

Ronald M. Winterton proposes the following substitute bill:

1 **Towing Modifications**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

9 ▶ requires a tow truck motor carrier to tow a vehicle to an impound yard in the same county
10 where the tow originated;

11 ▶ changes the requirement for opaque fencing around an impound yard; and

12 ▶ makes technical changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 **AMENDS:**

19 **41-1a-1101**, as last amended by Laws of Utah 2025, Chapter 220

20 **ENACTS:**

21 **72-9-608**, Utah Code Annotated 1953

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

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

25 **41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.**

26 (1) As used in this section:

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

29 (ii) "Criminal offense" includes:

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

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

36 (b) "Operator" means the same as that term is defined in Section 41-6a-102.

37 (c) "Road rage event" means the commission of a criminal offense:

38 (i) by an operator of a vehicle;

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

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

41 (d) "Roadway" means:

42 (i) a highway; or

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

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

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

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

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

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

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

52 (f) that is being operated on a highway:

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

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

55 (iii) with registration that is suspended or revoked;

56 (g)(i) that the division or the peace officer has probable cause to believe has been
57 involved in an accident described in Section 41-6a-401, 41-6a-401.3, or
58 41-6a-401.5; and

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

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

62 (i) failed to properly display the license plate on a motorcycle as described in Section
63 41-1a-404.1; or

64 (ii) used the motorcycle:

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

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

67 (3)(a) The division or a peace officer shall seize[~~and take possession of~~] a vehicle,

68 without a warrant, when:

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

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

73 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
74 to the registered owner of the vehicle if the registered owner is not the individual
75 subject to arrest under Subsection (3)(a) and is immediately available, at the location
76 of the arrest, to take possession of the vehicle.

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

79 (i) shall seize and take possession of any vehicle that is being operated on a highway
80 without owner's or operator's security in effect for the vehicle as required under
81 Section 41-12a-301 and the vehicle was involved in an accident; or

82 (ii) may seize and take possession of any vehicle that is being operated on a highway
83 without owner's or operator's security in effect for the vehicle as required under
84 Section 41-12a-301 after the division or ~~[any]~~ a peace officer makes a reasonable
85 determination whether the vehicle would:

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

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

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

92 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
93 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
94 peace officer verifies that owner's or operator's security is not in effect for the
95 vehicle through the Uninsured Motorist Identification Database created in
96 accordance with Section 41-12a-803; or

97 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security

98 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
99 Identification Database created in accordance with Section 41-12a-803 indicates
100 that the owner's or operator's security is not in effect for the vehicle, unless the
101 division or a peace officer makes a reasonable attempt to independently verify that
102 owner's or operator's security is not in effect for the vehicle.

103 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to
104 transport and store the vessel.

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

107 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
108 the commission shall make rules setting standards for public garages, impound lots,
109 and impound yards that may be used by peace officers and the division.

110 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
111 public garages, impound lots, or impound yards per geographical area.

112 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
113 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a
114 state impound yard set forth in this section and rules made in accordance with
115 Subsection (7)(a).

116 (d)(i) Rules made by the commission shall include a requirement that a state impound
117 yard have opaque fencing on any side of the state impound yard that has frontage
118 with a~~[highway]~~ paved road that is a:

- 119 (A) class A road as described in Section 72-3-102;
- 120 (B) class B road as described in Section 72-3-103; or
- 121 (C) class C road as described in Section 72-3-104.

122 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link
123 fencing.

124 (8)(a) Except as provided~~[under]~~ in Subsection (8)(b), a person may not operate or
125 allow to be operated a vehicle stored in a public garage, impound lot, or impound
126 yard regulated under this part without prior written permission of the owner of the
127 vehicle.

128 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
129 space to another within the facility and that is necessary for the normal management
130 of the facility is not prohibited under Subsection (8)(a).

131 (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 outbound 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.