



# MINUTES

## HOUSE TRANSPORTATION STANDING COMMITTEE

LEGISLATURE

Wednesday, February 27, 2019 | 8:00 a.m. | 30 House Building

**Members Present:**

Rep. Kay J. Christofferson, Chair  
Rep. Ken Ivory, Vice Chair  
Rep. Kyle R. Andersen  
Rep. Melissa G. Ballard  
Rep. Suzanne Harrison  
Rep. Dan N. Johnson  
Rep. Marsha Judkins  
Rep. Merrill F. Nelson

Rep. Adam Robertson  
Rep. Lawanna Shurtliff  
Rep. Raymond P. Ward

**Members Absent:**

Rep. Karen Kwan

**Staff Present:**

Mr. Ryan M. Hunter, Policy Analyst  
Ms. Wendy Hill, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Vice Chair Ivory called the meeting to order at 8:07 a.m.

**1 . 1st Sub. S.B. 100 Electronic Driver Licenses (Fillmore, L.)**

Sen. Lincoln Fillmore explained the bill.

Kory Holdaway, citizen, spoke in favor of the bill.

Chris Caras, Director, Driver License Division, spoke to the bill.

**MOTION:** Rep. Robertson moved to replace 1st Substitute S.B. 100 with 2nd Substitute S.B. 100. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. K. Andersen  
Rep. K. Christofferson  
Rep. S. Harrison  
Rep. K. Ivory  
Rep. D. Johnson  
Rep. M. Judkins  
Rep. M. Nelson  
Rep. A. Robertson  
Rep. L. Shurtliff  
Rep. R. Ward

Nays-0

Absent-2

Rep. M. Ballard  
Rep. K. Kwan

**MOTION:** Rep. Robertson moved to pass 2nd Substitute S.B. 100 out favorably. The motion passed with a vote of 7 - 3 - 2.

Yeas-7

Rep. K. Christofferson  
Rep. D. Johnson  
Rep. M. Judkins  
Rep. M. Nelson  
Rep. A. Robertson  
Rep. L. Shurtliff  
Rep. R. Ward

Nays-3

Rep. K. Andersen  
Rep. S. Harrison  
Rep. K. Ivory

Absent-2

Rep. M. Ballard  
Rep. K. Kwan

**MOTION:** Rep. Robertson moved to approve the minutes of the February 25, 2019 meeting. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. K. Andersen  
Rep. K. Christofferson  
Rep. S. Harrison  
Rep. K. Ivory  
Rep. D. Johnson  
Rep. M. Judkins  
Rep. M. Nelson  
Rep. A. Robertson  
Rep. L. Shurtliff  
Rep. R. Ward

Nays-0

Absent-2

Rep. M. Ballard  
Rep. K. Kwan

**2 . H.B. 350 Mobile Carrier Amendments (*Barlow, S.*)**

Rep. Stewart Barlow explained the bill with the assistance of Adam Kolowich, Piaggio Fast Foward.

A handout "Gita" was distributed to the committee.

[Gita](#)

**MOTION:** Rep. Shurtliff moved to pass H.B. 350 out favorably. The motion passed with a vote of 11 - 0 - 1.

Yeas-11

Rep. K. Andersen  
Rep. M. Ballard  
Rep. K. Christofferson  
Rep. S. Harrison  
Rep. K. Ivory  
Rep. D. Johnson  
Rep. M. Judkins  
Rep. M. Nelson  
Rep. A. Robertson  
Rep. L. Shurtliff  
Rep. R. Ward

Nays-0

Absent-1

Rep. K. Kwan

**3 . H.B. 289 Tinted Vehicle Windows Amendments (*Lyman, P.*)**

Rep. Phil Lyman explained the bill.

A handout "State Comparisons" was distributed to the committee.

[State Comparisons](#)

A sample of 43% and 28% window tints were shown to the committee.

A handout "Utah Highway Patrol - Window Tint Information Sheet" was distributed to the committee.

[Utah Highway Patrol - Window Tint Information Sheet](#)

Wayne Jones, Executive Director, Used Car Association, spoke to the bill.

Colonel Michael Rapich, Utah Highway Patrol, spoke in opposition to the bill.

Molly Davis, Policy Analyst, Libertas Institute, spoke in favor of the bill.

Chief Tom Ross, Bountiful City Police Department, spoke in opposition to the bill.

George Chapman, citizen, spoke in opposition to the bill.

**MOTION:** Rep. Judkins moved to pass H.B. 289 out favorably. The motion failed with a vote of 5 - 5 - 2.

Yeas-5

Rep. M. Ballard  
Rep. K. Ivory  
Rep. D. Johnson  
Rep. M. Judkins  
Rep. A. Robertson

Nays-5

Rep. K. Andersen  
Rep. K. Christofferson  
Rep. M. Nelson  
Rep. L. Shurtliff  
Rep. R. Ward

Absent-2

Rep. S. Harrison  
Rep. K. Kwan

**4 . H.B. 228 Towing Revisions (Maloy, A.C.)**

Rep. A. Cory Maloy explained the bill.

Cameron Diehl, Executive Director, Utah League of Cities and Towns, spoke to the bill.

Jami Brackin, Chair, Civil Legislative Action Committee, spoke against the bill.

Mark Stratford, Assistant City Attorney, Ogden City/Weber 911, spoke to the bill.

Neil Schultz, President, Ogden-Weber Towing Association, spoke in favor of the bill.

Derek Habel, Towing Advisory Board, spoke in favor of the bill.

**MOTION:** Rep. Ward moved to replace H.B. 228 with 3rd Substitute H.B. 228. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. K. Andersen  
Rep. M. Ballard  
Rep. K. Christofferson  
Rep. K. Ivory  
Rep. D. Johnson  
Rep. M. Judkins  
Rep. M. Nelson  
Rep. A. Robertson  
Rep. L. Shurtliff  
Rep. R. Ward

Nays-0

Absent-2

Rep. S. Harrison  
Rep. K. Kwan

**MOTION:** Rep. Ward moved to amend 3rd Substitute H.B. 228 with Amendment #1. The motion passed with a vote of 10 - 0 - 2.

Amendment 1  
3rd Sub. H.B. 228

1. Page 17, Line 520 through Page 18, Line 525:

- 520 ~~{(1)(a) "Central office" means a central place of business of a tow truck motor carrier~~
- 521 ~~located within a 10 mile radius of each state impound yard owned or operated by the tow truck~~
- 522 ~~motor carrier.~~
- 523 ~~—(b) "Central office" does not include a remote state impound yard owned or operated~~
- 524 ~~by the tow truck motor carrier.}~~
- 525 ~~{+}(1){+}{(2)}~~ (a) "Commercial vehicle" includes:

2. Page 18, Line 540:

540 ~~{+}(2){+}{(3)}~~ "Interstate commercial vehicle" means a self-propelled or towed motor vehicle

3. Page 18, Line 552 through Page 19, Line 553:

552 ~~{+}(3){+}{(4)}~~ "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or  
 553 semitrailer used or maintained for business, compensation, or profit to transport passengers or

4. Page 19, Lines 560 through 581:

560 ~~{+}(4){+}{(5)}~~ "Motor carrier" means a person engaged in or transacting the business of  
 561 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a  
 562 highway within this state and includes a tow truck business.

563 ~~{(6)}~~ (5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as  
 564 that term is defined in Section 41-1a-102.

565 ~~{(7)}~~ (6) "Property owner" means the owner or lessee of real property.

566 ~~{(8)}~~ (7) "State impound yard" means the same as that term is defined in Section 41-1a-102.

567 ~~{(5)}~~ ~~{(9)}~~ (8) "Tow truck" means a motor vehicle constructed, designed, altered, or  
 568 equipped primarily for the purpose of towing or removing damaged, disabled, abandoned,  
 569 seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow  
 570 bar, tow line, dolly, tilt bed, or other means.

571 ~~{(10)}~~ (9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting  
 572 business for tow truck services.

573 ~~{(11)}~~ (10) "Tow truck operator" means an individual that performs operations related to a  
 574 tow truck service as an employee or as an independent contractor on behalf of a tow truck  
 575 motor carrier.

576 ~~{(6)}~~ ~~{(12)}~~ (11) "Tow truck service" means the functions and any ancillary operations  
 577 associated with recovering, removing, and towing a vehicle and its load from a highway or  
 578 other place by means of a tow truck.

579 ~~{(7)}~~ ~~{(13)}~~ (12) "Transportation" means the actual movement of property or passengers by  
 580 motor vehicle, including loading, unloading, and any ancillary service provided by the motor  
 581 carrier in connection with movement by motor vehicle, which is performed by or on behalf of

5. Page 25, Lines 743 through 747:

743 (2) A tow truck motor carrier that has a county or municipal business license for a  
 744 ~~{+}~~place of business~~{+}~~~~{-central office}~~ located within that county or municipality may not be  
 745 required to obtain another business license in order to perform a tow truck service in another  
 746 county or municipality if there is not a ~~{+}~~business location~~{+}~~~~{-central office}~~ in the other county or  
 747 municipality.

6. Page 25, Lines 759 through 760:

759 ~~(6)~~ ~~{A}~~ Beginning on January 1, 2021, a political subdivision or state agency may not charge an applicant a  
 fee or charge  
 760 related to dispatch costs in order to be part of the towing rotation.

Yeas-10

- Rep. K. Andersen
- Rep. M. Ballard
- Rep. K. Christofferson
- Rep. K. Ivory
- Rep. D. Johnson
- Rep. M. Judkins
- Rep. M. Nelson
- Rep. A. Robertson
- Rep. L. Shurtliff
- Rep. R. Ward

Nays-0

Absent-2

- Rep. S. Harrison
- Rep. K. Kwan

**MOTION:** Rep. Ward moved to pass 3rd Substitute H.B. 228 as amended out favorably.

**SUBSTITUTE MOTION:** Rep. Judkins moved to amend 3rd Substitute H.B. 228 by striking lines 712 and 713 and adding "subject to local zoning ordinances" to line 376.

**MOTION:** Rep. Christofferson moved to adjourn. The motion passed with a vote of 10 - 0 - 2.

Yeas-10

Rep. K. Andersen  
Rep. M. Ballard  
Rep. K. Christofferson  
Rep. K. Ivory  
Rep. D. Johnson  
Rep. M. Judkins  
Rep. M. Nelson  
Rep. A. Robertson  
Rep. L. Shurtliff  
Rep. R. Ward

Nays-0

Absent-2

Rep. S. Harrison  
Rep. K. Kwan

Vice Chair Ivory adjourned the meeting at 10:02 a.m.