

Thomas W. Peterson proposes the following substitute bill:

Towing Dispatch Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor:

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- changes the requirements for technology products that tow truck dispatch vendors can provide to tow truck motor carriers;
- changes how tow truck motor carriers can be removed from a dispatch list;
- prevents persons with an interest in a tow truck motor carrier removed from a dispatch list from joining a dispatch list with a new tow truck motor carrier;
- includes a coordination clause providing that changes to Section 53-1-106.2 and Section 72-9-604 in this bill supersede the changes to those sections in S.B. 242, Transportation Amendments; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53-1-106.2, as repealed and reenacted by Laws of Utah 2023, Chapter 219

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

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

Utah Code Sections affected by Coordination Clause:

29 **53-1-106.2 (05/06/26)**, as repealed and reenacted by Laws of Utah 2023, Chapter 219
 30 **72-9-604 (05/06/26)**, as last amended by Laws of Utah 2025, Chapter 378

31

32 *Be it enacted by the Legislature of the state of Utah:*
 33 *The following section is affected by a coordination clause at the end of this bill.*

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

35 **53-1-106.2 . Towing dispatch program.**

- 36 (1) As used in this section, "towing dispatch vendor" means a vendor that provides a
 37 product or technology capable of increasing efficiency, effectiveness, and transparency
 38 in the dispatching of towing providers and management of towing rotations.
- 39 (2) An interlocal agency established [~~pursuant to~~] under Title 11, Chapter 13, Interlocal
 40 Cooperation Act, a special service district established [~~pursuant to~~] under Title 17D,
 41 Chapter 1, Special Service District Act, a political subdivision, or a state agency may
 42 enter into a contract with a [~~vendor that provides a product or technology capable of~~
 43 ~~increasing efficiency, effectiveness, and transparency in the dispatching of towing~~
 44 ~~providers and management of towing rotations.~~] towing dispatch vendor.
- 45 [(2)] (3) [~~The~~] A product or technology [described in Subsection (1)] provided by a towing
 46 dispatch vendor shall comply with the following requirements and capabilities:
- 47 (a) decreasing delays associated with requesting and dispatching a tow truck motor
 48 carrier from an established tow rotation;
- 49 (b) increasing information, transparency, and data collection associated with tow
 50 rotation operations[~~, including dispatching, response time, completion, clearance, and~~
 51 ~~storage]; and~~
- 52 (c) increasing responder and traffic safety by reducing secondary crashes, responder
 53 time on scene, and the impacts of traffic accidents on traffic flow and safety.
- 54 (4) A product or technology provided by a towing dispatch vendor may not require:
- 55 (a) a tow truck operator to manipulate a wireless communication device in a manner that
 56 violates Section 41-6a-1716; or
- 57 (b) a tow truck operator or tow truck motor carrier to provide or enter information into a
 58 database other than a database described in Section 41-6a-1406.
- 59 [(3)] (5) A vendor selected to provide towing dispatch management services as described in
 60 this section may not also provide towing, storage, impounding, or other services related
 61 to the operation of a towing provider.

62 *The following section is affected by a coordination clause at the end of this bill.*

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

64 **72-9-604 . Preemption of local authorities -- Tow trucks.**

65 (1) As used in this section:

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

70 (i) pay the relevant fees; and

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

72 (b) "Towing dispatch vendor" means the same as that term is defined in Section
73 53-1-106.2.

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

75 (i) a political subdivision of this state;

76 (ii) a state agency;

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

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

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

84 (i) conflicts with:

85 (A) any provision of this part;

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

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

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

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

91 (b) A county or municipal legislative governing body may not charge a fee for the
92 storage of an impounded vehicle, vessel, or outboard motor if the county or
93 municipality:

94 (i) is holding the vehicle, vessel, or outboard motor as evidence; and

95 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
96 holder, or the owner's agent even if the registered owner, lien holder, or the

97 owner's agent satisfies the requirements to release the vehicle, vessel, or outboard
98 motor under Section 41-6a-1406.

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

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

107 (5) A county or municipal legislative body may require an annual tow truck safety
108 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602
109 if:

110 (a) no fee is charged for the inspection; and

111 (b) the inspection complies with federal motor carrier safety regulations.

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

114 (b) A county or municipality that requires ~~the~~ an additional annual safety inspection
115 shall accept the same inspection performed by another county or municipality.

116 (7)(a)(i) If a towing entity uses a towing dispatch vendor described in Section
117 53-1-106.2, the towing entity may charge a fee to cover costs associated with the
118 use of a dispatch vendor as described in Section 53-1-106.2.

119 (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may
120 not exceed ~~[the actual costs of the dispatch vendor contracted to provide the~~
121 ~~dispatch service.]~~ 50% of an administrative fee as described in Subsection
122 72-9-603(16)(d).

123 (b)(i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a
124 towing dispatch vendor described in Section 53-1-106.2, the towing entity may
125 not charge a fee to cover costs associated with providing towing dispatch and
126 rotation service.

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

130 (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii)

131 may not exceed an amount reasonably reflective to the actual costs of providing
 132 the towing dispatch and rotation service.

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

135 (d) In addition to fees set by the department in rules made in accordance with Subsection
 136 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a
 137 fee described in this Subsection (7) to owners, lien holders, or insurance providers of
 138 towed vehicles, vessels, or outboard motors.

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

142 (b) ~~[Beginning May 3, 2023, and ending on June 30, 2025, a]~~ A tow truck operator or
 143 tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount
 144 not to exceed an amount greater than ~~[25%]~~ 40% of the relevant fee described in
 145 Subsection (7)(a)(i) or (7)(b)(ii).

146 ~~[(e)(i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,
 147 based on data provided by the State Tax Commission, determine the percentage of
 148 vehicles, vessels, or outboard motors that were abandoned during the previous
 149 year by:]~~

150 ~~[(A) determining the total number of vehicles, vessels, or outboard motors that
 151 were towed as part of a towing entity's towing rotation during the previous
 152 calendar year that were also abandoned; and]~~

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

156 ~~[(ii) No later than March 31, 2025, and each year thereafter, the towing entity shall
 157 publish:]~~

158 ~~[(A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and]~~

159 ~~[(B) the percentage described in Subsection (8)(c)(i).]~~

160 ~~[(iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a
 161 tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an
 162 amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the
 163 relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).]~~

164 ~~[(d)]~~ (c) A tow truck operator or tow truck motor carrier shall list on a separate line on

165 the towing invoice any fee described in this Subsection (8).

166 (9) A towing entity or a towing dispatch vendor may not charge a fee to a tow truck motor
167 carrier for the dispatch of a tow truck motor carrier.

168 [~~9~~] (10) A towing entity may not require a tow truck operator who has received an
169 authorized towing certificate from the department to submit additional criminal
170 background check information for inclusion of the tow truck motor carrier on a rotation.

171 [~~10~~] (11) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow
172 truck operator that responds may not respond to the location in a tow truck that is owned
173 by a tow truck motor carrier that is different than the tow truck motor carrier that was
174 dispatched.

175 [~~11~~] (12) If a towing entity receives a notice from the department as described in
176 Subsection 72-9-602(6), the towing entity shall remove the tow truck motor carrier from
177 the towing entity's towing rotation, contract, or request for proposal as provided in the
178 notice from the department.

179 (13) A towing entity may not contract with a towing dispatch vendor that requires a tow
180 truck motor carrier or tow truck operator to manipulate a wireless communication device
181 in violation of Section 41-6a-1716.

182 (14) A towing entity or towing dispatch vendor may not require a tow truck motor carrier or
183 tow truck operator to provide or enter information into a database other than a database
184 described in Section 41-6a-1406.

185 Section 3. Section **72-9-607** is amended to read:

186 **72-9-607 . Required process before removal from towing rotation.**

187 (1) As used in this section, "common ownership" means any percentage of ownership of a
188 tow truck motor carrier by a person that also holds any percentage of ownership in
189 another tow truck motor carrier.

190 (2)(a) A political subdivision or state agency that establishes a towing rotation shall
191 notify the department when suspending or removing a tow truck motor carrier from a
192 towing rotation.

193 (b) Upon receiving notice as described in Subsection (2)(a), the department shall review
194 the reason the tow truck motor carrier was removed or suspended from a towing
195 rotation.

196 (c) After reviewing the reason for removal or suspension as described in Subsection
197 (2)(b), if appropriate, the department shall notify an applicable towing entity that the
198 tow truck motor carrier should be removed from a towing rotation.

- 199 (d) After receiving notice from the department as described in Subsection (2)(c), a
 200 towing entity shall remove the tow truck motor carrier from all towing rotations or
 201 contracts within the towing entity's control.
- 202 (e) If a towing entity removes or suspends a tow truck motor carrier that shares common
 203 ownership with a tow truck motor carrier that has been removed or suspended from a
 204 towing rotation or contract, the towing entity shall remove all tow truck motor
 205 carriers sharing common ownership with the removed or suspended tow truck motor
 206 carrier from all towing rotations or contracts within the towing entity's control.
- 207 (3) Each ~~[political subdivision]~~ towing entity or state agency that establishes a towing
 208 rotation to facilitate tows initiated by the political subdivision or state agency shall
 209 establish a policy for an appeals process to hear and decide appeals from a decision to
 210 suspend or remove a tow truck motor carrier or tow truck operator from a towing
 211 rotation.
- 212 ~~[(2)]~~ (4) In conducting an appeal as described in Subsection ~~[(1)]:~~ (3):
- 213 (a) the appeal process may be conducted by a single appeal officer or a panel; and
- 214 (b) an individual hearing an appeal, whether as a single appeal officer or as part of a
 215 panel, may not be the same individual who made the decision to suspend or remove
 216 the tow truck motor carrier or tow truck operator from the towing rotation.

217 **Section 4. Effective Date.**

218 This bill takes effect on May 6, 2026.

219 **Section 5. Coordinating H.B. 398 with S.B. 242.**

220 If H.B. 398, Towing Dispatch Amendments, and S.B. 242, Transportation Amendments,
 221 both pass and become law, the Legislature intends that, on May 6, 2026, the amendments to
 222 Section 53-1-106.2 and Section 72-9-604 in H.B. 398, Towing Dispatch Amendments,
 223 supersede the amendments to Section 53-1-106.2 and Section 72-9-604 in S.B. 242,
 224 Transportation Amendments.