

Senator Brent H. Goodfellow proposes the following substitute bill:

VEHICLE TOWING REQUIREMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brent H. Goodfellow

House Sponsor: Neal B. Hendrickson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ 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

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

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



26 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
27 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

33 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
34 or outboard motor, contact the law enforcement agency having jurisdiction over the area where
35 the vehicle, vessel, or outboard motor was picked up and notify the agency of the:

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

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

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

56 (2) (a) Until the tow truck operator or tow truck motor carrier reports the removal as

57 required under Subsection (1)(a), a tow truck operator, tow truck motor carrier or impound yard
58 may not:

59 ~~[(a)]~~ (i) collect any fee associated with the removal; ~~[and]~~ or
60 ~~[(b)]~~ (ii) begin charging storage fees.

61 (b) (i) A tow truck operator or tow truck motor carrier may not perform a tow truck
62 service without the vehicle, vessel, or outboard motor owner's or a lien holder's knowledge at
63 either of the following locations without signage that meets the requirements of Subsection
64 (2)(b)(ii):

65 (A) a mobile home park as defined in Section 57-16-3; or
66 (B) a multifamily dwelling of more than four units.

67 (ii) Signage under Subsection (2)(b)(i) shall display:

68 (A) where parking is subject to towing;

69 (B) the name and phone number of the tow truck operator or tow truck motor carrier
70 that performs a tow truck service for the locations listed under Subsection (2)(b)(i); and

71 (C) the Internet website address that provides access to towing database information in
72 accordance with Subsection 41-6a-1406.

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

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

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

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

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

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

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

86 (a) set maximum rates that:

87 (i) tow truck motor carriers may charge for the tow truck service of a vehicle, vessel, or

88 outboard motor that are transported in response to:

89 (A) a peace officer dispatch call;

90 (B) a motor vehicle division call; and

91 (C) any other call where the owner of the vehicle, vessel, or outboard motor has not

92 consented to the removal; and

93 (ii) impound yards may charge for the storage of a vehicle, vessel, or outboard motor

94 stored as a result of one of the conditions listed under Subsection (7)(a)(i);

95 (b) establish authorized towing certification requirements, not in conflict with federal

96 law, related to incident safety, clean-up, and hazardous material handling; and

97 (c) specify the form and content of the posting and disclosure of fees and rates charged

98 by a tow truck motor carrier or impound yard.

S.B. 120 1st Sub. (Green) - Vehicle Towing Requirements

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.

1/29/2007, 10:54:47 AM, Lead Analyst: Bleazard, M.

Office of the Legislative Fiscal Analyst