

1 **VEHICLE TOWING REQUIREMENTS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bradley M. Daw**

5 Senate Sponsor: Brent H. Goodfellow

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

12 ▶ prohibits a tow truck operator or tow truck motor carrier from towing a vehicle
13 when proper notice does not exist informing drivers of a tow away zone in certain
14 locations; ~~H→~~ [and]

14a ▶ provides exceptions to the notice requirements; and ←H

15 ▶ makes technical changes.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **72-9-603**, as last amended by Laws of Utah 2005, Chapter 2

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

25 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 knowledge, the tow truck operator or the tow truck motor carrier shall:

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

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

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

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

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

- 58 [~~(a)~~] (i) collect any fee associated with the removal; [~~and~~] or

59 ~~(b)~~ (ii) begin charging storage fees.

60 (b) (i) ~~H~~ **A** Except as provided in Subsection (2)(c), a ~~H~~ tow truck operator or tow
 60a truck motor carrier may not perform a tow truck
 61 service without the vehicle, vessel, or outboard motor owner's or a lien holder's knowledge at
 62 either of the following locations without signage that meets the requirements of Subsection
 63 (2)(b)(ii):

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

65 (B) a multifamily dwelling of more than ~~H~~ **four** ~~H~~ **eight** ~~H~~ units.

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

67 (A) where parking is subject to towing; ~~S~~ **and**

67a (B)(I) the Internet website address that provides access to towing database information
 67b in accordance with Section 41-6a-1406; or

67c (II) one of the following:

68 ~~(B) ~~H~~ **(I)** ~~H~~ (Aa) ~~S~~ the name and phone number of the tow truck operator or tow truck~~
 68a motor carrier

69 that performs a tow truck service for the locations listed under Subsection (2)(b)(i); ~~H~~ **or**

69a ~~S~~ **(H)** (Bb) ~~S~~ the name of the mobile home park or multifamily dwelling and the
 69b phone number

69b of the mobile home park or multifamily dwelling manager or management office that
 69c authorized the vehicle, vessel, or outboard motor to be towed ~~S~~ **[~~H~~ and**

70 — ~~(C) the Internet website address that provides access to towing database information in~~
 71 accordance with Section 41-6a-1406] ~~S~~ .

71a ~~H~~ **(c) Signage is not required under Subsection (2)(b) for parking in a location:**

71b (i) that is prohibited by law;

71c (ii) that is prohibited by a declaration of the conditions, covenants, and restrictions or
 71d by a contract; or

71e (iii) if it is reasonably apparent that the location is not open to parking.

71f (d) Nothing in this Subsection (2)(b) restricts the ability of a mobile home park as
 71g defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations
 71h on parking. ~~H~~

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.

Legislative Review Note
as of 1-7-08 10:54 AM

Office of Legislative Research and General Counsel

H.B. 275 - Vehicle Towing Requirements

Fiscal Note

2008 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 will create a cost to owners or operators at mobile home parks and multifamily dwellings for proper signage to be posted to comply with provisions of this bill. Enactment will not result in direct, measurable costs and/or benefits for local governments.
