

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
TUESDAY, FEBRUARY 24, 2004
Room 414, STATE CAPITOL BUILDING**

Members Present: Sen. Gregory Bell, Chair
Sen. Patrice M. Arent
Sen. D. Chris Buttars
Sen. Mike Dmitrich
Sen. James M. Evans
Sen. David L. Gladwell

Members Excused: Sen. Lyle W. Hillyard
Sen. L. Al Mansell

Staff Present: Jami Momberger, Policy Analyst
Katrina Yarrington, Committee Secretary

Public Speakers Present: Bruce Johnson, Commissioner, Utah Tax Commission
Rich Walker, President, Utah Professional Towing Association
Carlos Braceras, Deputy Director, Utah Department of Transportation
Dan Fallows, Legislative Affairs, Utah Department of Public Safety
Curt Bramble, Utah State Senator
Roger Tew, citizen

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Bell called the meeting to order at 8:04 a.m.

1. Approval of minutes

MOTION: Sen. Arent moved to approve the minutes from the February 20th meeting.

The motion passed unanimously, with Sen. Buttars, Sen. Dmitrich, and Sen. Evans absent for the vote.

2. S.B. 250 Prohibition of Class Actions Relating to Taxes or Fees Administered by the State Tax Commission (J. Valentine)

Sen. Valentine introduced the bill.

The following people spoke in support of the bill:

Curt Bramble, Utah State Senator
Bruce Johnson, Commissioner, Utah State Tax Commission
Roger Tew, citizen

MOTION: Sen. Gladwell moved to pass S.B. 250 out with a favorable recommendation.

The motion passed, with Sen. Arent voting in opposition.

3. H.B.212 Traffic Accident Response Judgments (E. Hutchings)

Rep. Hutchings introduced the bill.

MOTION: Sen. Dmitrich moved to amend H.B.212 as follows:

1. *Page 1, Lines 14 through 16:*

14 and will result in significant delays to the traveling public; ~~[[and]]~~

15 ▶ requires the Department of Public Safety to make rules to implement these

16 provisions ;

▶ requires the Department of Transportation to make an annual report to a committee or task force designated by the Legislative Management Committee on the implementation of these provisions and the rules made under these provisions; and

▶ makes technical changes .

2. *Page 2, Lines 55 through 56:*

56 (iii) allow a qualified tow truck in the proximity of the incident to respond if necessary ; ~~[[and]]~~

(iv) require the peace officer to make a record of the reasons for the quickest available removal under this Subsection (4) and the tow truck motor carrier used for the removal; and

(v) provide that if a tow truck motor carrier is used:

(A) the peace officer shall make the request for the tow truck motor carrier through a public safety dispatcher; and

(B) any rules for the rotation of tow truck motor carriers shall require that the use of a tow truck motor carrier under this Subsection (4) is considered a turn for purposes of any rotation of tow truck motor carriers .

(5) The Department of Transportation shall make an annual report prior to the November meeting to a committee or task force designated by the Legislative Management Committee on the implementation of these provisions and on the rules made under Subsection (4) including statistical information on the use of a tow truck motor carrier out of rotation and the number of removals ordered under the provisions of Subsection (4).

The motion passed unanimously, with Sen. Gladwell absent for the vote.

The following people spoke in support of the bill:

Carlos Braceras, Deputy Director, Utah Department of Transportation

Dan Fallows, Legislative Affairs, Utah Department of Public Safety

The following people spoke in opposition to the bill:

Rich Walker, President, Utah Professional Towing Association

MOTION: Sen. Buttars moved to refer H.B.212 to interim study.

The motion passed unanimously, with Sen. Gladwell absent for the vote.

MOTION: Sen. Arent moved to adjourn.

Committee Chair Bell adjourned the meeting at 8:59 a.m.

Minutes recorded by Katrina Yarrington, Secretary

Sen. Gregory S. Bell, Committee Chair