

Chapter 9 Motor Carrier Safety Act

Part 1 General Provisions

72-9-101 Title.

This chapter is known as the "Motor Carrier Safety Act."

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Commercial vehicle" includes:
 - (i) an interstate commercial vehicle;
 - (ii) an intrastate commercial vehicle; and
 - (iii) a tow truck.
 - (b) "Commercial vehicle" does not include the following vehicles for purposes of this chapter:
 - (i) equipment owned and operated by the United States Department of Defense when driven by any active duty military personnel and members of the reserves and national guard on active duty including personnel on full-time national guard duty, personnel on part-time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice;
 - (ii) firefighting and emergency vehicles, operated by emergency personnel, not including commercial tow trucks;
 - (iii) recreational vehicles that are driven solely as family or personal conveyances for noncommercial purposes; or
 - (iv) vehicles owned by the state or a local government.
- (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property if the vehicle:
 - (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds, or gross combination weight rating or gross combination weight of 10,001 or more pounds, whichever is greater;
 - (b) is designed or used to transport more than eight passengers, including the driver, for compensation;
 - (c) is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
 - (d)
 - (i) is used to transport materials designated as hazardous in accordance with 49 U.S.C. Sec. 5103; and
 - (ii) is required to be placarded in accordance with regulations under 49 C.F.R., Subtitle B, Chapter I, Subchapter C.
- (3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer used or maintained for business, compensation, or profit to transport passengers or property on a highway only within the boundaries of this state if the commercial vehicle:
 - (a)

- (i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, and is operated by an individual who is 18 years old or older; or
- (ii) has a manufacturer's gross vehicle weight rating or gross combination weight rating of 16,001 or more pounds and is operated by an individual who is under 18 years old;
- (b)
 - (i) is designed to transport more than 15 passengers, including the driver; or
 - (ii) is designed to transport more than 12 passengers, including the driver, and has a manufacturer's gross vehicle weight rating or gross combination weight rating of 13,000 or more pounds; or
- (c) is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F.
- (4) "Motor carrier" means a person engaged in or transacting the business of transporting passengers, freight, merchandise, or other property by a commercial vehicle on a highway within this state and includes a tow truck business.
- (5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as that term is defined in Section 41-1a-102.
- (6) "Property owner" means the owner or lessee of real property.
- (7) "State impound yard" means the same as that term is defined in Section 41-1a-102.
- (8) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow line, dolly, tilt bed, or other means.
- (9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting business for tow truck services.
- (10) "Tow truck operator" means an individual that performs operations related to a tow truck service as an employee or as an independent contractor on behalf of a tow truck motor carrier.
- (11) "Tow truck service" means the functions and any ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place by means of a tow truck.
- (12) "Transportation" means the actual movement of property or passengers by motor vehicle, including loading, unloading, and any ancillary service provided by the motor carrier in connection with movement by motor vehicle, which is performed by or on behalf of the motor carrier, its employees or agents, or under the authority of the motor carrier, its employees or agents, or under the apparent authority and with the knowledge of the motor carrier.

Amended by Chapter 457, 2024 General Session

**72-9-103 Rulemaking -- Motor vehicle liability coverage for certain motor carriers --
Adjudicative proceedings.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:
 - (a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum security requirements for motor carriers;
 - (b) specifying the equipment required to be carried in each tow truck, including limits on loads that may be moved based on equipment capacity and load weight; and
 - (c) providing for the necessary administration and enforcement of this chapter.
- (2)

- (a) Notwithstanding Subsection (1)(a), the department shall not require a motor carrier to comply with 49 C.F.R. Part 387 Subpart B if the motor carrier is:
 - (i) engaging in or transacting the business of transporting passengers by an intrastate commercial vehicle that has a seating capacity of no more than 30 passengers; and
 - (ii) a licensed child care provider under Section 26B-2-403.
- (b) Policies containing motor vehicle liability coverage for a motor carrier described under Subsection (2)(a) shall require minimum coverage of:
 - (i) \$1,000,000 for a vehicle with a seating capacity of up to 20 passengers; or
 - (ii) \$1,500,000 for a vehicle with a seating capacity of up to 30 passengers.
- (3) The department shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 330, 2023 General Session

72-9-104 Motor carriers to operate under chapter.

A motor carrier may not operate any commercial vehicle for the transportation of persons or property on any public highway in this state except in accordance with this chapter, and rules and orders of the department.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-105 Information lettered on vehicle -- Exceptions.

- (1) Except under Subsection (4), a motor carrier shall have lettered on both sides of any vehicle used for transportation of persons or property the name of the motor carrier company.
- (2) The motor carrier shall ensure that the lettering is free from obstruction and legible from a distance of at least 50 feet.
- (3)
 - (a) In addition to the lettering required under Subsection (1), the department may require a motor carrier to display an identification number assigned by the department in accordance with this section.
 - (b) The department may issue an identification number in conjunction with the United States Department of Transportation to develop a program to improve motor carrier safety enforcement.
- (4) An intrastate commercial vehicle primarily used by a farmer for the production of agricultural products is exempt from the provisions of this section.

Amended by Chapter 96, 2017 General Session

72-9-106 Exemption for public utilities from regulations establishing hours of service.

- (1) As used in this section, "emergency" means a condition which jeopardizes life or property or that endangers public health and safety.
- (2) A person who is an employee of an electrical corporation, a gas corporation, or a telephone corporation, as these corporations are defined in Section 54-2-1, is exempt from any hours of service rules and regulations for drivers while operating a public utility vehicle within the state during the emergency restoration of public utility service.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-107 Medical exemptions for farm vehicle operators.

Except as provided in Section 53-3-206, an operator of a farm vehicle or combination of farm vehicles is exempt from additional requirements for physical qualifications, medical examinations, and medical certification if the farm vehicle or combination of farm vehicles being operated is:

- (1) under 26,001 pounds gross vehicle weight rating;
- (2) not operated as a commercial motor vehicle in accordance with Subsection 53-3-102(7)(b)(ii);
and
- (3) not operated as an interstate commercial motor vehicle.

Amended by Chapter 52, 2015 General Session

Part 2
Motor Carrier Advisory Board

72-9-201 Motor Carrier Advisory Board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.

- (1) There is created within the department the Motor Carrier Advisory Board consisting of five members appointed by the department.
- (2) Each member of the board shall:
 - (a) represent experience and expertise in the areas of motor carrier transportation, commerce, agriculture, economics, shipping, or highway safety;
 - (b) be selected at large on a nonpartisan basis; and
 - (c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.
- (3)
 - (a) Except as required by Subsection (3)(b), as terms of current board members expire, the department shall appoint each new member or reappointed member to a four-year term.
 - (b) The department shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
 - (c) A member shall serve from the date of appointment until a replacement is appointed.
- (4) When a vacancy occurs in the membership for any reason, the department shall appoint the replacement to serve for the remainder of the unexpired term beginning the day following the day on which the vacancy occurs.
- (5) The board shall elect its own chair and vice chair at the first regular meeting of each calendar year.
- (6) The board shall meet at least twice per year or as needed when called by the chair.
- (7) Any three voting members constitute a quorum for the transaction of business that comes before the board.
- (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9) The board shall advise the department and the commission on interpretation, adoption, and implementation of this chapter and other motor carrier related issues.

(10) The department shall provide staff support to the board.

Amended by Chapter 249, 2023 General Session

Part 3 Department Duties

72-9-301 Duties -- Enforcement -- Federal safety regulations -- Audits -- Rights of entry for audits.

(1) The department shall administer and in cooperation with the Department of Public Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall enforce state and federal laws related to the operation of a motor carrier within the state, including:

- (a) the operation of ports-of-entry under Section 72-9-501;
- (b) vehicle size, weight, and load restrictions;
- (c) security requirements;
- (d) safety requirements; and
- (e) the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations.

(2) (a) The department shall conduct compliance audits and inspections as needed to enforce state and federal laws related to the operation of a motor carrier.

- (b) The Department of Public Safety, Utah Highway Patrol Division, and other law enforcement agencies certified by the department shall conduct inspections as needed to enforce state and federal laws related to the operation of a motor carrier.

(3) (a) In accordance with Subsection (3)(b), the department's authorized employees or agents may enter, inspect, and examine any lands, buildings, and equipment of a motor carrier subject to this chapter, to inspect and copy any accounts, books, records, and documents in order to administer and enforce state and federal laws related to the operation of a motor carrier provided:

- (i) the department's authorized employees or agents schedule an appointment with the motor carrier prior to entering, inspecting, or examining any facility or records of a motor carrier; or
- (ii) if the department's authorized employees or agents believe that a criminal violation is involved and that a scheduled appointment would compromise the detection of the alleged criminal violation, no appointment is necessary.

(b) A motor carrier shall submit its lands, buildings, and equipment for inspection and examination and shall submit its accounts, books, records, and documents for inspection and copying in accordance with this section.

Amended by Chapter 155, 2009 General Session

72-9-302 Interstate agreements.

(1) The department may enter into agreements with other states to allow the cooperative base state safety and insurance regulation of motor carriers transporting property or passengers in interstate commerce.

(2) An agreement may authorize another state to:

- (a) accept the filing of a certificate and affidavit of insurance;
 - (b) issue a revocation, suspension, restriction, probation, and reinstatement order or notice; and
 - (c) collect and disburse any fee to and from another state that participates in the base state program.
- (3) An agreement may allow the exchange of information for audit, reporting, and enforcement purposes.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-303 Cease and desist orders -- Registration sanctions.

- (1) The department may issue cease and desist orders to any person:
- (a) who engages in or represents himself or herself to be engaged in a motor carrier operation that is in violation of this chapter;
 - (b) to prevent the violation of any of the provisions of this title; and
 - (c) who otherwise violates this chapter or any rules adopted under this chapter.
- (2)
- (a) The department shall notify the Motor Vehicle Division of the State Tax Commission upon having reasonable grounds to believe that a motor carrier is in violation of this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall refuse registration or shall suspend or revoke a registration as provided in Sections 41-1a-109 and 41-1a-110.
 - (b) The department shall notify the Motor Vehicle Division immediately upon being satisfied that a motor carrier, reported as being in violation under Subsection (2)(a), is in compliance with this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall remove any restriction made on a registration under this chapter.

Amended by Chapter 302, 2025 General Session

Part 4
Motor Carrier Liability - Duties

72-9-401 Liability of motor carriers for loss or damage to freight.

- (1)
- (a) A motor carrier receiving property for transportation from one point in this state to another point in this state shall issue a receipt or bill of lading for the property, and shall be liable to the lawful holder of the property for any loss, damage, or injury to the property caused by the motor carrier, or by any motor carrier to which the property may be delivered or over whose line or lines the property may pass within this state when transported on a through bill of lading.
 - (b) A contract, receipt, rule, regulation, or other limitation of any character whatsoever may not exempt the motor carrier from this liability.
- (2) A motor carrier that receives property for transportation or any motor carrier delivering the property to the consignee shall be liable to the lawful holder of the receipt or bill of lading, or to any party entitled to recover on the property whether the receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to the property caused by the motor carrier, or by any motor carrier to which the property may have been delivered or over whose

line or lines the property may have passed within this state when transported on a through bill of lading.

- (3)
- (a) The provisions of Subsection (2) apply notwithstanding any limitation of liability or of the amount of recovery, or any representation or agreement as to the value of the property in any receipt or bill of lading or in any contract, rule, or regulation.
 - (b) Any limitation of liability is unlawful and void if the provisions respecting liability for full actual loss, damage, or injury notwithstanding any limitation of liability or of recovery, or any representation or agreement or release as to value to property, except livestock, received for transportation concerning which the motor carrier expressly authorizes or requires, by order of the commission, the establishment and maintenance of rates dependent upon the value declared in writing by the shipper or agreed to in writing as the released value of the property.
 - (c) The declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or agreed upon.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-402 Limitation of time for presenting claims and bringing suit.

- (1) A motor carrier shall allow at least:
 - (a) 90 days for giving notice of claims for any loss, damage, or injury to property;
 - (b) four months for the filing of claims; and
 - (c) two years for the institution of suits.
- (2) If the loss or injury complained of is due to delay or damage while being loaded or unloaded, or damage in transit caused by carelessness or negligence, a notice of claim or a filing of claim is not required as a condition precedent to recovery.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-403 Contribution between connecting motor carriers.

- (1) The motor carrier paying for the loss or damage to property transported or received is entitled to recovery from the motor carrier responsible for the loss or damage, or on the motor carrier's line the loss, damage, or injury was sustained.
- (2) The amount of the loss or damage is equal to the amount the motor carrier is required to pay to the persons entitled to the recovery.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-404 Bills of lading -- Form.

Bills of lading issued by any motor carrier for the transportation of goods within this state shall conform to this chapter, rules made under this chapter, and Title 70A, Chapter 7a, Part 3, Bills of Lading - Special Provisions, that are not in conflict with this chapter.

Amended by Chapter 42, 2006 General Session

**Part 5
Ports-Of-Entry**

72-9-501 Construction, operation, and maintenance of ports-of-entry by the department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry agents.

- (1)
- (a) The department shall construct ports-of-entry for the purpose of checking motor carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws including laws relating to:
 - (i) driver qualifications;
 - (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
 - (iii) vehicle registration;
 - (iv) fuel tax payment;
 - (v) vehicle size, weight, and load;
 - (vi) security or insurance;
 - (vii) this chapter;
 - (viii) hazardous material as defined under 49 U.S.C. Sec. 5102; and
 - (ix) safety.
 - (b) The ports-of-entry shall be located on state highways at sites determined by the department.
- (2)
- (a) The ports-of-entry shall be operated and maintained by the department.
 - (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles, and vehicle loads for compliance with state and federal laws specified in Subsection (1).
- (3)
- (a) A port-of-entry agent or a peace officer, in whose presence an offense described in this section is committed, may:
 - (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;
 - (ii) request and administer chemical tests to determine blood alcohol concentration in compliance with Section 41-6a-515;
 - (iii) place a driver out-of-service in accordance with Section 53-3-417; and
 - (iv) serve a driver with notice of the Driver License Division of the Department of Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in accordance with Section 53-3-418.
 - (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a port-of-entry agent who is not a peace officer or special function officer designated under Title 53, Chapter 13, Peace Officer Classifications.
- (4)
- (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections 23A-10-301 and 23A-10-302.
 - (b) The department is not responsible for decontaminating a conveyance or equipment detained or quarantined.
 - (c) The Division of Wildlife Resources may decontaminate, as defined in Section 23A-10-101, a conveyance or equipment at the port-of-entry if authorized by the department.

Amended by Chapter 34, 2023 General Session

72-9-502 Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions -- Rulemaking -- Bypass permits.

- (1) Except as provided in Subsections (3) and (5), a motor carrier operating a motor vehicle with a gross vehicle weight or gross combination weight of 26,001 or more pounds, whichever is greater, shall stop at a port-of-entry as required under this section.
- (2) The department may erect and maintain signs directing motor vehicles to a port-of-entry as provided in this section.
- (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt from this section if:
 - (a) the total one-way trip distance for the motor vehicle would be increased by more than 5% or three miles, whichever is greater if diverted to a port-of-entry;
 - (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit issued under Subsection (4); or
 - (c) the motor vehicle is an implement of husbandry as defined in Section 41-1a-102 being operated only incidentally on a highway as described in Section 41-1a-202.
- (4)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of a temporary port-of-entry by-pass permit exempting a motor vehicle from the provisions of Subsection (1) if the department determines that the permit is needed to accommodate highway transportation needs due to multiple daily or weekly trips in the proximity of a port-of-entry.
 - (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a motor carrier for multiple motor vehicles.
- (5) If a port-of-entry is subject to an agreement entered into pursuant to Section 72-9-503, the department may apply the lowest gross vehicle weight or gross combination weight applicable to the relevant port-of-entry.

Amended by Chapter 473, 2024 General Session

72-9-503 Authority to enter agreement with other states for joint port-of-entry operation.

- (1) The executive director of the department may negotiate and enter into bilateral agreements with a representative designated by a contiguous state for the construction, operation, maintenance, and staffing of a jointly occupied port-of-entry.
- (2) The agreement may provide for the collection of highway user fees, registration fees, permit fees, fuel taxes, and any other fees and taxes by either state jointly occupying a port-of-entry.
- (3) The agreement may provide for the enforcement of state and federal laws as provided in this chapter.

Renumbered and Amended by Chapter 270, 1998 General Session

Part 6
Tow Truck Provisions

Superseded 1/1/2026

72-9-601 Tow truck motor carrier requirements -- Authorized towing certificates.

- (1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
 - (a) ensure that all the tow truck motor carrier's tow truck operators are properly:
 - (i) trained to operate tow truck equipment;

- (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
- (iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603;
- (b) ensure that all the tow truck motor carrier's tow truck operators:
 - (i) have cleared the criminal background check required in Subsections 72-9-602(2) and (3);
and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45; and
- (c) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and tow truck operator, as required under Section 72-9-602.
- (2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a current authorized towing certificate under this part.

Amended by Chapter 298, 2017 General Session

Effective 1/1/2026

72-9-601 Tow truck motor carrier requirements -- Authorized towing certificates.

- (1) In addition to the requirements of this chapter, a tow truck motor carrier shall:
 - (a) ensure that all the tow truck motor carrier's tow truck operators are properly:
 - (i) trained to operate tow truck equipment;
 - (ii) licensed, as required under Title 53, Chapter 3, Uniform Driver License Act; and
 - (iii) complying with the requirements under Sections 41-6a-1406 and 72-9-603;
 - (b) ensure that all the tow truck motor carrier's tow truck operators:
 - (i) have cleared the criminal background check required in Subsections 72-9-602(2) and (3);
and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45;
 - (c) obtain and display a current authorized towing certificate for the tow truck motor carrier, and each tow truck and tow truck operator, as required under Section 72-9-602; and
 - (d) provide to the department, at least once per calendar quarter, information indicating each towing entity dispatch and rotation service of which the tow truck motor carrier is part.
- (2) A tow truck motor carrier may only perform a towing service described in Section 41-6a-1406, 41-6a-1407, or 72-9-603, with a tow truck and tow truck operator that has a current authorized towing certificate under this part.

Amended by Chapter 378, 2025 General Session

Superseded 1/1/2026

72-9-602 Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.

- (1)
 - (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck operators to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
 - (b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
 - (c)
 - (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and tow truck operator that complies with this part and rules made by the department in accordance with Subsection (6).

- (ii) The authorized towing certificate described in this section shall expire two years from the month of issuance.
- (d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.
- (2)
 - (a) To qualify for an authorized towing certificate described in Subsection (1), a tow truck operator shall:
 - (i) submit to a fingerprint-based criminal background check, as described in Subsection (3); and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45.
 - (b) For each tow truck operator employed, a tow truck motor carrier shall:
 - (i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and
 - (ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.
- (3)
 - (a) Before a tow truck motor carrier may hire an individual as a tow truck operator and receive an authorized towing certificate from the department as required in Subsection (2), the tow truck motor carrier shall require the individual to submit to the Department of Public Safety:
 - (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
 - (ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.
 - (b) The Bureau of Criminal Identification shall:
 - (i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;
 - (ii) report the results of the background check to the requesting tow truck motor carrier;
 - (iii) maintain a separate file of fingerprints submitted under this part for search by future submissions to the local and regional criminal records databases, including latent prints; and
 - (iv) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for the individuals with whom the entity maintains an authorizing relationship.
 - (c)
 - (i) Except for an individual hired as a tow truck operator before July 1, 2017, the department shall deny an individual's authorized towing certification, and the individual may not operate a tow truck in this state, if the individual has been convicted of any felony offense within the previous two years.
 - (ii) The department may deny or revoke the authorized towing certification of a tow truck motor carrier that employs an individual who fails to comply with the background check required in this section.
- (4) The department shall make available to the public electronically accessible consumer protection information, including a list of all tow truck motor carriers that are currently certified by the department.
- (5) The department may deny a tow truck motor carrier's certification if the department has evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under Section 72-9-603.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the inspection, investigation, and certification procedures described in this section.

Amended by Chapter 298, 2017 General Session

Effective 1/1/2026

72-9-602 Towing inspections, investigations, and certification -- Equipment requirements -- Consumer information.

- (1)
 - (a) The department shall inspect, investigate, and certify tow truck motor carriers, tow trucks, and tow truck operators to ensure compliance with this chapter and compliance with Sections 41-6a-1406 and 41-6a-1407.
 - (b) The inspection, investigation, and certification shall be conducted prior to any tow truck operation and at least every two years thereafter.
 - (c)
 - (i) The department shall issue an authorized towing certificate for each tow truck motor carrier, tow truck, and tow truck operator that complies with this part and rules made by the department in accordance with Subsection (6).
 - (ii) The authorized towing certificate described in this section shall expire two years from the month of issuance.
 - (d) The department may charge a biennial fee established under Section 63J-1-504 to cover the cost of the inspection, investigation, and certification required under this part.
- (2)
 - (a) To qualify for an authorized towing certificate described in Subsection (1), a tow truck operator shall:
 - (i) submit to a fingerprint-based criminal background check, as described in Subsection (3); and
 - (ii) obtain and maintain a valid medical examiner's certificate under 49 C.F.R. Sec. 391.45.
 - (b) For each tow truck operator employed, a tow truck motor carrier shall:
 - (i) maintain records of the updated background checks and a valid medical examiner's certificate, as required under this section; and
 - (ii) biennially, make the records described in Subsection (2)(b)(i) available to the department.
- (3)
 - (a) Before a tow truck motor carrier may hire an individual as a tow truck operator and receive an authorized towing certificate from the department as required in Subsection (2), the tow truck motor carrier shall require the individual to submit to the Department of Public Safety:
 - (i) a fingerprint card in a form acceptable to the Department of Public Safety; and
 - (ii) consent to a state and regional fingerprint background check by the Bureau of Criminal Identification.
 - (b) The Bureau of Criminal Identification shall:
 - (i) check the fingerprints submitted under this section against the applicable state and regional criminal records databases;
 - (ii) report the results of the background check to the requesting tow truck motor carrier;
 - (iii) maintain a separate file of fingerprints submitted under this part for search by future submissions to the local and regional criminal records databases, including latent prints; and
 - (iv) establish a privacy risk mitigation strategy to ensure that the entity only receives notifications for the individuals with whom the entity maintains an authorizing relationship.
 - (c)
 - (i) Except for an individual hired as a tow truck operator before July 1, 2017, the department shall deny an individual's authorized towing certification, and the individual may not operate a tow truck in this state, if the individual has been convicted of any felony offense within the previous two years.

- (ii) The department may deny or revoke the authorized towing certification of a tow truck motor carrier that employs an individual who fails to comply with the background check required in this section.
- (4) The department shall make available to the public electronically accessible consumer protection information, including a list of all tow truck motor carriers that are currently certified by the department.
- (5) The department may deny a tow truck motor carrier's certification if the department has evidence that a tow truck motor carrier's tow truck operator fails to provide copies of the Utah Consumer Bill of Rights Regarding Towing to vehicle owners, as required under Section 72-9-603.
- (6)
 - (a) If the department determines that a tow truck motor carrier has violated a provision of this part or an administrative rule made pursuant to this part, the department may:
 - (i) deny or revoke a tow truck motor carrier's certification under this part;
 - (ii) impose a civil penalty up to \$2,000 for each violation; and
 - (iii) require the removal of the tow truck motor carrier from a towing dispatch rotation as described in Section 72-9-604.
 - (b) If the department requires the removal of a tow truck motor carrier from a towing dispatch rotation, contract, or request for proposal as described in Section 72-9-604, the department shall:
 - (i) notify the Department of Public Safety and any relevant towing entity, as that term is defined in Section 72-9-604, of the removal; and
 - (ii) notify the tow truck motor carrier of the removal.
 - (c) A notice described in Subsection (6)(b) shall:
 - (i) identify the tow truck motor carrier; and
 - (ii) specify how long the tow truck motor carrier is required to be removed from the towing dispatch rotation.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules governing the inspection, investigation, and certification procedures described in this section.

Amended by Chapter 378, 2025 General Session

72-9-602.5 Certificate by endorsement.

- (1) As used in this section, "license" means an authorization that permits the holder to engage in the practice of a profession described in Section 72-9-602.
- (2) Subject to Subsections (4) through (6), the department shall issue a certificate described in Section 72-9-602 to an applicant who has been licensed in another state, district, or territory of the United States if:
 - (a) the department determines that the license issued by the other state, district, or territory encompasses a similar scope of practice as the certificate;
 - (b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and
 - (c) the applicant's license is in good standing in the other state, district, or territory.
- (3) Subject to Subsections (4) through (6), the department may issue a certificate described in Section 72-9-602 to an applicant who:
 - (a) has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:

- (i)
 - (A) the department determines that the applicant's education, experience, and skills demonstrate competency in the occupation for which certification is sought; and
 - (B) the applicant has at least one year of experience practicing under the license issued in the other state, district, territory, or jurisdiction; or
- (ii) the department determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the requirements for the certificate; or
- (b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
 - (i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and
 - (ii) the department determines that the education or experience was substantially similar to the education or experience requirements for the certificate.
- (4) The department may refuse to issue a certificate to an applicant under this section if:
 - (a) the department determines that there is reasonable cause to believe that the applicant is not qualified to receive the certificate; or
 - (b) the applicant has a previous or pending disciplinary action related to the applicant's other license.
- (5) Before the department issues a certificate to an applicant under this section, the applicant shall:
 - (a) pay a fee determined by the department under Section 63J-1-504; and
 - (b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the occupation for which certification is sought.
- (6) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.

Enacted by Chapter 222, 2023 General Session

Superseded 1/1/2026

72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

- (1) Except for a tow truck service that was ordered by a peace officer, a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
 - (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
 - (i) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:
 - (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
 - (B) a description of the vehicle, vessel, or outboard motor; and
 - (C) the vehicle identification number or vessel or outboard motor identification number; and
 - (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
 - (A) location of the vehicle, vessel, or outboard motor;
 - (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (C) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (D) person who requested the removal of the vehicle, vessel, or outboard motor; and

- (E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;
- (b) within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of each party described in Subsection 41-6a-1406(6) (a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:
 - (i) location of the vehicle, vessel, or outboard motor;
 - (ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
 - (v) a description, including its identification number and license number or other identification number issued by a state agency; and
 - (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).
- (2) Until the tow truck operator or tow truck motor carrier reports the information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
 - (a) collect any fee associated with the removal; or
 - (b) begin charging storage fees.
- (3)
 - (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:
 - (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or
 - (ii) the property owner erects signage that meets the requirements of:
 - (A) Subsection (4)(b)(ii); and
 - (B) Subsection (7) or (8).
 - (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
 - (i) from a location where parking is prohibited by law, including:
 - (A) a designated fire lane;
 - (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
 - (C) a marked parking stall or space legally designated for disabled persons;
 - (ii) from a location where it is reasonably apparent that the location is not open to parking;
 - (iii) from a location where all public access points are controlled by:
 - (A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
 - (B) a parking attendant;
 - (iv) from a location that materially interferes with access to private property;
 - (v) from the property of a detached single-family dwelling or duplex; or
 - (vi) pursuant to a legal repossession.
- (4)
 - (a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:

- (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking restrictions on behalf of the property owner in accordance with Subsection (7);
 - (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or
 - (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
- (b)
- (i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property.
 - (ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.
 - (iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:
 - (A) at each entrance to the property owner's parcel from another property owner's parcel; and
 - (B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.
 - (iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.
- (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.
- (6) In addition to any other powers provided by law, a political subdivision or state agency may:
- (a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:
 - (i) owned by the political subdivision or state agency;
 - (ii) located outside of the public right-of-way; and
 - (iii) open to public parking; and
 - (b) request or direct a tow truck service in order to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.
- (7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has the following signs located on the property and clearly visible to the driver of a vehicle entering the property:
- (a) a top sign that is 24 inches tall by 18 inches wide and has:
 - (i) a blue, reflective background with a 1/2 inch white border;
 - (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";
 - (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and
 - (iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and
 - (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (i) a top half that is red background with white, reflective letters indicating:

- (A) who is authorized to park or restricted from parking at the property; and
- (B) any type of vehicle prohibited from parking at the property; and
- (ii) a bottom half that has a white, reflective background with red letters indicating:
 - (A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and
 - (B) the Internet web address "tow.utah.gov".
- (8) For private property where parking is enforced under Subsection (4)(a)(ii):
 - (a) a tow truck motor carrier may not:
 - (i) patrol and monitor the property;
 - (ii) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or
 - (iii) act as the property owner's agent to request a tow truck service; and
 - (b) the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (i) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;
 - (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";
 - (iii) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating:
 - (A) who is authorized to park or restricted from parking at the property; and
 - (B) any type of vehicle prohibited from parking at the property; and
 - (iv) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:
 - (A) either:
 - (I) the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service; or
 - (II) the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and
 - (B) the Internet web address "tow.utah.gov".
- (9)
 - (a) For private property without signage meeting the requirements of Subsection (7) or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).
 - (b) The written notice described in Subsection (9)(a) shall:
 - (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;
 - (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);
 - (iii) be at least four inches tall and four inches wide; and
 - (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.

- (c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.
- (10) The department shall publish on the department Internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).
- (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:
 - (a) Subsection (4)(b)(ii); and
 - (b) Subsection (7) or (8).
- (12) The party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
 - (a) the tow truck service and storage fees set in accordance with Subsection (16); and
 - (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- (13)
 - (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.
 - (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
 - (i) pays the fees described in Subsection (12); and
 - (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 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice has been sent under Subsection (1)(b):
 - (i) pay the fees described in Subsection (12); and
 - (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 outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).
- (15)
 - (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).
 - (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).
- (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:
 - (a) subject to the restriction in Subsection (17), set maximum rates that:
 - (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
 - (A) a peace officer dispatch call;
 - (B) a motor vehicle division call; and

- (C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal;
 - (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (16)(a)(i); and
 - (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);
 - (b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
 - (c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
 - (d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the information required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);
 - (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
 - (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;
 - (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- (17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:
- (a) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(6)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (18)
- (a)
 - (i) A tow truck motor carrier may charge a rate up to the maximum rate set by the department in rules made under Subsection (16).
 - (ii) In addition to the maximum rates established under Subsection (16) and when receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an impound yard may charge a credit card processing fee of 3% of the transaction total.
 - (b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made pursuant to Subsection (16).
- (19) When a tow truck motor carrier or impound lot is in possession of a vehicle, vessel, or outboard motor as a result of a tow service that was performed without the consent of the owner, and that was not ordered by a peace officer or a person acting on behalf of a law enforcement agency, the tow truck motor carrier or impound yard shall make personnel available:
- (a) by phone 24 hours a day, seven days a week; and
 - (b) to release the impounded vehicle, vessel, or outboard motor to the owner within one hour of when the owner calls the tow truck motor carrier or impound yard.

- (20) A tow truck motor carrier or a tow truck operator may not:
- (a) share contact or other personal information of an owner of a vehicle, vessel, or outboard motor for which the tow truck motor carrier or tow truck operator has performed a tow service; and
 - (b) receive payment for referring a person for whom the tow truck motor carrier or tow truck operator has performed a tow service to another service, including:
 - (i) a lawyer referral service;
 - (ii) a medical provider;
 - (iii) a funding agency;
 - (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);
 - (v) a marketer for any other service; or
 - (vi) a third party vendor.

Amended by Chapter 134, 2024 General Session

Effective 1/1/2026

72-9-603 Towing notice requirements -- Cost responsibilities -- Abandoned vehicle title restrictions -- Rules for maximum rates and certification.

- (1) Except for a tow truck service that was ordered by a peace officer, a person acting on behalf of a law enforcement agency, or a highway authority, after performing a tow truck service that is being done without the vehicle, vessel, or outboard motor owner's knowledge, the tow truck operator or the tow truck motor carrier shall:
- (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel, or outboard motor:
 - (i) provide relevant information to the impound vehicle service system database administered by the Motor Vehicle Division, including:
 - (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
 - (B) a description of the vehicle, vessel, or outboard motor; and
 - (C) the vehicle identification number or vessel or outboard motor identification number; and
 - (ii) contact the law enforcement agency having jurisdiction over the area where the vehicle, vessel, or outboard motor was picked up and notify the agency of the:
 - (A) location of the vehicle, vessel, or outboard motor;
 - (B) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (C) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
 - (E) description, including the identification number, license number, or other identification number issued by a state agency, of the vehicle, vessel, or outboard motor;
 - (b) except for a vehicle, vessel, or outboard motor that has been retrieved by the owner or operator, within two business days of performing the tow truck service under Subsection (1)(a), send a certified letter to the last-known address of each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the current address, notifying the party of the:
 - (i) location of the vehicle, vessel, or outboard motor;
 - (ii) date, time, and location from which the vehicle, vessel, or outboard motor was removed;
 - (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
 - (iv) person who requested the removal of the vehicle, vessel, or outboard motor;

- (v) a description, including its identification number and license number or other identification number issued by a state agency; and
- (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- (c) upon initial contact with the owner or operator whose vehicle, vessel, or outboard motor was removed, provide the owner or operator with a copy of the Utah Consumer Bill of Rights Regarding Towing established by the department in Subsection (16)(e).
- (2) Until the tow truck operator or tow truck motor carrier reports the information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound yard may not:
 - (a) collect any fee associated with the removal; or
 - (b) begin charging storage fees.
- (3)
 - (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck motor carrier may not perform a tow truck service at the request or direction of a private property owner or the property owner's agent unless:
 - (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the tow truck service; or
 - (ii) the property owner erects signage that meets the requirements of:
 - (A) Subsection (4)(b)(ii); and
 - (B) Subsection (7) or (8).
 - (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or outboard motor:
 - (i) from a location where parking is prohibited by law, including:
 - (A) a designated fire lane;
 - (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking stall or space; or
 - (C) a marked parking stall or space legally designated for disabled persons;
 - (ii) from a location where it is reasonably apparent that the location is not open to parking;
 - (iii) from a location where all public access points are controlled by:
 - (A) a permanent gate, door, or similar feature allowing the vehicle to access the facility; or
 - (B) a parking attendant;
 - (iv) from a location that materially interferes with access to private property;
 - (v) from the property of a detached single-family dwelling or duplex; or
 - (vi) pursuant to a legal repossession.
- (4)
 - (a) A private property owner may, subject to the requirements of a local ordinance, enforce parking restrictions by:
 - (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce parking restrictions on behalf of the property owner in accordance with Subsection (7);
 - (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck motor carrier on a case-by-case basis in accordance with Subsection (8); or
 - (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written notice in accordance with Subsection (9).
 - (b)
 - (i) Any agreement between a private property owner and tow truck motor carrier authorizing the tow truck motor carrier to patrol and monitor the property under Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the property.

- (ii) In addition to the signage described in Subsection (7) or (8), a private property owner who allows public parking shall erect appropriate signage on the property indicating clear instructions for parking at the property.
 - (iii) Where a single parking area includes abutting parcels of property owned by two or more private property owners who enforce different parking restrictions under Subsection (7) or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8), erect signage as required by this section:
 - (A) at each entrance to the property owner's parcel from another property owner's parcel; and
 - (B) if there is no clearly defined entrance between one property owner's parcel and another property owner's parcel, at intervals of 40 feet or less along the line dividing the property owner's parcel from the other property owner's parcel.
 - (iv) Where there is no clearly defined entrance to a parking area from a highway, the property owner shall erect signage as required by this section at intervals of 40 feet or less along any portion of a property line where a vehicle, vessel, or outboard motor may enter the parking area.
- (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from, subject to the provisions of this section, instituting and enforcing regulations for parking at the property.
- (6) In addition to any other powers provided by law, a political subdivision or state agency may:
- (a) enforce parking restrictions in accordance with Subsections (7) through (9) on property that is:
 - (i) owned by the political subdivision or state agency;
 - (ii) located outside of the public right-of-way; and
 - (iii) open to public parking; and
 - (b) request or direct a tow truck service in order to abate a public nuisance on private property over which the political subdivision or state agency has jurisdiction.
- (7) For private property where parking is enforced under Subsection (4)(a)(i), the property owner shall ensure that each entrance to the property has signs located on the property and clearly visible to the driver of a vehicle entering the property that substantially comply with the following, as determined by the department:
- (a) a top sign that is 24 inches tall by 18 inches wide and has:
 - (i) a blue, reflective background with a 1/2 inch white border;
 - (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is Patrolled";
 - (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed; and
 - (iv) two-inch, white letters at the bottom of the sign with the capitalized words "Towing Enforced"; and
 - (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (i) a top half that is red background with white, reflective letters indicating:
 - (A) who is authorized to park or restricted from parking at the property; and
 - (B) any type of vehicle prohibited from parking at the property; and
 - (ii) a bottom half that has a white, reflective background with red letters indicating:
 - (A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and
 - (B) the Internet web address "tow.utah.gov".
- (8)
- (a) For private property where parking is enforced under Subsection (4)(a)(ii):
 - (i) a tow truck motor carrier may not:
 - (A) patrol and monitor the property;

- (B) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or
 - (C) act as the property owner's agent to request a tow truck service.
 - (b) For private property where parking is enforced under Subsection (4)(a)(ii), the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that substantially follows the following format, as determined by the department:
 - (i) the sign is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (A) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;
 - (B) immediately below the towing logo described in Subsection (8)(b)(i)(A), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";
 - (C) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating who is authorized to park or restricted from parking at the property, and any type of vehicle prohibited from parking at the property; and
 - (ii) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:
 - (A) either the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service, or the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and
 - (B) the Internet web address "tow.utah.gov".
 - (c) If a dispute arises regarding whether a sign required under this section substantially complies with the requirements of this section, the department shall determine whether the sign substantially complies.
- (9)
- (a) For private property without signage substantially meeting the requirements of Subsection (7) or (8), as determined by the department, the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or outboard motor from the private property 24 hours after the property owner or the property owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance with this Subsection (9).
 - (b) The written notice described in Subsection (9)(a) shall:
 - (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or outboard motor;
 - (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or outboard motor will be towed from the property if it is not removed within 24 hours after the time indicated in Subsection (9)(b)(i);
 - (iii) be at least four inches tall and four inches wide; and
 - (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on the driver's side window of the vehicle, vessel, or outboard motor.
 - (c) A property owner may authorize a tow truck motor carrier to act as the property owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a vehicle, vessel, or outboard motor.
- (10) The department shall publish on the department Internet website the signage requirements and written notice requirements and illustrated or photographed examples of the signage and written notice requirements described in Subsections (7) through (9).

- (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from the towing of a vehicle, vessel, or outboard motor from private property that the property had signage meeting the requirements of:
- (a) Subsection (4)(b)(ii); and
 - (b) Subsection (7) or (8).
- (12) An individual described in Subsection 41-6a-1406(7)(f)(i) or a party described in Subsection 41-6a-1406(6)(a) with an interest in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
- (a) the tow truck service and storage fees set in accordance with Subsection (16); and
 - (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- (13)
- (a) As used in this Subsection (13), "life essential item" means:
 - (i) prescription medication;
 - (ii) medical equipment;
 - (iii) shoes;
 - (iv) coats;
 - (v) food and water;
 - (vi) child safety seats;
 - (vii) government-issued photo identification; and
 - (viii) human remains.
 - (b) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or outboard motor.
 - (c) Towing fees are a possessory lien on the vehicle, vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor.
 - (d) Except for a vehicle, vessel, or outboard motor being held as evidence, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to take possession of any life essential item within the vehicle, vessel, or outboard motor during normal business hours regardless of whether the towing, impound fees, or storage fees have been paid.
 - (e) Except for a vehicle, vessel, or outboard motor being held as evidence, upon payment of the towing fee, a tow truck operator, a tow truck motor carrier, or an impound yard shall allow a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) to enter the vehicle, vessel, or outboard motor during normal business hours and remove personal property not attached to the vehicle, vessel, or outboard motor.
 - (f) The tow truck operator or tow truck motor carrier shall securely store the vehicle, vessel, or outboard motor and items described in Subsection (13)(a) in an approved state impound yard until a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
 - (i) pays the fees described in Subsection (12); and
 - (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 described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor or an individual described in Subsection 41-6a-1406(7)(f)(i) does not, within 30 days after notice has been sent under Subsection (1)(b):
 - (i) pay the fees described in Subsection (12); and

- (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 outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).
- (15)
- (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for tow truck service and storage of a vehicle in accordance with rules established under Subsection (16).
 - (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).
- (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall:
- (a) subject to the restriction in Subsection (17), set maximum rates that:
 - (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that are transported in response to:
 - (A) a peace officer dispatch call;
 - (B) a motor vehicle division call; and
 - (C) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal;
 - (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor stored as a result of one of the conditions listed under Subsection (16)(a)(i); and
 - (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);
 - (b) establish authorized towing certification requirements, not in conflict with federal law, related to incident safety, clean-up, and hazardous material handling;
 - (c) specify the form and content of the posting and disclosure of fees and rates charged and acceptable forms of payment by a tow truck motor carrier or impound yard;
 - (d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the information required under Subsection (1)(a)(i) and providing notice of the removal to each party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in Subsection (1)(b);
 - (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains specific information regarding:
 - (i) a vehicle owner's or operator's rights and responsibilities if the owner's vehicle is towed;
 - (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (iii) identifies the maximum rates that an impound yard may charge for the storage of vehicle, vessel, or outboard motor that is transported in response to a call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal; and
 - (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- (17) An impound yard may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if:
- (a) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (b) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection 41-6a-1406(6)(a) or an individual described in Subsection 41-6a-1406(7)(f)(i), even if the

party satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

(18)

(a)

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

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

(b) A tow truck motor carrier may not be required to maintain insurance coverage at a higher level than required in rules made pursuant to Subsection (16).

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

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

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

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

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

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

(i) a lawyer referral service;

(ii) a medical provider;

(iii) a funding agency;

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

(v) a marketer for any other service; or

(vi) a third party vendor.

Amended by Chapter 378, 2025 General Session

Superseded 1/1/2026

72-9-604 Preemption of local authorities -- Tow trucks.

(1) As used in this section:

(a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:

(i) pay the relevant fees; and

(ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

(b) "Towing entity" means:

(i) a political subdivision of this state;

(ii) a state agency;

(iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or

(iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.

- (2)
- (a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that conflicts with:
 - (i) any provision of this part;
 - (ii) Section 41-6a-1401;
 - (iii) Section 41-6a-1407; or
 - (iv) rules made by the department under this part.
 - (b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:
 - (i) is holding the vehicle, vessel, or outboard motor as evidence; and
 - (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.
- (4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.
- (5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
- (a) no fee is charged for the inspection; and
 - (b) the inspection complies with federal motor carrier safety regulations.
- (6)
- (a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
 - (b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.
- (7)
- (a)
 - (i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.
 - (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.
 - (b)
 - (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.
 - (ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.
 - (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.
 - (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.

- (d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.
- (8)
 - (a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).
 - (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (c)
 - (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:
 - (A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and
 - (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.
 - (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:
 - (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
 - (B) the percentage described in Subsection (8)(c)(i).
 - (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).
- (9) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.
- (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.

Amended by Chapter 134, 2024 General Session

Effective 1/1/2026

72-9-604 Preemption of local authorities -- Tow trucks.

- (1) As used in this section:
 - (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described in Subsection 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:
 - (i) pay the relevant fees; and
 - (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

- (b) "Towing entity" means:
 - (i) a political subdivision of this state;
 - (ii) a state agency;
 - (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation Act; or
 - (iv) a special service district created under Title 17D, Chapter 1, Special Service District Act.
- (2)
 - (a) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, or tow truck that:
 - (i) conflicts with:
 - (A) any provision of this part;
 - (B) Section 41-6a-1401;
 - (C) Section 41-6a-1407; or
 - (D) rules made by the department under this part; or
 - (ii) imposes a maximum rate that deviates from the maximum rates set in rules made by the department pursuant to Subsection 72-9-603(16).
 - (b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:
 - (i) is holding the vehicle, vessel, or outboard motor as evidence; and
 - (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.
- (3) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.
- (4) A county or municipal legislative or governing body may not require a tow truck motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.
- (5) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:
 - (a) no fee is charged for the inspection; and
 - (b) the inspection complies with federal motor carrier safety regulations.
- (6)
 - (a) A tow truck shall be subject to only one annual safety inspection under Subsection (5)(b).
 - (b) A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.
- (7)
 - (a)
 - (i) If a towing entity uses a towing dispatch vendor described in Section 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a dispatch vendor as described in Section 53-1-106.2.
 - (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.
 - (b)
 - (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a towing dispatch vendor described in Section 53-1-106.2, the towing entity may not charge a fee to cover costs associated with providing towing dispatch and rotation service.

- (ii) A special service district created under Title 17D, Chapter 1, Special Service District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a fee related to dispatch costs.
 - (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch and rotation service.
 - (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii) unless the relevant governing body of the towing entity has approved the fee amount.
 - (d) In addition to fees set by the department in rules made in accordance with Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed vehicles, vessels, or outboard motors.
- (8)
- (a) In addition to the fees described in Subsection (7), a tow truck operator or tow truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).
 - (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (c)
 - (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall, based on data provided by the State Tax Commission, determine the percentage of vehicles, vessels, or outboard motors that were abandoned during the previous year by:
 - (A) determining the total number of vehicles, vessels, or outboard motors that were towed as part of a towing entity's towing rotation during the previous calendar year that were also abandoned; and
 - (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing rotation during the previous calendar year.
 - (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall publish:
 - (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
 - (B) the percentage described in Subsection (8)(c)(i).
 - (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).
 - (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the towing invoice any fee described in this Subsection (8).
 - (9) A towing entity may not require a tow truck operator who has received an authorized towing certificate from the department to submit additional criminal background check information for inclusion of the tow truck motor carrier on a rotation.
 - (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck operator that responds may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.
 - (11) If a towing entity receives a notice from the department as described in Subsection 72-9-602(6), the towing entity shall remove the tow truck motor carrier from the towing entity's towing rotation, contract, or request for proposal as provided in the notice from the department.

Amended by Chapter 378, 2025 General Session

72-9-605 Exception from part.

This part does not apply to a person who is towing a vehicle owned by that person in a noncommercial operation.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-607 Required process before removal from towing rotation.

- (1) Each political subdivision 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) In conducting an appeal as described in Subsection (1):
 - (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.

Enacted by Chapter 373, 2019 General Session

**Part 7
Penalties, Fines, and Fees**

72-9-701 Penalty for unlawful conduct.

- (1) Unless otherwise specified, any person who violates a provision of this chapter or who aids or abets another person in a violation of this chapter is guilty of a class B misdemeanor.
- (2) A second or subsequent conviction for a violation of this chapter or of aiding or abetting another person in a violation of this chapter is a class A misdemeanor.

Amended by Chapter 140, 2008 General Session

72-9-702 Existing rights of action unaffected -- Penalties cumulative.

- (1) This chapter may not be construed to have the effect of releasing or waiving any right of action by the state, the department or any person for any right, penalty, or forfeiture which may have arisen or occurred under any law of this state before May 10, 1983, or which arises or occurs after May 10, 1983.
- (2) All penalties accruing under this chapter are cumulative, and a suit for the recovery of one penalty is not a bar to and shall not affect the recovery of any other penalty or forfeiture, and is not a bar to any criminal prosecution against any motor carrier, or any officer, director, agent, or employee of a motor carrier, or any other corporation or person, or a bar to the exercise by the department, through the court, of its power to punish for contempt.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-703 Civil penalties for violations -- Compromise.

- (1) In addition to any other penalties, a motor carrier that fails or neglects to comply with any provision of the Constitution of this state, statute, or any rule or order of the department is subject to a civil penalty of not less than \$500 nor more than \$2,000 for each offense.
- (2) Every violation of any provision of the constitution of this state, statute, or any rule or order of the department, is a separate and distinct offense. Each day's continuance of the violation is a separate and distinct offense.
- (3)
 - (a) The civil penalty may be compromised by the department and a determination of compromise is appealable by the person alleged to have committed the violation. In determining the amount of the penalty or the amount agreed upon in compromise, the department shall consider the:
 - (i) gravity of the violation; and
 - (ii) good faith of the person charged in attempting to achieve compliance after notification of the violation.
 - (b) The amount of the penalty when finally determined or the amount agreed upon in compromise may be deducted from any sums owing by the state to the person charged or may be recovered in a civil action in the courts of this state.
- (4) In construing and enforcing the provisions of this chapter relating to penalties, the act, omission, or failure of any officer, agent, or employee of any motor carrier, acting within the scope of the officer's, agent's, or employee's official duties or employment, is deemed to be the act, omission, or failure of the motor carrier.

Amended by Chapter 302, 2025 General Session

72-9-704 Assignment of administrative law judge.

- (1) The department shall assign an administrative law judge to hear contested matters.
- (2) The administrative law judge's orders shall be reviewed by the department.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-705 Disposition of fees and civil fines.

All fees and civil fines received and collected under this chapter shall be transmitted daily to the state treasurer and deposited in the Transportation Fund.

Renumbered and Amended by Chapter 270, 1998 General Session