

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;

15 ▶ provides exceptions to the notice requirements; and

16 ▶ makes technical changes.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **72-9-603**, as last amended by Laws of Utah 2005, Chapter 2

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

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

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

29 (1) Except for tow truck service that was ordered by a peace officer, or a person acting

30 on behalf of a law enforcement agency, or a highway authority, as defined in Section 72-1-102,
31 after performing a tow truck service that is being done without the vehicle, vessel, or outboard
32 motor owner's knowledge, the tow truck operator or the tow truck motor 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 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) Except as provided in Subsection (2)(c), a tow truck operator or tow truck
61 motor carrier may not perform a tow truck service without the vehicle, vessel, or outboard
62 motor owner's or a lien holder's knowledge at either of the following locations without signage
63 that meets the requirements of Subsection (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 eight units.
66 (ii) Signage under Subsection (2)(b)(i) shall display:
67 (A) where parking is subject to towing; and
68 (B) (I) the Internet website address that provides access to towing database information
69 in accordance with Section 41-6a-1406; or
70 (II) one of the following:
71 (Aa) the name and phone number of the tow truck operator or tow truck motor carrier
72 that performs a tow truck service for the locations listed under Subsection (2)(b)(i); or
73 (Bb) the name of the mobile home park or multifamily dwelling and the phone number
74 of the mobile home park or multifamily dwelling manager or management office that authorized
75 the vehicle, vessel, or outboard motor to be towed.
76 (c) Signage is not required under Subsection (2)(b) for parking in a location:
77 (i) that is prohibited by law;
78 (ii) that is prohibited by a declaration of the conditions, covenants, and restrictions or
79 by a contract; or
80 (iii) if it is reasonably apparent that the location is not open to parking.
81 (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in
82 Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.
83 (3) The owner of a vehicle, vessel, or outboard motor lawfully removed is only
84 responsible for paying:
85 (a) the tow truck service and storage fees set in accordance with Subsection (7); and

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

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

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

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

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

96 (a) set maximum rates that:

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

99 (A) a peace officer dispatch call;

100 (B) a motor vehicle division call; and

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

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

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

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