

Ronald M. Winterton proposes the following substitute bill:

Towing Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor:

LONG TITLE

General Description:

This bill addresses requirements for towing a vehicle upon the request of a government actor.

Highlighted Provisions:

This bill:

- requires a tow truck motor carrier to tow a vehicle to an impound yard in the same county where the tow originated;
- changes the requirement for opaque fencing around an impound yard; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

72-9-608, Utah Code Annotated 1953

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).
- (b) "Operator" means the same as that term is defined in Section 41-6a-102.
- (c) "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
 - (iii) with the intent to endanger or intimidate an individual in another vehicle.
- (d) "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 vehicle, vessel, or outboard motor:
- (a) that the division or the 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.

(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 (3)(a) and is immediately available, at the location of the arrest, to take possession of the vehicle.

(4)(a) Subject to the restriction in Subsection (4)(b), the division or ~~[any]~~ a peace officer, without a warrant:

(i) shall seize and take possession of any 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

(ii) may seize and take possession of any 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:

(A) present a public safety concern to the operator or any of the occupants in the vehicle; or

(B) prevent the division or the peace officer from addressing other public safety considerations.

(b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (4)(a):

(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

(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.
- (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.
- (6) ~~[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.
- (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.
- (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.
- (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).
- (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.]~~ paved road that is a:
- (A) class A road as described in Section 72-3-102;
- (B) class B road as described in Section 72-3-103; or
- (C) class C road as described in Section 72-3-104.
- (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.
- (8)(a) Except as provided ~~[under]~~ in Subsection (8)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.
- (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (8)(a).
- (9) A person who violates the provisions of Subsection (8) is guilty of a class C

132 misdemeanor.

133 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown
134 on the vehicle's odometer at the time of seizure, if:

135 (a) the vehicle is equipped with an odometer; and

136 (b) the odometer reading is accessible to the division or the peace officer.

137 Section 2. Section **72-9-608** is enacted to read:

138 **72-9-608 . Impound yards within county limits.**

139 (1) As used in this section:

140 (a) "Non-consent police generated tow" means the towing of a vehicle, vessel, or
141 outbound motor made at the request of a peace officer, a person acting on behalf of a
142 law enforcement agency, or a highway authority under:

143 (i) Section 41-1a-1101;

144 (ii) Section 41-6a-210;

145 (iii) Section 41-6a-527;

146 (iv) Section 41-6a-1405;

147 (v) Section 41-6a-1406;

148 (vi) Section 41-6a-1408;

149 (vii) Section 73-18-20.1; or

150 (viii) another provision of law.

151 (b) "Non-consent police generated tow" does not include the towing of a vehicle, vessel,
152 or outbound motor made at the request of a private individual where a peace officer
153 assists the tow request.

154 (2) A tow truck motor carrier that conducts a non-consent police generated tow may not
155 tow the vehicle, vessel, or outboard motor to an impound yard outside the county where
156 the tow is initiated.

157 Section 3. **Effective Date.**

158 This bill takes effect on May 6, 2026.