

1

Recovery Operations Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor:

2

LONG TITLE

3

General Description:

4

This bill distinguishes recovery operations from normal towing operations and creates requirements for the operation and payment of recovery operators.

5

Highlighted Provisions:

6

This bill:

7

- ▶ defines terms;

8

- ▶ requires insurers to pay a recovery operator for a recovery operation before the insurer pays the insured;

9

- ▶ requires tow truck motor carrier rotations to identify tow truck motor carriers that are capable of performing recovery operations; and

10

- ▶ makes technical changes.

11

Money Appropriated in this Bill:

12

None

13

Other Special Clauses:

14

None

15

Utah Code Sections Affected:

16

AMENDS:

17

72-1-102, as last amended by Laws of Utah 2025, Chapter 373

18

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

19

ENACTS:

20

31A-22-323, Utah Code Annotated 1953

21

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

22

Section 1. Section **31A-22-323** is enacted to read:

23

31A-22-323 . Insurer obligations - Recovery operations.

24

(1) As used in this section:

25

(a) "Recovery operation" means the same as that term is defined in Section 72-1-102.

31 (b) "Recovery operator" means a tow truck motor carrier that performs a recovery
32 operation.

33 (c) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

34 (2) A liability insurer that insures a policy covering a vehicle involved in a recovery
35 operation shall pay the recovery operator for all reasonable and necessary services
36 involved in the recovery operation.

37 (3) An insurer or claimant disputing payment due for a recovery operation may have the
38 dispute reviewed by the Motor Carrier Advisory Board as described in Section 72-9-201.

39 (4) An insurer shall pay the recovery operator within 30 days after the day on which the
40 insurer receives an invoice with documentation of the services performed for the
41 recovery operation.

42 (5) An insurer issuing payment for a recovery operation under this section shall pay the
43 recovery operator in full before issuing any payment to the insured or another claimant
44 in relation to the same recovery operation.

45 Section 2. Section **72-1-102** is amended to read:

46 **72-1-102 . Definitions.**

47 As used in this title:

48 (1) "Circulator alley" means a publicly owned passageway:
49 (a) with a right-of-way width of 20 feet or greater;
50 (b) located within a master planned community;
51 (c) established by the city having jurisdictional authority as part of the street network for
52 traffic circulation that may also be used for:
53 (i) garbage collection;
54 (ii) access to residential garages; or
55 (iii) access rear entrances to a commercial establishment; and
56 (d) constructed with a bituminous or concrete pavement surface.

57 (2) "Commission" means the Transportation Commission created under Section 72-1-301.

58 (3) "Construction" means the construction, reconstruction, replacement, and improvement
59 of the highways, including the acquisition of rights-of-way and material sites.

60 (4) "Department" means the Department of Transportation created in Section 72-1-201.

61 (5) "Executive director" means the executive director of the department appointed under
62 Section 72-1-202.

63 (6) "Farm tractor" [has the meaning set forth in] means the same as that term is defined in
64 Section 41-1a-102.

65 (7) "Federal aid primary highway" means that portion of connected main highways located
66 within this state officially designated by the department and approved by the United
67 States Secretary of Transportation under [Title 23, Highways, U.S.C] 23 U.S.C. Sec. 101
68 et seq..

69 (8) "Fixed guideway" means the same as that term is defined in Section 59-12-102.

70 (9)(a) "Fixed guideway capital development" means a project to construct or reconstruct
71 a public transit fixed guideway facility that will add capacity to a fixed guideway
72 public transit facility.

73 (b) "Fixed guideway capital development" includes:
74 (i) a project to strategically double track commuter rail lines; and
75 (ii) a project to develop and construct public transit facilities and related
76 infrastructure pertaining to the Point of the Mountain State Land Authority created
77 in Section 11-59-201.

78 (10) "Greenfield" means the same as that term is defined in Section 17C-1-102.

79 (11) "Highway" means any public road, street, alley, lane, court, place, viaduct, tunnel,
80 culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned
81 to the public, or made [-]public in an action for the partition of real property, including
82 the entire area within the right-of-way.

83 (12) "Highway authority" means the department or the legislative, executive, or governing
84 body of a county or municipality.

85 (13) "Housing and transit reinvestment zone" means the same as that term is defined in
86 Section 63N-3-602.

87 (14) "Implement of husbandry" [has the meaning set forth in] means the same as that term is
88 defined in Section 41-1a-102.

89 (15) "Interstate system" means any highway officially designated by the department and
90 included as part of the national interstate and defense highways, as provided in the
91 Federal Aid Highway Act of 1956 and any supplemental acts or amendments.

92 (16) "Large public transit district" means the same as that term is defined in Section
93 17B-2a-802.

94 (17) "Limited-access facility" means a highway especially designated for through traffic,
95 and over, from, or to which neither owners nor occupants of abutting lands nor other
96 persons have any right or easement, or have only a limited right or easement of access,
97 light, air, or view.

98 (18) "Master planned community" means a land use development:

99 (a) designated by the city as a master planned community; and
100 (b) comprised of a single development agreement for a development larger than 500
101 acres.

102 (19) "Motor vehicle" [has the same meaning set forth in] means the same as that term is
103 defined in Section 41-1a-102.

104 (20) "Municipality" [has the same meaning set forth in] means the same as that term is
105 defined in Section 10-1-104.

106 (21) "National highway systems highways" means that portion of connected main highways
107 located within this state officially designated by the department and approved by the
108 United States Secretary of Transportation under [Title 23, Highways, U.S.C] 23 U.S.C.
109 Sec. 101 et seq.

110 (22)(a) "Port-of-entry" means a fixed or temporary facility constructed, operated, and
111 maintained by the department where drivers, vehicles, and vehicle loads are checked
112 or inspected for compliance with state and federal laws as specified in Section
113 72-9-501.

114 (b) "Port-of-entry" includes inspection and checking stations and weigh stations.

115 (23) "Port-of-entry agent" means a person employed at a port-of-entry to perform the duties
116 specified in Section 72-9-501.

117 (24) "Public transit" means the same as that term is defined in Section 17B-2a-802.

118 (25) "Public transit facility" means a fixed guideway, transit vehicle, transit station, depot,
119 passenger loading or unloading zone, parking lot, or other facility:
120 (a) leased by or operated by or on behalf of a public transit district; and
121 (b) related to the public transit services provided by the district, including:
122 (i) railway or other right-of-way;
123 (ii) railway line; and
124 (iii) a reasonable area immediately adjacent to a designated stop on a route traveled
125 by a transit vehicle.

126 (26)(a) "Recovery operation" means the specialized process of extracting or stabilizing a
127 disabled, damaged, or overturned vehicle that:
128 (i) cannot move under the vehicle's own power;
129 (ii) cannot be accessed by a standard tow truck; or
130 (iii) requires procedures that involve hazard, instability, or environmental complexity.

131 (b) "Recovery operation" includes the process of extracting or stabilizing a vehicle:
132 (i) that is overturned;

- (ii) in a ditch or ravine;
- (iii) unable to move in mud, sand, snow, or other terrain;
- (iv) partially or fully submerged in water; or
- (v) in another unstable position that could be hazardous to another vehicle, an individual, or the environment.

[{26}] (27) "Right-of-way" means real property or an interest in real property, usually in a strip, acquired for or devoted to state transportation purposes.

[~~(27)~~] (28) "Sealed" does not preclude acceptance of electronically sealed and submitted bids or proposals in addition to bids or proposals manually sealed and submitted.

[{28}] (29) "Semitrailer" [has the meaning set forth in] means the same as that term is defined in Section 41-1a-102.

[{29}] (30) "SR" means state route and has the same meaning as state highway as defined in this section.

[(30)] (31) "State highway" means those highways designated as state highways in [Title 72, Chapter 4, Designation of State Highways Act] Chapter 4, Designation of State Highways Act.

[31] (32) "State transportation purposes" [has the meaning set forth in] means the same as that term is defined in Section 72-5-102.

[{32}] (33) "State transportation systems" means all streets, alleys, roads, highways, pathways, and thoroughfares of any kind, including connected structures, airports, aerial corridor infrastructure, spaceports, public transit facilities, and all other modes and forms of conveyance used by the public.

(34) "Towing operation" means the relocation or transport of a vehicle that is in an accessible position and condition that the vehicle can be loaded or retrieved using standard towing equipment without the need for a recovery operation.

[{33}] (35) "Trailer" [has the meaning set forth in] means the same as that term is defined in Section 41-1a-102.

[{34}] (36)(a) "Transportation corridor" means the path or proposed path of a transportation facility that exists or that may exist in the future.

(b) "Transportation corridor" may include:

- (i) the land occupied or that may be occupied by a transportation facility; and
- (ii) any other land that may be needed for expanding, operating, or controlling access to the transportation facility.

[(35)] (37) "Transportation facility" means:

167 (a) a highway; or

168 (b) a fixed guideway.

169 [~~(36)~~] (38) "Transportation reinvestment zone" means a transportation reinvestment zone
170 created [~~pursuant to~~] in accordance with Section 11-13-227.

171 [~~(37)~~] (39) "Truck tractor" ~~[has the meaning set forth in]~~ means the same as that term is
172 defined in Section 41-1a-102.

173 [~~(38)~~] (40) "UDOT" means the Utah Department of Transportation.

174 [~~(39)~~] (41) "Vehicle" ~~[has the same meaning set forth in]~~ means the same as that term is
175 defined in Section 41-1a-102.

176 Section 3. Section **72-9-604** is amended to read:

177 **72-9-604 . Towing procedures -- Local authorities.**

178 (1) As used in this section:

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

183 (i) pay the relevant fees; and

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

185 (b) "Towing entity" means:

186 (i) a political subdivision of this state;

187 (ii) a state agency;

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

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

192 (2)(a) Notwithstanding any other provision of law, a political subdivision of this state
193 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow
194 truck motor carrier, tow truck operator, or tow truck that:

195 (i) conflicts with:

196 (A) any provision of this part;

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

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

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

200 (ii) imposes a maximum rate that deviates from the maximum rates set in rules made

201 by the department pursuant to Subsection 72-9-603(16).

202 (b) A county or municipal legislative governing body may not charge a fee for the
203 storage of an impounded vehicle, vessel, or outboard motor if the county or
204 municipality:
205 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
206 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
207 holder, or the owner's agent even if the registered owner, lien holder, or the
208 owner's agent satisfies the requirements to release the vehicle, vessel, or outboard
209 motor under Section 41-6a-1406.

210 (3) A tow truck motor carrier that has a county or municipal business license for a place of
211 business located within that county or municipality may not be required to obtain
212 another business license in order to perform a tow truck service in another county or
213 municipality if there is not a business location in the other county or municipality.

214 (4) A county or municipal legislative or governing body may not require a tow truck motor
215 carrier, tow truck, or tow truck operator that has been issued a current, authorized
216 towing certificate by the department, as described in Section 72-9-602, to obtain an
217 additional towing certificate.

218 (5) A county or municipal legislative body may require an annual tow truck safety
219 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602
220 if:
221 (a) no fee is charged for the inspection; and
222 (b) the inspection complies with federal motor carrier safety regulations.

223 (6)(a) A tow truck shall be subject to only one annual safety inspection under Subsection
224 (5)(b).

225 (b) A county or municipality that requires the additional annual safety inspection shall
226 accept the same inspection performed by another county or municipality.

227 (7)(a)(i) If a towing entity uses a towing dispatch vendor described in Section
228 53-1-106.2, the towing entity may charge a fee to cover costs associated with the
229 use of a dispatch vendor as described in Section 53-1-106.2.
230 (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may
231 not exceed the actual costs of the dispatch vendor contracted to provide the
232 dispatch service.

233 (b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a
234 towing dispatch vendor described in Section 53-1-106.2, the towing entity may

235 not charge a fee to cover costs associated with providing towing dispatch and
236 rotation service.

237 (ii) A special service district created under Title 17D, Chapter 1, Special Service
238 District Act, that charges a dispatch fee on or before January 1, 2023, may
239 continue to charge a fee related to dispatch costs.

240 (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii)
241 may not exceed an amount reasonably reflective to the actual costs of providing
242 the towing dispatch and rotation service.

243 (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)
244 unless the relevant governing body of the towing entity has approved the fee amount.

245 (d) In addition to fees set by the department in rules made in accordance with Subsection
246 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a
247 fee described in this Subsection (7) to owners, lien holders, or insurance providers of
248 towed vehicles, vessels, or outboard motors.

249 (8)(a) In addition to the fees described in Subsection (7), a tow truck operator or tow
250 truck motor carrier may charge an additional fee to absorb unrecovered costs of
251 abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).

252 (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow
253 truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not
254 to exceed an amount greater than 25% of the relevant fee described in Subsection
255 (7)(a)(i) or (7)(b)(ii).

256 (c)(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,
257 based on data provided by the State Tax Commission, determine the percentage of
258 vehicles, vessels, or outboard motors that were abandoned during the previous
259 year by:

260 (A) determining the total number of vehicles, vessels, or outboard motors that
261 were towed as part of a towing entity's towing rotation during the previous
262 calendar year that were also abandoned; and

263 (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number
264 of vehicles, vessels, or outboard motors that were towed as part of the towing
265 entity's towing rotation during the previous calendar year.

266 (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall
267 publish:

268 (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and

269 (B) the percentage described in Subsection (8)(c)(i).

270 (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a
271 tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an
272 amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the
273 relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).

274 (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the
275 towing invoice any fee described in this Subsection (8).

276 (9) A towing entity may not require a tow truck operator who has received an authorized
277 towing certificate from the department to submit additional criminal background check
278 information for inclusion of the tow truck motor carrier on a rotation.

279 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
280 operator that responds may not respond to the location in a tow truck that is owned by a
281 tow truck motor carrier that is different than the tow truck motor carrier that was
282 dispatched.

283 (11) If a towing entity receives a notice from the department as described in Subsection
284 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing
285 entity's towing rotation, contract, or request for proposal as provided in the notice from
286 the department.

287 (12)(a) When creating and managing a towing dispatch rotation, a towing entity shall
288 require each tow truck motor carrier to disclose the tow truck motor carrier's
289 capability to perform a recovery operation.

290 (b) When a towing entity requests a dispatch for a towing operation or recovery
291 operation, the towing entity shall:

292 (i) determine whether the circumstance requires a towing operation or recovery
293 operation; and

294 (ii) ensure that the tow truck motor carrier that is dispatched has the appropriate
295 capability to perform the towing operation or recovery operation.

296 **Section 4. Effective Date.**

297 This bill takes effect on May 6, 2026.