

Stephanie Pitcher proposes the following substitute bill:

Impounded Vehicle Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill allows an individual to remove certain essential items from an impounded vehicle.

Highlighted Provisions:

This bill:

- ▶ amends the definition of "life essential item" to include cell phones and employment tools;
- ▶ adds a requirement that the removal of items may not interfere with health and safety; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-102 (Effective 05/06/26) (Partially Repealed 07/01/27), as last amended by Laws of Utah 2025, Chapters 220, 471

41-6a-1406 (Effective 05/06/26) (Partially Repealed 07/01/29), as last amended by Laws of Utah 2025, Chapter 378

72-9-102 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 457

72-9-603 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 378

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

Section 1. Section **41-6a-102** is amended to read:

41-6a-102 (Effective 05/06/26) (Partially Repealed 07/01/27). Definitions.

As used in this chapter:

- (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

- 30 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- 31 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- 32 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.
- 33 (5) "Authorized emergency vehicle" includes:
- 34 (a) a fire department vehicle;
- 35 (b) a police vehicle;
- 36 (c) an ambulance; and
- 37 (d) other publicly or privately owned vehicles as designated by the commissioner of the
- 38 Department of Public Safety.
- 39 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 40 (7)(a) "Bicycle" means a wheeled vehicle:
- 41 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 42 (ii) with a seat or saddle designed for the use of the operator;
- 43 (iii) designed to be operated on the ground; and
- 44 (iv) whose wheels are not less than 14 inches in diameter.
- 45 (b) "Bicycle" includes an electric assisted bicycle.
- 46 (c) "Bicycle" does not include scooters and similar devices.
- 47 (8)(a) "Bicycle lane" means a portion of a highway that has been designated by a
- 48 highway authority through striping, signage, pavement markings, or barriers for the
- 49 preferential or exclusive use of bicycle, electric assisted bicycle, and motor assisted
- 50 scooter traffic.
- 51 (b) "Bicycle lane" does not include shared lanes intended for both motor vehicle and
- 52 bicycle travel.
- 53 (9)(a) "Bus" means a motor vehicle:
- 54 (i) designed for carrying more than 15 passengers and used for the transportation of
- 55 persons; or
- 56 (ii) designed and used for the transportation of persons for compensation.
- 57 (b) "Bus" does not include a taxicab.
- 58 (10)(a) "Circular intersection" means an intersection that has an island, generally
- 59 circular in design, located in the center of the intersection where traffic passes to the
- 60 right of the island.
- 61 (b) "Circular intersection" includes:
- 62 (i) roundabouts;
- 63 (ii) rotaries; and

- 64 (iii) traffic circles.
- 65 (11) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a
66 motor or electronics that:
- 67 (a) provides assistance only when the rider is pedaling; and
68 (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- 69 (12) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a
70 motor or electronics that:
- 71 (a) may be used exclusively to propel the bicycle; and
72 (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles
73 per hour.
- 74 (13) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a
75 motor or electronics that:
- 76 (a) provides assistance only when the rider is pedaling;
77 (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour;
78 and
79 (c) is equipped with a speedometer.
- 80 (14) "Commissioner" means the commissioner of the Department of Public Safety.
- 81 (15) "Controlled-access highway" means a highway, street, or roadway:
- 82 (a) designed primarily for through traffic; and
83 (b) to or from which owners or occupants of abutting lands and other persons have no
84 legal right of access, except at points as determined by the highway authority having
85 jurisdiction over the highway, street, or roadway.
- 86 (16) "Crosswalk" means:
- 87 (a) that part of a roadway at an intersection included within the connections of the lateral
88 lines of the sidewalks on opposite sides of the highway measured from:
- 89 (i)(A) the curbs; or
90 (B) in the absence of curbs, from the edges of the traversable roadway; and
91 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
92 included within the extension of the lateral lines of the existing sidewalk at right
93 angles to the centerline; or
94 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
95 pedestrian crossing by lines or other markings on the surface.
- 96 (17) "Department" means the Department of Public Safety.
- 97 (18) "Direct supervision" means oversight at a distance within which:

- 98 (a) visual contact is maintained; and
99 (b) advice and assistance can be given and received.
- 100 (19) "Divided highway" means a highway divided into two or more roadways by:
101 (a) an unpaved intervening space;
102 (b) a physical barrier; or
103 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 104 (20) "Echelon formation" means the operation of two or more snowplows arranged
105 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
106 clear snow from two or more lanes at once.
- 107 (21)(a) "Electric assisted bicycle" means a bicycle with an electric motor that:
108 (i) has a power output of not more than 750 watts;
109 (ii) has fully operable pedals;
110 (iii) has permanently affixed cranks that were installed at the time of the original
111 manufacture;
112 (iv) is fully operable as a bicycle without the use of the electric motor; and
113 (v) is one of the following:
114 (A) a class 1 electric assisted bicycle;
115 (B) a class 2 electric assisted bicycle;
116 (C) a class 3 electric assisted bicycle; or
117 (D) a programmable electric assisted bicycle.
- 118 (b) "Electric assisted bicycle" does not include:
119 (i) a moped;
120 (ii) a motor assisted scooter;
121 (iii) a motorcycle;
122 (iv) a motor-driven cycle; or
123 (v) any other vehicle with less than four wheels that is designed, manufactured,
124 intended, or advertised by the seller to have any of the following capabilities or
125 features, or that is modifiable or is modified to have any of the following
126 capabilities or features:
127 (A) has the ability to attain the speed of 20 miles per hour or greater on motor
128 power alone;
129 (B) is equipped with a continuous rated motor power of 750 watts or greater;
130 (C) is equipped with foot pegs for the operator at the time of manufacture, or
131 requires installation of a pedal kit to have operable pedals; or

- 132 (D) if equipped with multiple operating modes and a throttle, has one or more
133 modes that exceed 20 miles per hour on motor power alone.
- 134 (22)(a) "Electric personal assistive mobility device" means a self-balancing device with:
135 (i) two nontandem wheels in contact with the ground;
136 (ii) a system capable of steering and stopping the unit under typical operating
137 conditions;
138 (iii) an electric propulsion system with average power of one horsepower or 750
139 watts;
140 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
141 (v) a deck design for a person to stand while operating the device.
- 142 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 143 (23) "Electric unicycle" means a self-balancing personal transportation device that:
144 (a) has a single wheel;
145 (b) is powered by an electric motor that utilizes gyroscopes and accelerometers to
146 stabilize the rider; and
147 (c) is designed for the operator to face in the direction of travel while operating the
148 device.
- 149 (24) "Explosives" means a chemical compound or mechanical mixture commonly used or
150 intended for the purpose of producing an explosion and that contains any oxidizing and
151 combustive units or other ingredients in proportions, quantities, or packing so that an
152 ignition by fire, friction, concussion, percussion, or detonator of any part of the
153 compound or mixture may cause a sudden generation of highly heated gases, and the
154 resultant gaseous pressures are capable of producing destructive effects on contiguous
155 objects or of causing death or serious bodily injury.
- 156 (25) "Farm tractor" means a motor vehicle designed and used primarily as a farm
157 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 158 (26) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as
159 determined by a Tagliabue or equivalent closed-cup test device.
- 160 (27) "Freeway" means a controlled-access highway that is part of the interstate system as
161 defined in Section 72-1-102.
- 162 (28)(a) "Golf cart" means a device that:
163 (i) is designed for transportation by players on a golf course;
164 (ii) has not less than three wheels in contact with the ground;
165 (iii) has an unladen weight of less than 1,800 pounds;

- 166 (iv) is designed to operate at low speeds; and
167 (v) is designed to carry not more than six persons including the driver.
- 168 (b) "Golf cart" does not include:
169 (i) a low-speed vehicle or an off-highway vehicle;
170 (ii) a motorized wheelchair;
171 (iii) an electric personal assistive mobility device;
172 (iv) an electric assisted bicycle;
173 (v) a motor assisted scooter;
174 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
175 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 176 (29) "Gore area" means the area delineated by two solid white lines that is between a
177 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
178 including similar areas between merging or splitting highways.
- 179 (30) "Gross weight" means the weight of a vehicle without a load plus the weight of any
180 load on the vehicle.
- 181 (31) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
182 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
183 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
184 highway or railroad tracks.
- 185 (32) "Highway" means the entire width between property lines of every way or place of any
186 nature when any part of it is open to the use of the public as a matter of right for
187 vehicular travel.
- 188 (33) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 189 (34) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 190 (35)(a) "Intersection" means the area embraced within the prolongation or connection of
191 the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of
192 two or more highways that join one another.
193 (b) Where a highway includes two roadways 30 feet or more apart:
194 (i) every crossing of each roadway of the divided highway by an intersecting
195 highway is a separate intersection; and
196 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
197 every crossing of two roadways of the highways is a separate intersection.
198 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 199 (36) "Island" means an area between traffic lanes or at an intersection for control of vehicle

- 200 movements or for pedestrian refuge designated by:
- 201 (a) pavement markings, which may include an area designated by two solid yellow lines
- 202 surrounding the perimeter of the area;
- 203 (b) channelizing devices;
- 204 (c) curbs;
- 205 (d) pavement edges; or
- 206 (e) other devices.
- 207 (37)(a) "Lane filtering" means, when operating a motorcycle other than an autocycle, the
- 208 act of overtaking and passing another vehicle that is stopped in the same direction of
- 209 travel in the same lane.
- 210 (b) "Lane filtering" does not include lane splitting.
- 211 (38)(a) "Lane splitting" means, when operating a motorcycle other than an autocycle, the
- 212 act of riding a motorcycle between clearly marked lanes for traffic traveling in the
- 213 same direction of travel while traffic is in motion.
- 214 (b) "Lane splitting" does not include lane filtering.
- 215 (39) "Law enforcement agency" means the same as that term is as defined in Section
- 216 53-1-102.
- 217 (40) "Life essential item retrieval form" means a document completed by a registered
- 218 owner or other authorized representative of a vehicle, vessel, or outboard motor that has
- 219 been towed or removed to request and document the release of life essential items from
- 220 the impounded or towed vehicle, vessel, or outboard motor.
- 221 [(40)] (41) "Limited access highway" means a highway:
- 222 (a) that is designated specifically for through traffic; and
- 223 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
- 224 persons have any right or easement, or have only a limited right or easement of
- 225 access, light, air, or view.
- 226 [(41)] (42) "Local highway authority" means the legislative, executive, or governing body of
- 227 a county, municipal, or other local board or body having authority to enact laws relating
- 228 to traffic under the constitution and laws of the state.
- 229 [(42)] (43)(a) "Low-speed vehicle" means a four wheeled motor vehicle that:
- 230 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 231 (ii) has a capacity of not more than six passengers, including a conventional driver or
- 232 fallback-ready user if on board the vehicle, as those terms are defined in Section
- 233 41-26-102.1.

- 234 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
235 [(43)] (44) "Metal tire" means a tire, the surface of which in contact with the highway is
236 wholly or partly of metal or other hard nonresilient material.
- 237 [(44)] (45)(a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
238 seat or saddle that is less than 24 inches from the ground as measured on a level
239 surface with properly inflated tires.
- 240 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
- 241 (c) "Mini-motorcycle" does not include a motorcycle that is:
242 (i) designed for off-highway use; and
243 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 244 [(45)] (46) "Mobile home" means:
245 (a) a trailer or semitrailer that is:
246 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
247 place either permanently or temporarily; and
248 (ii) equipped for use as a conveyance on streets and highways; or
249 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed
250 for use as a mobile home, as defined in Subsection [(45)(a)] (46)(a), but that is instead
251 used permanently or temporarily for:
252 (i) the advertising, sale, display, or promotion of merchandise or services; or
253 (ii) any other commercial purpose except the transportation of property for hire or the
254 transportation of property for distribution by a private carrier.
- 255 [(46)] (47) "Mobility disability" means the inability of a person to use one or more of the
256 person's extremities or difficulty with motor skills, that may include limitations with
257 walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
258 condition.
- 259 [(47)] (48)(a) "Moped" means a motor-driven cycle having:
260 (i) pedals to permit propulsion by human power; and
261 (ii) a motor that:
262 (A) produces not more than two brake horsepower; and
263 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour
264 on level ground.
- 265 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
266 centimeters and the moped shall have a power drive system that functions directly or
267 automatically without clutching or shifting by the operator after the drive system is

- 268 engaged.
- 269 (c) "Moped" does not include:
- 270 (i) an electric assisted bicycle; or
- 271 (ii) a motor assisted scooter.
- 272 ~~[(48)]~~ (49)(a) "Motor assisted scooter" means a self-propelled device with:
- 273 (i) at least two wheels in contact with the ground;
- 274 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 275 (iii) an electric motor not exceeding 2,000 watts;
- 276 (iv) either:
- 277 (A) handlebars and a deck design for a person to stand while operating the device;
- 278 or
- 279 (B) handlebars and a seat designed for a person to sit, straddle, or stand while
- 280 operating the device;
- 281 (v) a design for the ability to be propelled by human power alone; and
- 282 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 283 (b) "Motor assisted scooter" does not include:
- 284 (i) an electric assisted bicycle; or
- 285 (ii) a motor-driven cycle.
- 286 ~~[(49)]~~ (50)(a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 287 propelled by electric power obtained from overhead trolley wires, but not operated
- 288 upon rails.
- 289 (b) "Motor vehicle" does not include:
- 290 (i) vehicles moved solely by human power;
- 291 (ii) motorized wheelchairs;
- 292 (iii) an electric personal assistive mobility device;
- 293 (iv) an electric assisted bicycle;
- 294 (v) a motor assisted scooter;
- 295 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 296 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 297 ~~[(50)]~~ (51) "Motorcycle" means:
- 298 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 299 and designed to travel with not more than three wheels in contact with the ground; or
- 300 (b) an auticycle.
- 301 ~~[(51)]~~ (52)(a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle

- 302 having:
- 303 (i) an engine with less than 150 cubic centimeters displacement; or
- 304 (ii) a motor that produces not more than five horsepower.
- 305 (b) "Motor-driven cycle" does not include:
- 306 (i) an electric personal assistive mobility device;
- 307 (ii) a motor assisted scooter; or
- 308 (iii) an electric assisted bicycle.
- 309 ~~[(52)]~~ (53) "Off-highway implement of husbandry" means the same as that term is defined
- 310 under Section 41-22-2.
- 311 ~~[(53)]~~ (54) "Off-highway motorcycle" means the same as that term is defined in Section
- 312 41-22-2.
- 313 ~~[(54)]~~ (55) "Off-highway vehicle" means the same as that term is defined under Section
- 314 41-22-2.
- 315 ~~[(55)]~~ (56) "Operate" means the same as that term is defined in Section 41-1a-102.
- 316 ~~[(56)]~~ (57) "Operator" means:
- 317 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 318 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
- 319 vehicle.
- 320 ~~[(57)]~~ (58) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
- 321 other device operated, alone or coupled with another device, on stationary rails.
- 322 ~~[(58)]~~ (59)(a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
- 323 occupied or not.
- 324 (b) "Park" or "parking" does not include:
- 325 (i) the standing of a vehicle temporarily for the purpose of and while actually
- 326 engaged in loading or unloading property or passengers; or
- 327 (ii) a motor vehicle with an engaged automated driving system that has achieved a
- 328 minimal risk condition, as those terms are defined in Section 41-26-102.1.
- 329 ~~[(59)]~~ (60) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
- 330 Peace Officer Classifications, to direct or regulate traffic or to make arrests for
- 331 violations of traffic laws.
- 332 ~~[(60)]~~ (61) "Pedestrian" means a person traveling:
- 333 (a) on foot; or
- 334 (b) in a wheelchair.
- 335 ~~[(61)]~~ (62) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate

336 pedestrians.

337 [(62)] (63) "Person" means a natural person, firm, copartnership, association, corporation,
338 business trust, estate, trust, partnership, limited liability company, association, joint
339 venture, governmental agency, public corporation, or any other legal or commercial
340 entity.

341 [(63)] (64) "Pole trailer" means a vehicle without motive power:

- 342 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means
343 of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle;
344 and
345 (b) that is ordinarily used for transporting long or irregular shaped loads including poles,
346 pipes, or structural members generally capable of sustaining themselves as beams
347 between the supporting connections.

348 [(64)] (65) "Private road or driveway" means every way or place in private ownership and
349 used for vehicular travel by the owner and those having express or implied permission
350 from the owner, but not by other persons.

351 [(65)] (66) "Programmable electric assisted bicycle" means an electric assisted bicycle with
352 capability to switch or be programmed to function as a class 1 electric assisted bicycle,
353 class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the
354 electric assisted bicycle fully conforms with the respective requirements of each class of
355 electric assisted bicycle when operated in that mode.

356 [(66)] (67) "Railroad" means a carrier of persons or property upon cars operated on
357 stationary rails.

358 [(67)] (68) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
359 public body or official or by a railroad and intended to give notice of the presence of
360 railroad tracks or the approach of a railroad train.

361 [(68)] (69) "Railroad train" means a locomotive propelled by any form of energy, coupled
362 with or operated without cars, and operated upon rails.

363 [(69)] (70) "Restored-modified vehicle" means the same as the term defined in Section
364 41-1a-102.

365 [(70)] (71) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
366 lawful manner in preference to another vehicle or pedestrian approaching under
367 circumstances of direction, speed, and proximity that give rise to danger of collision
368 unless one grants precedence to the other.

369 [(71)] (72)(a) "Roadway" means that portion of highway improved, designed, or

370 ordinarily used for vehicular travel.

371 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
372 them are used by persons riding bicycles or other human-powered vehicles.

373 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
374 highway includes two or more separate roadways.

375 ~~[(72)]~~ (73) "Safety zone" means the area or space officially set apart within a roadway for
376 the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
377 signs as to be plainly visible at all times while set apart as a safety zone.

378 ~~[(73)]~~ (74)(a) "School bus" means a motor vehicle that:

379 (i) complies with the color and identification requirements of the most recent edition
380 of "Minimum Standards for School Buses"; and

381 (ii) is used to transport school children to or from school or school activities.

382 (b) "School bus" does not include a vehicle operated by a common carrier in
383 transportation of school children to or from school or school activities.

384 ~~[(74)]~~ (75) "Self-balancing electric skateboard" means a device similar to a skateboard that:

385 (a) has a single wheel;

386 (b) is powered by an electric motor; and

387 (c) is designed for the operator to face perpendicular to the direction of travel while
388 operating the device.

389 ~~[(75)]~~ (76)(a) "Semitrailer" means a vehicle with or without motive power:

390 (i) designed for carrying persons or property and for being drawn by a motor vehicle;
391 and

392 (ii) constructed so that some part of its weight and that of its load rests on or is
393 carried by another vehicle.

394 (b) "Semitrailer" does not include a pole trailer.

395 ~~[(76)]~~ (77) "Shoulder area" means:

396 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
397 edge line as established in the current approved "Manual on Uniform Traffic Control
398 Devices"; or

399 (b) that portion of the road contiguous to the roadway for accommodation of stopped
400 vehicles, for emergency use, and for lateral support.

401 ~~[(77)]~~ (78) "Sidewalk" means that portion of a street between the curb lines, or the lateral
402 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

403 ~~[(78)]~~ (79)(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt

- 404 that is designated for the use of a bicycle.
- 405 (b) "Soft-surface trail" does not mean a trail:
- 406 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
- 407 federal law, regulation, or rule; or
- 408 (ii) located in whole or in part on land granted to the state or a political subdivision
- 409 subject to a conservation easement that prohibits the use of a motorized vehicle.
- 410 ~~[(79)]~~ (80) "Solid rubber tire" means a tire of rubber or other resilient material that does not
- 411 depend on compressed air for the support of the load.
- 412 ~~[(80)]~~ (81) "Stand" or "standing" means the temporary halting of a vehicle, whether
- 413 occupied or not, for the purpose of and while actually engaged in receiving or
- 414 discharging passengers.
- 415 ~~[(81)]~~ (82) "Stop" when required means complete cessation from movement.
- 416 ~~[(82)]~~ (83) "Stop" or "stopping" when prohibited means any halting even momentarily of a
- 417 vehicle, whether occupied or not, except when:
- 418 (a) necessary to avoid conflict with other traffic; or
- 419 (b) in compliance with the directions of a peace officer or traffic-control device.
- 420 ~~[(83)]~~ (84) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
- 421 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway
- 422 motorcycle, that is modified to meet the requirements of Section 41-6a-1509 to operate
- 423 on highways in the state in accordance with Section 41-6a-1509.
- 424 ~~[(84)]~~ (85) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under
- 425 Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to
- 426 operate on highways in the state in accordance with Section 41-6a-1509.
- 427 ~~[(85)]~~ (86) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 428 ~~[(86)]~~ (87) "Tow truck motor carrier" means the same as that term is defined in Section
- 429 72-9-102.
- 430 ~~[(87)]~~ (88) "Traffic" means pedestrians, bicyclists, ridden or herded animals, vehicles, and
- 431 other conveyances either singly or together while using any highway for the purpose of
- 432 travel.
- 433 ~~[(88)]~~ (89) "Traffic signal preemption device" means an instrument or mechanism designed,
- 434 intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 435 ~~[(89)]~~ (90) "Traffic-control device" means a sign, signal, marking, or device not inconsistent
- 436 with this chapter placed or erected by a highway authority for the purpose of regulating,
- 437 warning, or guiding traffic.

438 [(90)] (91) "Traffic-control signal" means a device, whether manually, electrically, or
439 mechanically operated, by which traffic is alternately directed to stop and permitted to
440 proceed.

441 [(91)] (92)(a) "Trailer" means a vehicle with or without motive power designed for
442 carrying persons or property and for being drawn by a motor vehicle and constructed
443 so that no part of its weight rests upon the towing vehicle.

444 (b) "Trailer" does not include a pole trailer.

445 [(92)] (93) "Truck" means a motor vehicle designed, used, or maintained primarily for the
446 transportation of property.

447 [(93)] (94) "Truck tractor" means a motor vehicle:

448 (a) designed and used primarily for drawing other vehicles; and

449 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
450 tractor.

451 [(94)] (95) "Two-way left turn lane" means a lane:

452 (a) provided for vehicle operators making left turns in either direction;

453 (b) that is not used for passing, overtaking, or through travel; and

454 (c) that has been indicated by a lane traffic-control device that may include lane
455 markings.

456 [(95)] (96) "Urban district" means the territory contiguous to and including any street, in
457 which structures devoted to business, industry, or dwelling houses are situated at
458 intervals of less than 100 feet, for a distance of a quarter of a mile or more.

459 [(96)] (97) "Vehicle" means a device in, on, or by which a person or property is or may be
460 transported or drawn on a highway, except a mobile carrier, as defined in Section
461 41-6a-1120, or a device used exclusively on stationary rails or tracks.

462 [(97)] (98) "Wheelie" means a maneuver performed while operating a motorcycle whereby
463 the front wheel of the motorcycle is raised off of the ground.

464 Section 2. Section **41-6a-1406** is amended to read:

465 **41-6a-1406 (Effective 05/06/26) (Partially Repealed 07/01/29). Removal and**
466 **impoundment of vehicles -- Reporting and notification requirements -- Administrative**
467 **impound fee -- Refunds -- Possessory lien -- Rulemaking.**

468 (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section
469 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order
470 of a peace officer or by an order of a person acting on behalf of a law enforcement
471 agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor

- 472 shall be at the expense of the owner.
- 473 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a
474 state impound yard.
- 475 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
476 removed by a tow truck motor carrier that meets standards established:
- 477 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
478 (b) by the department under Subsection (11).
- 479 (4)(a) A report described in this Subsection (4) is required for a vehicle, vessel, or
480 outboard motor that is impounded as described in Subsection (1).
- 481 (b) Before noon on the next business day after the date of the removal of the vehicle,
482 vessel, or outboard motor, a report of the impoundment shall be sent to the Motor
483 Vehicle Division, in an electronic format approved by the Motor Vehicle Division,
484 by:
- 485 (i) the peace officer or agency by whom the peace officer is employed; and
486 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
487 operator is employed.
- 488 (c) The report shall be in a form specified by the Motor Vehicle Division and shall
489 include:
- 490 (i) the operator's name, if known;
491 (ii) a description of the vehicle, vessel, or outboard motor;
492 (iii) the vehicle identification number or vessel or outboard motor identification
493 number;
494 (iv) the case number designated by the peace officer, law enforcement agency
495 number, or government entity;
496 (v) the license number, temporary permit number, or other identification number
497 issued by a state agency;
498 (vi) the date, time, and place of impoundment;
499 (vii) the reason for removal or impoundment;
500 (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
501 outboard motor; and
502 (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 503 (d)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
504 the State Tax Commission shall make rules to establish proper format and
505 information required on the form described in this Subsection (4).

- 506 (ii) The State Tax Commission shall ensure that the form described in this Subsection
507 (4) is provided in an electronic format.
- 508 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
509 required under this Subsection (4), a tow truck motor carrier or impound yard may
510 not:
- 511 (i) collect any fee associated with the removal; and
512 (ii) begin charging storage fees.
- 513 (5)(a) A report described in this Subsection (5) is required for any vehicle, vessel, or
514 outboard motor that is removed, except for:
- 515 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in
516 Subsection (1); or
517 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in
518 accordance with Section 72-9-603.
- 519 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer
520 shall provide documentation to the tow truck operator or tow truck motor carrier that
521 includes:
- 522 (i) the name and badge number of the peace officer;
523 (ii) the name and originating agency identifier of the law enforcement agency; and
524 (iii) the case number designated by the law enforcement officer or law enforcement
525 agency.
- 526 (c) For a removal described in Subsection (5)(a), before noon on the next business day
527 following the date of the removal of the vehicle, vessel, or outboard motor, the tow
528 truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in
529 an electronic format approved by the Motor Vehicle Division:
- 530 (i) the report described in Subsection (4); or
531 (ii) the report described in Subsection (5)(d).
- 532 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck
533 motor carrier does not provide the report described in Subsection (4), the tow truck
534 operator or tow truck motor carrier shall provide a report to the Motor Vehicle
535 Division that includes:
- 536 (i) the name and badge number of the relevant peace officer;
537 (ii) the name and originating agency identifier of the law enforcement agency;
538 (iii) the law enforcement agency case number;
539 (iv) subject to Subsection (5)(e), the vehicle identification number and the license

- 540 number, temporary permit number, or other identification number issued by a
541 state agency;
- 542 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
543 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 544 (e) If either the vehicle identification number or the license number, temporary permit
545 number, or other identification number issued by a state agency is not available, the
546 report shall include:
- 547 (i) as much information as is available from both the vehicle identification number
548 and the license plate number of the vehicle, vessel, or outboard motor; and
549 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make,
550 model, and model year of the vehicle, vessel, or outboard motor.
- 551 (f) Until the tow truck operator or tow truck motor carrier reports the removal as
552 required under this Subsection (5), a tow truck motor carrier may not:
- 553 (i) collect any fee associated with the removal; or
554 (ii) begin charging storage fees.
- 555 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be
556 removed to:
- 557 (i) a state impound yard; or
558 (ii) a location that has been requested by the registered owner at the time of removal,
559 if payment is made to the tow truck motor carrier or tow truck operator at the time
560 of removal.
- 561 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
562 State Tax Commission may make rules to establish proper format and information
563 required on the form described in Subsection (5)(d), including submission in an
564 electronic format.
- 565 (6)(a) Except as provided in Subsection (6)(d) and upon receipt of a report described in
566 Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner
567 described in Section 41-1a-114, to the following parties with an interest in the
568 vehicle, vessel, or outboard motor, as applicable:
- 569 (i) the registered owner;
570 (ii) ~~any~~ a lien holder; or
571 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard
572 motor is ~~currently~~ operating under a temporary permit issued by the dealer, as
573 described in Section 41-3-302.

- 574 (b) The notice shall:
- 575 (i) state the date, time, and place of removal, the name, if applicable, of the~~[person]~~
- 576 individual operating the vehicle, vessel, or outboard motor at the time of removal,
- 577 the reason for removal, and the place where the vehicle, vessel, or outboard motor
- 578 is stored;
- 579 (ii) state that the registered owner is responsible for payment of towing, impound,
- 580 and storage fees charged against the vehicle, vessel, or outboard motor;
- 581 (iii) state the conditions that ~~[must]~~ shall be satisfied before the vehicle, vessel, or
- 582 outboard motor is released; and
- 583 (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the
- 584 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal
- 585 or impoundment under this section, one of the parties fails to make a claim for
- 586 release of the vehicle, vessel, or outboard motor.
- 587 (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor
- 588 is not registered in this state, the Motor Vehicle Division shall make a reasonable
- 589 effort to notify the parties described in Subsection (6)(a) of the removal and the place
- 590 where the vehicle, vessel, or outboard motor is stored.
- 591 (d) The Motor Vehicle Division is not required to give notice under this Subsection (6)
- 592 if a report was received by a tow truck operator or tow truck motor carrier reporting a
- 593 tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- 594 (e)(i) The Motor Vehicle Division shall disclose the information in the report
- 595 described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent
- 596 as defined in Section 41-12a-802 regarding a tow that was initiated:
- 597 (A) by law enforcement; or
- 598 (B) without the vehicle owner's consent.
- 599 (ii) The Motor Vehicle Division may rely on the information provided by the tow
- 600 truck operator or tow truck motor carrier to determine if a tow meets the criteria
- 601 described in Subsections (6)(e)(i)(A) and (B).
- 602 (iii) The designated agent may disclose information received ~~[regarding]~~ concerning
- 603 a tow described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the
- 604 vehicle owner's verified insurance company.
- 605 (iv) The designated agent may not disclose information to a vehicle owner's
- 606 insurance company if the tow does not meet the criteria described in Subsections
- 607 (6)(e)(i)(A) and (B).

- 608 (7)(a) The vehicle, vessel, or outboard motor impounded or removed to a state impound
609 yard as described in this section shall be released after a party described in
610 Subsection (6)(a) or (7)(f):
- 611 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
612 the State Tax Commission;
 - 613 (ii) presents identification sufficient to prove ownership of the impounded or
614 removed vehicle, vessel, or outboard motor;
 - 615 (iii) completes the registration, if needed, and pays the appropriate fees;
 - 616 (iv) if the impoundment was made under Section 41-6a-527 or Subsection
617 41-1a-1101(3), pays:
 - 618 (A) an administrative impound fee of \$425; and
 - 619 (B) in addition to the administrative fee described in Subsection (7)(a)(iv)(A), an
620 administrative testing fee of \$30; and
 - 621 (v) pays all towing and storage fees to the place where the vehicle, vessel, or
622 outboard motor is stored.
- 623 (b)(i) Twenty-nine dollars of the administrative impound fee assessed under
624 Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.
- 625 (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed
626 under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public
627 Safety Restricted Account created in Section 53-3-106.
 - 628 (iii) Twenty dollars of the administrative impound fee assessed under Subsection
629 (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund
630 created in Section 26B-1-318.
 - 631 (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the
632 remainder of the administrative impound fee assessed under Subsection
633 (7)(a)(iv)(A) shall be deposited into the General Fund.
 - 634 (v) The administrative testing fee described in Subsection (7)(a)(iv)(B) shall be
635 deposited into the State Laboratory Drug Testing Account created in Section
636 26B-1-304.
- 637 (c) The administrative impound fee and the administrative testing fee assessed under
638 Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the
639 registered owner, lien holder, or owner's agent presents written evidence to the State
640 Tax Commission that:
- 641 (i) the Driver License Division determined that the arrested~~[person's]~~ individual's

- 642 driver license should not be suspended or revoked under Section 53-3-223 or
643 41-6a-521 as shown by a letter or other report from the Driver License Division
644 presented within 180 days after the day on which the Driver License Division
645 mailed the final notification; or
- 646 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
647 stolen vehicle report presented within 180 days after the day of the impoundment.
- 648 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
649 payment by cash and debit or credit card for a removal or impoundment under
650 Subsection (1) or any service rendered, performed, or supplied in connection with a
651 removal or impoundment under Subsection (1).
- 652 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
653 impounded vehicle, vessel, or outboard motor if:
- 654 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
655 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
656 Subsection (6)(a), even if the party satisfies the requirements to release the
657 vehicle, vessel, or outboard motor under this Subsection (7).
- 658 (f) In addition to the parties described in Subsection (6)(a), the vehicle, vessel, or
659 outboard motor impounded or removed to a state impound yard as described in this
660 section shall be released to an individual that is not described in Subsection (6)(a) if
661 the individual:
- 662 (i)(A) satisfies the requirements of Subsections (7)(a)(i) and (7)(a)(iii) through (v);
663 (B) presents the individual's driver license or other government-issued
664 identification; and
665 (C) demonstrates that the individual has authority granted by a person described in
666 Subsection (6)(a) to obtain and operate the vehicle; or
- 667 (ii) is a tow truck operator or tow truck motor carrier that:
- 668 (A) demonstrates that the tow truck operator or tow truck motor carrier has
669 authority granted by a person described in Subsection (6)(a) to obtain and
670 operate the vehicle, vessel, or outboard motor;
- 671 (B) provides a towing certificate issued by the Department of Transportation [
672 pursuant to] in accordance with Section 72-9-602;
- 673 (C) pays all towing and storage fees; and
674 (D) obtains or presents an impound release for the vehicle, vessel, or outboard
675 motor [~~pursuant to~~] in accordance with Subsection (7)(a).

- 676 (8)(a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by
677 a party described in Subsection (6)(a) or (7)(f) within the time prescribed by Section
678 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the
679 impounded or removed vehicle, vessel, or outboard motor as described in Section
680 41-1a-1103.
- 681 (b) The date of impoundment or removal is considered the date of seizure for computing
682 the time period provided under Section 41-1a-1103.
- 683 (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the
684 impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause
685 of action for all the fees and charges, together with damages, court costs, and attorney
686 fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused
687 the removal or impoundment.
- 688 (10)(a) As used in this Subsection (10), "life essential item" means the same as that term
689 is defined in Subsection 72-9-603(13).
- 690 (b) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,
691 or outboard motor.
- 692 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any
693 nonlife essential items contained in the vehicle, vessel, or outboard motor.
- 694 (d)(i) Except for a vehicle, vessel, ~~[or]~~ outboard motor, or an item being held as
695 evidence, a tow truck operator, a tow truck motor carrier, or an impound yard
696 shall allow a person described in Subsection (6)(a) or an individual described in
697 Subsection (7)(f)(i) to take possession of any life essential item within the vehicle,
698 vessel, or outboard motor after completion of a life essential item retrieval form
699 during normal business hours regardless of whether the towing, impound fees, or
700 storage fees have been paid.
- 701 (ii) A tow truck operator, a tow truck motor carrier, or an impound yard may not
702 allow an individual to retrieve the items described in Subsection (10)(d)(i) if the
703 retrieval would cause an unreasonable delay to vehicle impounding or storage or
704 create a safety risk.
- 705 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon
706 payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an
707 impound yard shall allow a person described in Subsection (6)(a) or an individual
708 described in Subsection (7)(f)(i) to enter the vehicle, vessel, or outboard motor during
709 normal business hours and remove personal property not attached to the vehicle,

710 vessel, or outboard motor.

711 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
712 department shall make rules setting the performance standards for towing companies to
713 be used by the department.

714 (12)(a) The Motor Vehicle Division may specify that a report required under Subsection
715 (4) be submitted in electronic form [~~utilizing~~] using a database for submission,
716 storage, and retrieval of the information.

717 (b)(i) Unless otherwise provided by statute, the Motor Vehicle Division or the
718 administrator of the database may adopt a schedule of fees assessed for [~~utilizing~~]
719 using the database.

720 (ii) The fees under this Subsection (12)(b) shall:

721 (A) be reasonable and fair; and

722 (B) reflect the cost of administering the database.

723 (13) If an owner or authorized representative of a vehicle, vessel, or outboard motor that
724 has been towed or removed requests to retrieve a life essential item, an operator of an
725 impound yard shall provide a life essential item retrieval form.

726 (14)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
727 the commission shall make rules creating, managing, and distributing a life essential
728 retrieval form.

729 (b) The commission shall ensure that a life essential item retrieval form includes:

730 (i) identifying information of:

731 (A) the individual requesting release of a life essential item;

732 (B) the vehicle, vessel, or outboard motor containing the life essential item; and

733 (C) the life essential item for which the individual is requesting release;

734 (ii) if the individual requesting release of a life essential item is not the registered
735 owner of the vehicle, vessel, or outboard motor, proof of authority to retrieve a
736 life essential item;

737 (iii) space for a representative of the impound yard to note the condition of a life
738 essential item upon the item's release;

739 (iv) the date of request and release;

740 (v) if the individual requesting release of a life essential item is requesting an item
741 specific to the individual's employment, the name and phone number of an
742 employer of the individual;

743 (vi) space for signatures of the individual requesting release of a life essential item

744 and a representative of the impound yard; and
745 (vii) other items deemed necessary and proper by the commission.

746 Section 3. Section **72-9-102** is amended to read:

747 **72-9-102 (Effective 05/06/26). Definitions.**

748 As used in this chapter:

749 (1)(a) "Commercial vehicle" includes:

- 750 (i) an interstate commercial vehicle;
- 751 (ii) an intrastate commercial vehicle; and
- 752 (iii) a tow truck.

753 (b) "Commercial vehicle" does not include the following vehicles for purposes of this
754 chapter:

- 755 (i) equipment owned and operated by the United States Department of Defense when
756 driven by any active duty military personnel and members of the reserves and
757 national guard on active duty including personnel on full-time national guard duty,
758 personnel on part-time training, and national guard military technicians and
759 civilians who are required to wear military uniforms and are subject to the code of
760 military justice;
- 761 (ii) firefighting and emergency vehicles, operated by emergency personnel, not
762 including commercial tow trucks;
- 763 (iii) recreational vehicles that are driven solely as family or personal conveyances for
764 noncommercial purposes; or
- 765 (iv) vehicles owned by the state or a local government.

766 (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used on
767 a highway in interstate commerce to transport passengers or property if the vehicle:

- 768 (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds,
769 or gross combination weight rating or gross combination weight of 10,001 or more
770 pounds, whichever is greater;
- 771 (b) is designed or used to transport more than eight passengers, including the driver, for
772 compensation;
- 773 (c) is designed or used to transport more than 15 passengers, including the driver, and is
774 not used to transport passengers for compensation; or
- 775 (d)(i) is used to transport materials designated as hazardous in accordance with 49
776 U.S.C. Sec. 5103; and
- 777 (ii) is required to be placarded in accordance with regulations under 49 C.F.R.,

- 778 Subtitle B, Chapter I, Subchapter C.
- 779 (3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer
 780 used or maintained for business, compensation, or profit to transport passengers or
 781 property on a highway only within the boundaries of this state if the commercial vehicle:
 782 (a)(i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or
 783 gross combination weight rating or gross combination weight of 26,001 or more
 784 pounds, whichever is greater, and is operated by an individual who is 18 years old
 785 or older; or
 786 (ii) has a manufacturer's gross vehicle weight rating or gross combination weight
 787 rating of 16,001 or more pounds and is operated by an individual who is under 18
 788 years old;
- 789 (b)(i) is designed to transport more than 15 passengers, including the driver; or
 790 (ii) is designed to transport more than 12 passengers, including the driver, and has a
 791 manufacturer's gross vehicle weight rating or gross combination weight rating of
 792 13,000 or more pounds; or
- 793 (c) is used in the transportation of hazardous materials and is required to be placarded in
 794 accordance with 49 C.F.R. Part 172, Subpart F.
- 795 (4) "Life essential item retrieval form" means the same as that term is defined in Section
 796 41-6a-102.
- 797 [~~(4)~~] (5) "Motor carrier" means a person engaged in or transacting the business of
 798 transporting passengers, freight, merchandise, or other property by a commercial vehicle
 799 on a highway within this state and includes a tow truck business.
- 800 [~~(5)~~] (6) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as
 801 that term is defined in Section 41-1a-102.
- 802 [~~(6)~~] (7) "Property owner" means the owner or lessee of real property.
- 803 [~~(7)~~] (8) "State impound yard" means the same as that term is defined in Section 41-1a-102.
- 804 [~~(8)~~] (9) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped
 805 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized,
 806 or impounded vehicles from a highway or other place by means of a crane, hoist, tow
 807 bar, tow line, dolly, tilt bed, or other means.
- 808 [~~(9)~~] (10) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting
 809 business for tow truck services.
- 810 [~~(10)~~] (11) "Tow truck operator" means an individual that performs operations related to a
 811 tow truck service as an employee or as an independent contractor on behalf of a tow

812 truck motor carrier.

813 [~~(H)~~] (12) "Tow truck service" means the functions and any ancillary operations associated
814 with recovering, removing, and towing a vehicle and its load from a highway or other
815 place by means of a tow truck.

816 [~~(I2)~~] (13) "Transportation" means the actual movement of property or passengers by motor
817 vehicle, including loading, unloading, and any ancillary service provided by the motor
818 carrier in connection with movement by motor vehicle, which is performed by or on
819 behalf of the motor carrier, its employees or agents, or under the authority of the motor
820 carrier, its employees or agents, or under the apparent authority and with the knowledge
821 of the motor carrier.

822 Section 4. Section **72-9-603** is amended to read:

823 **72-9-603 (Effective 05/06/26). Towing notice requirements -- Cost**
824 **responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and**
825 **certification.**

826 (1) Except for a tow truck service that was ordered by a peace officer, a person acting on
827 behalf of a law enforcement agency, or a highway authority, after performing a tow
828 truck service that is being done without the vehicle, vessel, or outboard motor owner's
829 knowledge, the tow truck operator or the tow truck motor carrier shall:

830 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
831 or outboard motor:

832 (i) provide relevant information to the impound vehicle service system database
833 administered by the Motor Vehicle Division, including:

834 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;

835 (B) a description of the vehicle, vessel, or outboard motor; and

836 (C) the vehicle identification number or vessel or outboard motor identification
837 number; and

838 (ii) contact the law enforcement agency having jurisdiction over the area where the
839 vehicle, vessel, or outboard motor was picked up and notify the agency of the:

840 (A) location of the vehicle, vessel, or outboard motor;

841 (B) date, time, and location from which the vehicle, vessel, or outboard motor was
842 removed;

843 (C) reasons for the removal of the vehicle, vessel, or outboard motor;

844 (D) person who requested the removal of the vehicle, vessel, or outboard motor;
845 and

- 846 (E) description, including the identification number, license number, or other
 847 identification number issued by a state agency, of the vehicle, vessel, or
 848 outboard motor;
- 849 (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner
 850 or operator, within two business days of performing the tow truck service under
 851 Subsection (1)(a), send a certified letter to the last-known address of each party
 852 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
 853 outboard motor obtained from the Motor Vehicle Division or, if the ~~person~~
 854 individual has actual knowledge of the party's address, to the ~~current~~ party's
 855 address, notifying the party of the:
- 856 (i) location of the vehicle, vessel, or outboard motor;
- 857 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
 858 removed;
- 859 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 860 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 861 (v) a description, including ~~its~~ an identification number and license number or other
 862 identification number issued by a state agency; and
- 863 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 864 (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard
 865 motor was removed, provide the owner or operator with a copy of the Utah
 866 Consumer Bill of Rights Regarding Towing established by the department in
 867 Subsection (16)(e).
- 868 (2) Until the tow truck operator or tow truck motor carrier reports the information required
 869 under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard
 870 may not:
- 871 (a) collect any fee associated with the removal; or
- 872 (b) begin charging storage fees.
- 873 (3)(a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck
 874 motor carrier may not perform a tow truck service at the request or direction of a
 875 private property owner or the property owner's agent unless:
- 876 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the
 877 tow truck service; or
- 878 (ii) the property owner erects signage that meets the requirements of:
- 879 (A) Subsection (4)(b)(ii); and

- 880 (B) Subsection (7) or (8).
- 881 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or
882 outboard motor:
- 883 (i) from a location where parking is prohibited by law, including:
- 884 (A) a designated fire lane;
- 885 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked
886 parking stall or space; or
- 887 (C) a marked parking stall or space legally designated for disabled [~~persons~~]
888 individuals;
- 889 (ii) from a location where it is reasonably apparent that the location is not open to
890 parking;
- 891 (iii) from a location where all public access points are controlled by:
- 892 (A) a permanent gate, door, or similar feature allowing the vehicle to access the
893 facility; or
- 894 (B) a parking attendant;
- 895 (iv) from a location that materially interferes with access to private property;
- 896 (v) from the property of a detached single-family dwelling or duplex; or
- 897 (vi) [~~pursuant to~~] in accordance with a legal repossession.
- 898 (4)(a) A private property owner may, subject to the requirements of a local ordinance,
899 enforce parking restrictions by:
- 900 (i) authorizing a tow truck motor carrier to patrol and monitor the property and
901 enforce parking restrictions on behalf of the property owner in accordance with
902 Subsection (7);
- 903 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck
904 motor carrier on a case-by-case basis in accordance with Subsection (8); or
- 905 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written
906 notice in accordance with Subsection (9).
- 907 (b)(i) Any agreement between a private property owner and tow truck motor carrier
908 authorizing the tow truck motor carrier to patrol and monitor the property under
909 Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck
910 motor carrier to remove a vehicle, vessel, or outboard motor from the property.
- 911 (ii) In addition to the signage described in Subsection (7) or (8), a private property
912 owner who allows public parking shall erect appropriate signage on the property
913 indicating clear instructions for parking at the property.

- 914 (iii) Where a single parking area includes abutting parcels of property owned by two
915 or more private property owners who enforce different parking restrictions under
916 Subsection (7) or (8), each property owner shall, in addition to the requirements
917 under Subsection (7) or (8), erect signage as required by this section:
- 918 (A) at each entrance to the property owner's parcel from another property owner's
919 parcel; and
- 920 (B) if there is no clearly defined entrance between one property owner's parcel and
921 another property owner's parcel, at intervals of 40 feet or less along the line
922 dividing the property owner's parcel from the other property owner's parcel.
- 923 (iv) Where there is no clearly defined entrance to a parking area from a highway, the
924 property owner shall erect signage as required by this section at intervals of 40
925 feet or less along any portion of a property line where a vehicle, vessel, or
926 outboard motor may enter the parking area.
- 927 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from,
928 subject to ~~[the provisions of]~~ this section, instituting and enforcing regulations for
929 parking at the property.
- 930 (6) In addition to any other powers provided by law, a political subdivision or state agency
931 may:
- 932 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on
933 property that is:
- 934 (i) owned by the political subdivision or state agency;
- 935 (ii) located outside of the public right-of-way; and
- 936 (iii) open to public parking; and
- 937 (b) request or direct a tow truck service ~~[in order]~~ to abate a public nuisance on private
938 property over which the political subdivision or state agency has jurisdiction.
- 939 (7) For private property where parking is enforced under Subsection (4)(a)(i), the property
940 owner shall ensure that ~~[each]~~ an entrance to the property has signs located on the
941 property and clearly visible to the driver of a vehicle entering the property that
942 substantially comply with the following, as determined by the department:
- 943 (a) a top sign that is 24 inches tall by 18 inches wide and has:
- 944 (i) a blue, reflective background with a 1/2 inch white border;
- 945 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is
946 Patrolled";
- 947 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an

- 948 entire tow truck, a tow hook, and an entire vehicle being towed; and
- 949 (iv) two-inch, white letters at the bottom of the sign with the capitalized words
- 950 "Towing Enforced"; and
- 951 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
- 952 border, and has:
- 953 (i) a top half that is red background with white, reflective letters indicating:
- 954 (A) who is authorized to park or restricted from parking at the property; and
- 955 (B) any type of vehicle prohibited from parking at the property; and
- 956 (ii) a bottom half that has a white, reflective background with red letters indicating:
- 957 (A) the name and telephone number of the tow truck motor carrier that the
- 958 property owner has authorized to patrol the property; and
- 959 (B) the [~~Internet~~] internet web address "tow.utah.gov".
- 960 (8)(a) For private property where parking is enforced under Subsection (4)(a)(ii), a tow
- 961 truck motor carrier may not:
- 962 [~~(i) a tow truck motor carrier may not:~~]
- 963 [~~(A)~~] (i) patrol and monitor the property;
- 964 [~~(B)~~] (ii) perform a tow truck service without the written or verbal request of the
- 965 property owner or the property owner's agent; or
- 966 [~~(C)~~] (iii) act as the property owner's agent to request a tow truck service.
- 967 (b) For private property where parking is enforced under Subsection (4)(a)(ii), the
- 968 property owner shall ensure that [~~each~~] an entrance to the property has a clearly
- 969 visible sign located on the property that substantially follows the following format, as
- 970 determined by the department:
- 971 (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
- 972 border, and has:
- 973 (A) at the top of the sign, a blue background with a white, reflective towing logo
- 974 that is at least four inches tall and 16 inches wide that depicts an entire tow
- 975 truck, a tow hook, and an entire vehicle being towed;
- 976 (B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a
- 977 blue background with white, reflective letters at least two inches tall with the
- 978 capitalized words "Towing Enforced"; and
- 979 (C) in the middle of the sign, a red background with white, reflective letters at
- 980 least one inch tall indicating who is authorized to park or restricted from
- 981 parking at the property, and any type of vehicle prohibited from parking at the

- 982 property; and
- 983 (ii) at the bottom of the sign, a white, reflective background with red letters at least
- 984 one inch tall indicating:
- 985 (A) either the name and telephone number of the property owner or the property
- 986 owner's agent who is authorized to request a tow truck service, or the name and
- 987 telephone number of the tow truck motor carrier that provides tow truck
- 988 services for the property; and
- 989 (B) the [~~Internet~~] internet web address "tow.utah.gov".
- 990 (c) If a dispute arises regarding whether a sign required under this section substantially
- 991 complies with the requirements of this section, the department shall determine
- 992 whether the sign substantially complies.
- 993 (9)(a) For private property without signage substantially meeting the requirements of
- 994 Subsection (7) or (8), as determined by the department, the property owner may
- 995 request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from
- 996 the private property 24 hours after the property owner or the property owner's agent
- 997 affixes a written notice to the vehicle, vessel, or outboard motor in accordance with
- 998 this Subsection (9).
- 999 (b) The written notice described in Subsection (9)(a) shall:
- 1000 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or
- 1001 outboard motor;
- 1002 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel,
- 1003 or outboard motor will be towed from the property if it is not removed within 24
- 1004 hours after the time indicated in Subsection (9)(b)(i);
- 1005 (iii) be at least four inches tall and four inches wide; and
- 1006 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on
- 1007 the driver's side window of the vehicle, vessel, or outboard motor.
- 1008 (c) A property owner may authorize a tow truck motor carrier to act as the property
- 1009 owner's agent for purposes of affixing the written notice described in Subsection
- 1010 (9)(a) to a vehicle, vessel, or outboard motor.
- 1011 (10) The department shall publish on the [~~department Internet~~] [-] department's website the
- 1012 signage requirements and written notice requirements and illustrated or photographed
- 1013 examples of the signage and written notice requirements described in Subsections (7)
- 1014 through (9).
- 1015 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from

- 1016 the towing of a vehicle, vessel, or outboard motor from private property that the property
1017 had signage meeting the requirements of:
- 1018 (a) Subsection (4)(b)(ii); and
1019 (b) Subsection (7) or (8).
- 1020 (12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in
1021 Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor
1022 lawfully removed is only responsible for paying:
- 1023 (a) the tow truck service and storage fees set in accordance with Subsection (16); and
1024 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- 1025 (13)(a) As used in this Subsection (13), "life essential item" means:
- 1026 (i) prescription medication;
1027 (ii) medical equipment;
1028 (iii) shoes;
1029 (iv) coats;
1030 (v) food and water;
1031 (vi) child safety seats;
1032 (vii) a cell phone;
1033 (viii) tools specific to the registered owner's current employment;
1034 ~~[(vii)]~~ (ix) government-issued photo identification; and
1035 ~~[(viii)]~~ (x) human remains.
- 1036 (b) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or
1037 outboard motor.
- 1038 (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any
1039 nonlife essential items contained in the vehicle, vessel, or outboard motor.
- 1040 (d) Except for a vehicle, vessel, ~~[or]~~ outboard motor, or an item being held as evidence,
1041 a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a
1042 party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel,
1043 or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to
1044 take possession of any life essential item within the vehicle, vessel, or outboard
1045 motor after completion of a life essential item retrieval form during normal business
1046 hours regardless of whether the towing, impound fees, or storage fees have been paid.
- 1047 (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon
1048 payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an
1049 impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an

- 1050 interest in the vehicle, vessel, or outboard motor or an individual described in
1051 Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during
1052 normal business hours and remove personal property not attached to the vehicle,
1053 vessel, or outboard motor.
- (f) The tow truck operator or tow truck motor carrier shall securely store the vehicle,
1054 vessel, or outboard motor and items described in Subsection (13)(a) in an approved
1055 state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an
1056 interest in the vehicle, vessel, or outboard motor:
1057
1058 (i) pays the fees described in Subsection (12); and
1059 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.
- (14)(a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party
1060 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or
1061 outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not,
1062 within 30 days after notice has been sent under Subsection (1)(b):
1063
1064 (i) pay the fees described in Subsection (12); and
1065 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
- (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or
1066 outboard motor until at least 30 days after notice has been sent under Subsection
1067 (1)(b).
1068
- (15)(a) A tow truck motor carrier or impound yard shall clearly and conspicuously post
1069 and disclose all ~~[its current]~~ fees, rates, and acceptable forms of payment for tow
1070 truck service and storage of a vehicle in accordance with rules established under
1071 Subsection (16).
1072
- (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
1073 payment by cash and debit or credit card for a tow truck service under Subsection (1)
1074 or any service rendered, performed, or supplied in connection with a tow truck
1075 service under Subsection (1).
1076
- (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1077 department shall:
1078
1079 (a) subject to the restriction in Subsection (17), set maximum rates that:
1080 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,
1081 or outboard motor that are transported in response to:
1082 (A) a peace officer dispatch call;
1083 (B) a motor vehicle division call; and

- 1084 (C) any other call or request where the owner of the vehicle, vessel, or outboard
1085 motor has not consented to the removal;
- 1086 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard
1087 motor stored as a result of one of the conditions listed under Subsection (16)(a)(i);
1088 and
- 1089 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or
1090 outboard motor stored as a result of one of the conditions described in Subsection
1091 (16)(a)(i);
- 1092 (b) establish authorized towing certification requirements, not in conflict with federal
1093 law, related to incident safety, clean-up, and hazardous material handling;
- 1094 (c) specify the form and content of the posting and disclosure of fees and rates charged
1095 and acceptable forms of payment by a tow truck motor carrier or impound yard;
- 1096 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
1097 charge for reporting the information required under Subsection (1)(a)(i) and
1098 providing notice of the removal to each party described in Subsection
1099 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required
1100 in Subsection (1)(b);
- 1101 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
1102 specific information regarding:
- 1103 (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is
1104 towed;
- 1105 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the
1106 tow truck service of a vehicle, vessel, or outboard motor that is transported in
1107 response to a call or request where the owner of the vehicle, vessel, or outboard
1108 motor has not consented to the removal; and
- 1109 (iii) identifies the maximum rates that an impound yard may charge for the storage of
1110 vehicle, vessel, or outboard motor that is transported in response to a call or
1111 request where the owner of the vehicle, vessel, or outboard motor has not
1112 consented to the removal; and
- 1113 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- 1114 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,
1115 vessel, or outboard motor if:
- 1116 (a) the vehicle, vessel, or outboard motor is being held as evidence; and
1117 (b) the vehicle, vessel, or outboard motor is not being released to a party described in

1118 Subsection 41-6a-1406(6)(a) or an individual described in Subsection
1119 41-6a-1406(7)(f)(i), even if the party satisfies the requirements to release the vehicle,
1120 vessel, or outboard motor under Section 41-6a-1406.

1121 (18)(a)(i) A tow truck motor carrier may charge a rate up to the maximum rate set by
1122 the department in rules made under Subsection (16).

1123 (ii) In addition to the maximum rates established under Subsection (16) and when
1124 receiving payment by credit card or debit card, a tow truck operator, a tow truck
1125 motor carrier, or an impound yard may charge a card processing fee of 3% of the
1126 transaction total.

1127 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a
1128 higher level than required in rules made [~~pursuant to~~] in accordance with Subsection
1129 (16).

1130 (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or
1131 outboard motor as a result of a tow service that was performed without the consent of
1132 the owner, and that was not ordered by a peace officer or a person acting on behalf of a
1133 law enforcement agency, the tow truck motor carrier or impound yard shall make
1134 personnel available:

1135 (a) by phone 24 hours a day, seven days a week; and

1136 (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one
1137 hour of when the owner calls the tow truck motor carrier or impound yard.

1138 (20) A tow truck motor carrier or a tow truck operator may not:

1139 (a) share contact or other personal information of an owner of a vehicle, vessel, or
1140 outboard motor or a party described in Subsection 41-6a-1406(6)(a) for which the
1141 tow truck motor carrier or tow truck operator has performed a tow service; and

1142 (b) receive payment for referring a person for whom the tow truck motor carrier or tow
1143 truck operator has performed a tow service to another service, including:

1144 (i) a lawyer referral service;

1145 (ii) a medical provider;

1146 (iii) a funding agency;

1147 (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);

1148 (v) a marketer for any other service; or

1149 (vi) a third party vendor.

1150 Section 5. **Effective Date.**

1151 This bill takes effect on May 6, 2026.