

Ronald M. Winterton proposes the following substitute bill:

Towing Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor: Tiara Auxier

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- addresses where a vehicle from a non-consent police generated tow may be towed;
- 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

- 30 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
31 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah
32 Criminal Code; and
- 33 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
34 an offense listed in Subsection (1)(a)(ii)(A).
- 35 (b) "Operator" means the same as that term is defined in Section 41-6a-102.
- 36 (c) "Road rage event" means the commission of a criminal offense:
- 37 (i) by an operator of a vehicle;
- 38 (ii) in response to an incident that occurs or escalates upon a roadway; and
- 39 (iii) with the intent to endanger or intimidate an individual in another vehicle.
- 40 (d) "Roadway" means:
- 41 (i) a highway; or
- 42 (ii) a private road or driveway as defined in Section 41-6a-102.
- 43 (2) The division or~~any~~ a peace officer, without a warrant, may seize and take possession
44 of any vehicle, vessel, or outboard motor:
- 45 (a) that the division or the peace officer has probable cause to believe has been stolen;
- 46 (b) on which any identification number has been defaced, altered, or obliterated;
- 47 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 48 (d) for which the applicant has written a check for registration or title fees that has not
49 been honored by the applicant's bank and that is not paid within 30 days;
- 50 (e) that is placed on the water with improper registration;
- 51 (f) that is being operated on a highway:
- 52 (i) with registration that has been expired for more than three months;
- 53 (ii) having never been properly registered by the current owner; or
- 54 (iii) with registration that is suspended or revoked;
- 55 (g)(i) that the division or the peace officer has probable cause to believe has been
56 involved in an accident described in Section 41-6a-401, 41-6a-401.3, or
57 41-6a-401.5; and
- 58 (ii) whose operator did not remain at the scene of the accident until the operator
59 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 60 (h) if the division or peace officer has probable cause to believe that the operator:
- 61 (i) failed to properly display the license plate on a motorcycle as described in Section
62 41-1a-404.1; or
- 63 (ii) used the motorcycle:

- 64 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
65 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 66 (3)(a) The division or a peace officer shall seize~~[-and take possession of-]~~ a vehicle,
67 without a warrant, when:
- 68 (i) the division or the peace officer has probable cause to believe that an operator of
69 the vehicle engaged in a road rage event; and
70 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
71 event.
- 72 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
73 to the registered owner of the vehicle if the registered owner is not the individual
74 subject to arrest under Subsection (3)(a) and is immediately available, at the location
75 of the arrest, to take possession of the vehicle.
- 76 (4)(a) Subject to the restriction in Subsection (4)(b), the division or ~~[any]~~ a peace officer,
77 without a warrant:
- 78 (i) shall seize and take possession of any vehicle that is being operated on a highway
79 without owner's or operator's security in effect for the vehicle as required under
80 Section 41-12a-301 and the vehicle was involved in an accident; or
81 (ii) may seize and take possession of any vehicle that is being operated on a highway
82 without owner's or operator's security in effect for the vehicle as required under
83 Section 41-12a-301 after the division or~~[-any]~~ a peace officer makes a reasonable
84 determination whether the vehicle would:
- 85 (A) present a public safety concern to the operator or any of the occupants in the
86 vehicle; or
87 (B) prevent the division or the peace officer from addressing other public safety
88 considerations.
- 89 (b) The division or any peace officer may not seize and take possession of a vehicle
90 under Subsection (4)(a):
- 91 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
92 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
93 peace officer verifies that owner's or operator's security is not in effect for the
94 vehicle through the Uninsured Motorist Identification Database created in
95 accordance with Section 41-12a-803; or
96 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
97 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist

- 98 Identification Database created in accordance with Section 41-12a-803 indicates
99 that the owner's or operator's security is not in effect for the vehicle, unless the
100 division or a peace officer makes a reasonable attempt to independently verify that
101 owner's or operator's security is not in effect for the vehicle.
- 102 (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to
103 transport and store the vessel.
- 104 (6) ~~[Any]~~ A peace officer seizing ~~[or taking possession of]~~ a vehicle, vessel, or outboard
105 motor under this section shall comply with the provisions of Section 41-6a-1406.
- 106 (7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
107 the commission shall make rules setting standards for public garages, impound lots,
108 and impound yards that may be used by peace officers and the division.
- 109 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
110 public garages, impound lots, or impound yards per geographical area.
- 111 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
112 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a
113 state impound yard set forth in this section and rules made in accordance with
114 Subsection (7)(a).
- 115 (d)(i) Rules made by the commission shall include a requirement that a state impound
116 yard have opaque fencing on any side of the state impound yard that has frontage
117 with a ~~highway~~ paved road that is a:
- 118 (A) class A road as described in Section 72-3-102;
119 (B) class B road as described in Section 72-3-103; or
120 (C) class C road as described in Section 72-3-104.
- 121 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link
122 fencing.
- 123 (8)(a) Except as provided ~~under~~ in Subsection (8)(b), a person may not operate or
124 allow to be operated a vehicle stored in a public garage, impound lot, or impound
125 yard regulated under this part without prior written permission of the owner of the
126 vehicle.
- 127 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
128 space to another within the facility and that is necessary for the normal management
129 of the facility is not prohibited under Subsection (8)(a).
- 130 (9) A person who violates the provisions of Subsection (8) is guilty of a class C
131 misdemeanor.

(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:

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

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

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

72-9-608 . Non-consent police generated tows -- Impound yards within county limits.

(1) As used in this section:

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

(i) Section 41-1a-1101;

(ii) Section 41-6a-210;

(iii) Section 41-6a-527;

(iv) Section 41-6a-1405;

(v) Section 41-6a-1406;

(vi) Section 41-6a-1408;

(vii) Section 73-18-20.1; or

(viii) another provision of law.

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

(2)(a) Except as described in Subsections (2)(b) and (c), a tow truck motor carrier that conducts a non-consent police generated tow may not tow the vehicle, vessel, or outboard motor to an impound yard outside the county where the tow is initiated.

(b) For vehicle, vessel, or outboard motor impounded as described in Section 41-6a-1406 and held as evidence as requested by a peace officer or law enforcement agency, the vehicle, vessel, or outboard motor may be towed to an impound yard the peace officer or law enforcement agency chooses.

(c) A peace officer, a person acting on behalf of a law enforcement agency, or a highway authority may direct a tow truck motor carrier conducting a non-consent police generated tow to tow the vehicle, vessel, or outboard motor to an impound yard in a county adjacent to the county where the tow was initiated if:

(i) the impound yard in an adjacent county is closer to where the tow was initiated

166 than the closest impound yard in the county where the tow was initiated; and
167 (ii) a peace officer, a person acting on behalf of a law enforcement agency, or a
168 highway authority informs the owner of the vehicle, vessel, or outboard motor of
169 the location of the impound yard.

170 Section 3. **Effective Date.**

171 This bill takes effect on May 6, 2026.