

**VEHICLE TOWING REQUIREMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brent H. Goodfellow**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Transportation Code by amending tow truck provisions.

**Highlighted Provisions:**

This bill:

- ▶ requires a tow truck operator or tow truck motor carrier to notify local law enforcement prior to towing a vehicle in certain situations;
- ▶ prohibits a tow truck operator or tow truck motor carrier from towing a vehicle when proper notice does not exist informing drivers of a tow away zone in certain locations; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-9-603**, as last amended by Chapter 2, Laws of Utah 2005

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

Section 1. Section **72-9-603** is amended to read:



28           **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**  
29 **vehicle title restrictions -- Rules for maximum rates and certification.**

30           (1) Except for tow truck service that was ordered by a peace officer, or a person acting  
31 on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102,  
32 ~~[after performing a tow truck service that is being done without the vehicle, vessel, or outboard~~  
33 ~~motor owner's knowledge, the]~~ a tow truck operator or the tow truck motor carrier shall:

34           (a) ~~[immediately upon arriving at the place of storage or impound of the vehicle,~~  
35 ~~vessel, or outboard motor]~~ before performing a tow truck service without the vehicle, vessel, or  
36 outboard motor owner's knowledge, contact the law enforcement agency having jurisdiction  
37 over the area where the vehicle, vessel, or outboard motor ~~[was]~~ is being picked up and notify  
38 the agency of the:

- 39           (i) location of the vehicle, vessel, or outboard motor;
- 40           (ii) date, time, and location from which the vehicle, vessel, or outboard motor ~~[was]~~ is  
41 being removed;
- 42           (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 43           (iv) person who requested the removal of the vehicle, vessel, or outboard motor; and
- 44           (v) vehicle, vessel, or outboard motor's description, including its identification number  
45 and license number or other identification number issued by a state agency; and

46           (b) within two business days of performing the tow truck service under Subsection  
47 (1)(a), send a certified letter to the last-known address of the registered owner and lien holder  
48 of the vehicle, vessel, or outboard motor obtained from the Motor Vehicle Division or if the  
49 person has actual knowledge of the owner's address to the current address, notifying ~~[him]~~ the  
50 owner of the:

- 51           (i) location of the vehicle, vessel, or outboard motor;
- 52           (ii) date, time, location from which the vehicle, vessel, or outboard motor was  
53 removed;
- 54           (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 55           (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 56           (v) a description, including its identification number and license number or other  
57 identification number issued by a state agency; and
- 58           (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor.

59 (2) (a) Until the tow truck operator or tow truck motor carrier reports the removal as  
60 required under Subsection (1)(a), a tow truck operator, tow truck motor carrier or impound yard  
61 may not:

62 (i) perform a tow truck service without the vehicle, vessel, or outboard motor owner's  
63 knowledge;

64 ~~[(a)]~~ (ii) collect any fee associated with the removal; ~~[and]~~ or

65 ~~[(b)]~~ (iii) begin charging storage fees.

66 (b) A tow truck operator or tow truck motor carrier may not perform a tow truck  
67 service without the vehicle, vessel, or outboard motor owner's knowledge at either of the  
68 following locations without signage displaying where parking is subject to towing without the  
69 owner's consent:

70 (i) a mobile home park as defined in Section 57-16-3; or

71 (ii) a multifamily dwelling of more than four units.

72 (3) The owner of a vehicle, vessel, or outboard motor lawfully removed is only  
73 responsible for paying:

74 (a) the tow truck service and storage fees set in accordance with Subsection (7); and

75 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

76 (4) The fees under Subsection (3) are a possessory lien on the vehicle, vessel, or  
77 outboard motor until paid.

78 (5) A person may not request a transfer of title to an abandoned vehicle until at least 30  
79 days after notice has been sent under Subsection (1)(b).

80 (6) A tow truck motor carrier or impound yard shall clearly and conspicuously post and  
81 disclose all its current fees and rates for tow truck service and storage of a vehicle in  
82 accordance with rules established under Subsection (7).

83 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
84 Department of Transportation shall:

85 (a) set maximum rates that:

86 (i) tow truck motor carriers may charge for the tow truck service of a vehicle, vessel, or  
87 outboard motor that are transported in response to:

88 (A) a peace officer dispatch call;

89 (B) a motor vehicle division call; and

90 (C) any other call where the owner of the vehicle, vessel, or outboard motor has not  
91 consented to the removal; and

92 (ii) impound yards may charge for the storage of a vehicle, vessel, or outboard motor  
93 stored as a result of one of the conditions listed under Subsection (7)(a)(i);

94 (b) establish authorized towing certification requirements, not in conflict with federal  
95 law, related to incident safety, clean-up, and hazardous material handling; and

96 (c) specify the form and content of the posting and disclosure of fees and rates charged  
97 by a tow truck motor carrier or impound yard.

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**Legislative Review Note**  
as of 1-8-07 12:04 PM

**Office of Legislative Research and General Counsel**

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**S.B. 120 - Vehicle Towing Requirements**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/16/2007, 8:38:22 AM, Lead Analyst: Bleazard, M.*

**Office of the Legislative Fiscal Analyst**