feet in size;

includes the business name, address, phone number, and hours of business for the impound lot;

displays the impound lot identification number issued by the division in characters at least four inches high;and

is visible from the nearest highway{~~;~~ and} .

~~{is adequately lit so the sign is always readable from the center of the nearest highway.}~~

An operator of an impound lot shall maintain a hard-surfaced storage area of concrete, black top, gravel, road base, or other {~~similar~~} aggregate material in the impound lot.

~~{An operator of an impound lot shall ensure the impound lot is illuminated so that objects and surface conditions are clearly visible, as determined from a point within the impound lot that is the farthest distance from the nearest source of light.}~~

An operator of an impound lot shall fence the perimeter of the impound lot:

separately from any other personal or business activity that is not directly related to state impounds; and

with six-foot high chain link or other similar fence or wall topped with three strands of barbed wire or razor security wire that are properly affixed to the fence or wall.

An operator of an impound lot shall maintain opaque fencing, which may be opaque chain link fencing, on any side that has frontage with a {~~highway.~~} paved road that is a:

class A road as described in Section 72-3-102;

class B road as described in Section 72-3-103; or

class C road as described in Section 72-3-104.

An operator of an impound lot shall maintain spacing between vehicles that is adequate to allow opening of vehicle doors without interfering with other vehicles or objects.

Except as provided in Subsection (9), an operator of an impound lot shall have an office on the premises.

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- 146 An operator of an impound lot shall ensure the impound lot office is staffed and open for public
149 business during normal business hours, Monday through Friday, except for designated state and
151 federal holidays.
- 153 An operator of an impound lot shall provide compressed air and battery boosting capabilities at the
156 impound lot at no additional cost.
- 157 { An operator of an impound lot may not have any weeds in the impound lot that exceed six inches in
158 height. }
- 159 Upon request, the division may authorize an impound lot to maintain multiple storage areas managed
162 by a central office facility if each storage area is within a 10 mile radius of the central office facility.
- 163 An operator of an impound lot with a central office facility authorized under this Subsection (9) shall
166 appear at an appropriate storage area within 60 minutes of notification to release a vehicle held at
169 that storage area.
- 170 If an operator of an impound lot fails to appear as described in Subsection (9)(b), the division may
173 revoke the impound lot's authorization to operate as an impound lot for a minimum of six months.
- 174 In addition to the requirements of this Subsection (9), each sign at a storage area affiliated with a
177 central office facility shall provide the location and phone number of the central office facility.
- 178 A crusher, dismantler, or salvage dealer may not operate as an impound lot unless the crusher,
181 dismantler, or salvage dealer meets all of the requirements for an impound lot described in this
184 section.
- 185 The division shall enforce an impound lot's compliance with the standards described in this section.
- 186 The division shall provide written notice, in person or by certified mail, to an operator of an impound
189 lot not in compliance with the standards described in this section and give 30 days from that notice
192 to rectify any noncompliance.
- 193 The division may suspend the impound lot's authorization to operate as an impound lot if no action or
196 insufficient action is taken by the operator of the impound lot.
- 197 An impound lot contesting suspension, or an impound lot directly and adversely affected by the
200 division's refusal to designate an impound lot as an impound lot, may appeal that suspension or
203 designation refusal to the commission.

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In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages and impound lots that may be used by peace officers and the division for the storage of a seized vehicle, vessel, or outboard motor.

The division may not make rules that conflict with Subsection (8).

The division shall ensure that the standards do not restrict the number of public garages or impound lots per geographical area.

An operator of an impound lot shall:

~~{ allow }~~ give an individual authorized by Subsection 41-6a-1406(6)(a) ~~{ to access a vehicle, vessel, or outboard motor in an impound lot during normal business hours to take }~~ possession of a life essential item or other item of personal property if the individual:

arrives at the impound lot during normal business hours;

presents the individual's driver license or other government-issued identification;

shows evidence that the individual is authorized under Subsection 41-6a-1406(6)(a) to take possession of the life essential item or other personal property; and

signs a receipt for any personal property removed from a vehicle, vessel, or outboard motor; and

maintain a record of individuals who have been given access to vehicles to remove personal property.

If an individual is unable to present the individual's driver license or other government-issued identification as required in Subsection ~~{ (15)(a)(i)(A) }~~ (15)(a)(i)(B) because the individual's driver license or other government-issued identification is inside the impounded vehicle, the owner of the impound lot shall ~~{ allow the individual to access the vehicle, vessel, or outboard motor to }~~ retrieve the driver license or government-issued identification, to show that the individual is authorized to take possession of a life essential item or other personal property under Subsection 41-6a-1406(6)(a).

An operator of an impound lot shall:

remove the license plate or plates from an impounded vehicle before the time of sale as described in Section 41-1a-1103; and

give the license plates to the division when the vehicle is sold.

The division may require an operator of an impound lot holding five or fewer vehicles in a month to tow those vehicles to another impound lot to centralize vehicle sales.

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- 212 [(7)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.]
- 215 [(b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.]
- 217 [(c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard set forth in this section and rules made in accordance with Subsection (7)(a).]
- 221 [(d)
- (i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on any side of the state impound yard that has frontage with a highway.]
- 224 [(ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.]
- 226 [(8)] (18)
- (a) Except as provided under [Subsection (8)(b)]Subsection (18)(b), [a person]an individual may not operate or allow [to be operated]another individual to operate {a vehicle stored in} [a public garage, impound lot, or impound yard]an impound lot regulated under this part without [prior]written permission of the owner of the vehicle.
- 231 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within [the facility]an impound lot and that is necessary for the normal management of [the facility]an impound lot is not prohibited under [Subsection (8)(a)]Subsection (18)(a).
- 235 [(9)] (19) [A person]An individual who violates [the provisions of Subsection (8)]Subsection (18) is guilty of a class C misdemeanor.
- 237 [(10) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:]
- 239 [(a) the vehicle is equipped with an odometer; and]
- 240 [(b) the odometer reading is accessible to the division or the peace officer.]
- 242 Section 2. Section 72-9-607 is amended to read:
- 243 **72-9-607. Process of removal from towing rotation.**
- 243 (1) As used in this section, "ownership" means any percentage of ownership of a tow truck motor carrier by a person.

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- 245 (2) Each ~~[political subdivision]~~ towing entity or state agency that establishes a towing rotation to
facilitate tows initiated by the political subdivision or state agency shall establish a policy for an
appeals process to hear and decide appeals from a decision to suspend or remove a tow truck motor
carrier or tow truck operator from a towing rotation.
- 249 [(2)] (3) In conducting an appeal as described in ~~[Subsection (1)]~~ Subsection (2):
- 250 (a) the appeal process may be conducted by a single appeal officer or a panel; and
- 251 (b) an individual hearing an appeal, whether as a single appeal officer or as part of a panel, may not be
the same individual who made the decision to suspend or remove the tow truck motor carrier or tow
truck operator from the towing rotation.
- 254 (4) A person with ownership in a tow truck motor carrier that is removed from a towing rotation in a
first or second class county may not be added to a towing rotation in a first or second class county
for {five} three years after the day on which the tow truck motor carrier is removed from a towing
rotation.
- 260 (5) Before a towing entity may add a tow truck motor carrier to a towing rotation in a first or second
class county, the tow truck motor carrier shall be certified by the department as described in Section
72-9-602 for a minimum of three consecutive years.
- 263 Section 3. **Effective date.**
Effective Date.
This bill takes effect on {May 6,} June 1, 2026.
- 265 Section 4. **Coordinating S.B. 191 with S.B. 120.**
If S.B. 191, Tow Yard Amendments, and S.B. 120, Towing Modifications, both pass
and become law, the Legislature intends that, on June 1, 2026, the amendments to Section
41-1a-1101 in S.B. 191 supersede the amendments to Section 41-1a-1101 in S.B. 120.

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