

Don L. Ipson proposes the following substitute bill:

Tow Yard Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: Thomas W. Peterson

LONG TITLE

General Description:

This bill codifies existing rules regarding state impound lot standards and creates a mandatory waiting period for a person removed from a towing rotation to rejoin a towing rotation in a first or second class county.

Highlighted Provisions:

This bill:

- defines terms;
- establishes requirements for an impound lot;
- allows the Motor Vehicle Division to review an impound lot's qualifications;
- creates procedures for retrieval of items from an impounded vehicle;
- creates a waiting period for a person removed from a towing rotation from being added to a towing rotation in a first or second class county with a new tow truck motor carrier; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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) "Impound lot" means a state impound lot or impound yard designated by the division for the storage of a seized vehicle, vessel, or outboard motor as described in Subsection (2).

(c) "Life essential item" means the same as that term is defined in Section 72-9-603.

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

~~[(e)]~~ (e) "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.

~~[(f)]~~ (f) "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]~~ a vehicle, vessel, or outboard motor:

(a) that the division or ~~[the]~~ a 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]~~ a 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]~~ a 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]~~ a 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 division or a peace officer may seize the vessel's trailer [may be seized] to transport and store the vessel.

(6) The division or a 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.

~~[(6)]~~ (7) ~~[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.

(8)(a) An operator of an impound lot shall ensure the impound lot has a conspicuously placed, well-maintained sign that:

(i) is at least 24 square feet in size;

(ii) includes the business name, address, phone number, and hours of business for the impound lot;

(iii) displays the impound lot identification number issued by the division in characters at least four inches high; and

(iv) is visible from the nearest highway.

(b) An operator of an impound lot shall maintain a hard-surfaced storage area of concrete, black top, gravel, road base, or other aggregate material in the impound lot.

(c) An operator of an impound lot shall fence the perimeter of the impound lot:

(i) separately from any other personal or business activity that is not directly related to state impounds; and

- 131 (ii) with six-foot high chain link or other similar fence or wall topped with three
132 strands of barbed wire or razor security wire that are properly affixed to the fence
133 or wall.
- 134 (d) An operator of an impound lot shall maintain opaque fencing, which may be opaque
135 chain link fencing, on any side that has frontage with a highway.
- 136 (e) An operator of an impound lot shall maintain spacing between vehicles that is
137 adequate to allow opening of vehicle doors without interfering with other vehicles or
138 objects.
- 139 (f) Except as provided in Subsection (9), an operator of an impound lot shall have an
140 office on the premises.
- 141 (g) An operator of an impound lot shall ensure the impound lot office is staffed and open
142 for public business during normal business hours, Monday through Friday, except for
143 designated state and federal holidays.
- 144 (h) An operator of an impound lot shall provide compressed air and battery boosting
145 capabilities at the impound lot at no additional cost.
- 146 (9)(a) Upon request, the division may authorize an impound lot to maintain multiple
147 storage areas managed by a central office facility if each storage area is within a 10
148 mile radius of the central office facility.
- 149 (b) An operator of an impound lot with a central office facility authorized under this
150 Subsection (9) shall appear at an appropriate storage area within 60 minutes of
151 notification to release a vehicle held at that storage area.
- 152 (c) If an operator of an impound lot fails to appear as described in Subsection (9)(b), the
153 division may revoke the impound lot's authorization to operate as an impound lot for
154 a minimum of six months.
- 155 (d) In addition to the requirements of this Subsection (9), each sign at a storage area
156 affiliated with a central office facility shall provide the location and phone number of
157 the central office facility.
- 158 (10) A crusher, dismantler, or salvage dealer may not operate as an impound lot unless the
159 crusher, dismantler, or salvage dealer meets all of the requirements for an impound lot
160 described in this section.
- 161 (11) The division shall enforce an impound lot's compliance with the standards described in
162 this section.
- 163 (12)(a) The division shall provide written notice, in person or by certified mail, to an
164 operator of an impound lot not in compliance with the standards described in this

section and give 30 days from that notice to rectify any noncompliance.

(b) The division may suspend the impound lot's authorization to operate as an impound lot if no action or insufficient action is taken by the operator of the impound lot.

(13) An impound lot contesting suspension, or an impound lot directly and adversely affected by the division's refusal to designate an impound lot as an impound lot, may appeal that suspension or designation refusal to the commission.

(14)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages and impound lots that may be used by peace officers and the division for the storage of a seized vehicle, vessel, or outboard motor.

(b) The division may not make rules that conflict with Subsection (8).

(c) The division shall ensure that the standards do not restrict the number of public garages or impound lots per geographical area.

(15)(a) An operator of an impound lot shall:

(i) give an individual authorized by Subsection 41-6a-1406(6)(a) possession of a life essential item or other item of personal property if the individual:

(A) arrives at the impound lot during normal business hours;

(B) presents the individual's driver license or other government-issued identification;

(C) shows evidence that the individual is authorized under Subsection 41-6a-1406(6)(a) to take possession of the life essential item or other personal property; and

(D) signs a receipt for any personal property removed from a vehicle, vessel, or outboard motor; and

(ii) maintain a record of individuals who have been given access to vehicles to remove personal property.

(b) If an individual is unable to present the individual's driver license or other government-issued identification as required in Subsection (15)(a)(i)(B) because the individual's driver license or other government-issued identification is inside the impounded vehicle, the owner of the impound lot shall retrieve the driver license or government-issued identification, to show that the individual is authorized to take possession of a life essential item or other personal property under Subsection 41-6a-1406(6)(a).

(16) The division may require an operator of an impound lot holding five or fewer vehicles

in a month to tow those vehicles to another impound lot to centralize vehicle sales.

~~[(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.]~~

~~[(ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.]~~

~~[(8)] (17)(a) Except as provided under [Subsection (8)(b)] Subsection (17)(b), [a person] an individual may not operate or allow [to be operated] another individual to operate a vehicle stored in [a public garage, impound lot, or impound yard] an impound lot 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] an impound lot and that is necessary for the normal management of [the facility] an impound lot is not prohibited under [Subsection (8)(a)] Subsection (17)(a).~~

~~[(9)] (18) [A person] An individual who violates [the provisions of Subsection (8)] Subsection (17) is guilty of a class C 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 **72-9-607** is amended to read:

72-9-607 . Process of removal from towing rotation.

(1) As used in this section, "ownership" means any percentage of ownership of a tow truck motor carrier by a person.

- (2) Each ~~[political subdivision]~~ towing entity or state agency that establishes a towing rotation to facilitate tows initiated by the political subdivision or state agency shall establish a policy for an appeals process to hear and decide appeals from a decision to suspend or remove a tow truck motor carrier or tow truck operator from a towing rotation.
- ~~[(2)]~~ (3) In conducting an appeal as described in ~~[Subsection (1)]~~ Subsection (2):
- (a) the appeal process may be conducted by a single appeal officer or a panel; and
 - (b) an individual hearing an appeal, whether as a single appeal officer or as part of a panel, may not be the same individual who made the decision to suspend or remove the tow truck motor carrier or tow truck operator from the towing rotation.
- (4) A person with ownership in a tow truck motor carrier that is removed from a towing rotation in a first or second class county may not be added to a towing rotation in a first or second class county for three years after the day on which the tow truck motor carrier is removed from a towing rotation.
- (5) Before a towing entity may add a tow truck motor carrier to a towing rotation in a first or second class county, the tow truck motor carrier shall be certified by the department as described in Section 72-9-602 for a minimum of three consecutive years.

Section 3. **Effective Date.**

This bill takes effect on July 1, 2026.