

1 **TOWING OF MOTOR VEHICLES BY**
2 **DEPARTMENT OF PUBLIC SAFETY**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Carl R. Saunders**

6 AN ACT RELATING TO PUBLIC SAFETY; ESTABLISHING A COMPULSORY TOW
7 TRUCK SERVICE ROTATION PROGRAM; PROVIDING FOR EXCEPTIONS AND
8 PENALTIES; AND PROVIDING FOR RULEMAKING.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 ENACTS:

11 **53-8-108**, Utah Code Annotated 1953

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

13 Section 1. Section **53-8-108** is enacted to read:

14 **53-8-108. Compulsory tow truck service rotation program -- Definitions --**

15 **Applicability -- Provisions -- Exceptions -- Penalties -- Rulemaking.**

16 (1) As used in this section:

17 (a) "Compulsory tow truck service" means towing vehicles that are transported in response

18 to:

19 (i) a peace officer dispatch call;

20 (ii) a call initiated by a government entity to enforce a provision of Title 41, Chapter 1a,

21 Motor Vehicle Act; and

22 (iii) any other call where the owner of the vehicle has not consented to removal of the
23 owner's vehicle.

24 (b) "Motor carrier" has the same meaning as defined in Section 27-17-102.

25 (c) "Program" means a compulsory tow truck service rotation program establish under this
26 section.

27 (d) "Tow truck" has the same meaning as defined in Section 27-17-102.

1 (2) (a) The division shall establish a compulsory tow truck service rotation program.

2 (b) The program shall be implemented by:

3 (i) the highway patrol, all state dispatch centers, and all other state and local law
4 enforcement agencies within the state that use dispatch services provided by the department; and

5 (ii) any law enforcement agency while executing a State Tax Commission vehicle
6 impound under Title 41, Chapter 1a, Motor Vehicle Act.

7 (c) An agency required to implement the program may enter into contracts or agreements
8 with other agencies, organizations, or parties to assist in implementing the program.

9 (3) The program shall provide that:

10 (a) any eligible tow truck motor carrier may participate in the compulsory tow truck
11 service rotation program and shall be placed on a list to be called when needed for compulsory tow
12 truck services;

13 (b) tow truck motor carriers that are not available and decline when called, lose that
14 rotation turn and the next tow truck motor carrier is called;

15 (c) if a tow truck motor carrier is not available to respond immediately to the scene when
16 called, the tow truck motor carrier:

17 (i) shall decline the call; and

18 (ii) may not send a replacement;

19 (d) only a tow truck motor carrier who accepts a compulsory tow truck service call and
20 responds to the scene within the time established by the agencies implementing the program may
21 perform a compulsory tow truck service;

22 (e) the rates charged by a tow truck motor carrier to perform a compulsory tow truck
23 service shall be in accordance with the rates established under Section 27-17-603; and

24 (f) a tow truck operator who performs a compulsory tow truck service is responsible for
25 cleaning up debris within the traveled portion of the highway that is caused by the vehicles
26 involved in the incident.

27 (4) The compulsory tow truck service rotation program and its rotation list is not affected
28 when:

29 (a) the on-scene commander determines that:

30 (i) the closest available tow truck is needed due to traffic or safety conditions near the
31 scene of the incident; or

1 (ii) a special type of tow truck is needed;

2 (b) the vehicle owner, operator, or other person responsible for the vehicle requests a
3 specific tow truck motor carrier; or

4 (c) a tow truck motor carrier accepts a call and does not perform a compulsory tow truck
5 service because the on-scene commander called off the tow truck.

6 (5) A tow truck motor carrier that fails to perform in accordance with this section or rules
7 made under it or that is not in compliance with Title 27, Chapter 17, Part 6, Tow Truck Provisions,
8 is not eligible to participate in the program for a minimum of three months for each violation.

9 (6) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
10 division shall make rules governing the:

11 (a) reasonable response time for a tow truck motor carrier who accepts a compulsory tow
12 truck service call under this section; and

13 (b) hearing and sanction procedures in which a tow truck motor carrier may be suspended
14 from and reinstated in the program for violations of this section.

Legislative Review Note
as of 11-13-97 9:28 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel