

Senator Wayne A. Harper proposes the following substitute bill:

TOWING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill amends Section [41-6a-215](#) to require parking lot owners to post towing signs.

Highlighted Provisions:

This bill:

- ▶ requires owners of parking lots to post towing signs;
- ▶ prohibits any tow truck service from towing at any noncompliant lot;
- ▶ provides guidelines for the attributes and contents of each sign; and
- ▶ preempts any local laws which conflict with this section.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

[41-6a-214](#), as renumbered and amended by Laws of Utah 2005, Chapter 2

[41-6a-215](#), as renumbered and amended by Laws of Utah 2005, Chapter 2

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



26 Section 1. Section **41-6a-214** is amended to read:

27 **41-6a-214. Quasi-public roads and parking areas -- Local ordinances.**

28 (1) As used in this section, "quasi-public road or parking area" means a privately
29 owned and maintained road or parking area that is generally held open for use of the public for
30 purposes of vehicular travel or parking.

31 (2) (a) Any municipality or county may by ordinance provide that a quasi-public road
32 or parking area within the municipality or county is subject to this chapter.

33 (b) An ordinance may not be enacted under this section without:

34 (i) a public hearing; and

35 (ii) the agreement of a majority of the owners of the quasi-public road or parking area
36 involved.

37 (3) This section:

38 (a) supercedes conflicting provisions under [~~Section~~] Subsection 41-6a-215(1);

39 (b) does not require a peace officer to patrol or enforce any provisions of this chapter
40 on any quasi-public road or parking area; or

41 (c) does not affect the duty of a peace officer to enforce those provisions of this chapter
42 applicable to private property other than under this section.

43 Section 2. Section **41-6a-215** is amended to read:

44 **41-6a-215. Right of real property owner to regulate traffic.**

45 (1) Except as provided under Section 41-6a-214, this chapter does not prevent the
46 owner of real property used by the public for purposes of vehicular travel by permission of the
47 owner and not as matter of right from:

48 [~~(1)~~] (a) prohibiting the use;

49 [~~(2)~~] (b) requiring other conditions not specified in this chapter; or

50 [~~(3)~~] (c) otherwise regulating the use as preferred by the owner.

51 (2) A tow truck operator or tow truck motor carrier may not perform a tow truck
52 service at any parking lot where towing occurs without the vehicle owner's or a lien holder's
53 knowledge unless signage that meets the following requirements is present:

54 (a) The owner of a parking lot where towing occurs shall install signs at the entrances
55 of the lot and at least one other area in the lot.

56 (b) Each sign shall be 18 inches wide by 24 inches high and shall state in reflective

57 lettering:

58 (i) the conditions under which towing will occur;

59 (ii) the consequence for parking under those conditions;

60 (iii) one of the following:

61 (A) the name and phone number of the tow truck operator or tow truck motor carrier
62 that performs the tow truck service for the owner of the real property; or

63 (B) as an alternative, if applicable, the name of the mobile home park or multifamily
64 dwelling and the phone number of the mobile home park or multifamily dwelling manager or
65 management office that has authorized towing to occur.

66 (iv) the Internet website address that provides access to towing database information in
67 accordance with Section [41-6a-1406](#); and

68 (v) the towing symbol recommended by the "Manual on Uniform Traffic Control
69 Devices for Streets and Highways."

70 (c) Each sign shall conform to the most recent edition of the "Manual on Uniform
71 Traffic Control Devices for Streets and Highways" and other rules on standards adopted under
72 Section [41-6a-301](#).

73 (3) Notwithstanding any other provision of law, a political subdivision of this state may
74 neither enact nor enforce any ordinance, regulation, or rule pertaining to a parking lot, tow
75 truck motor carrier, tow truck operator, or tow truck that conflicts with any provision of this
76 section or any rules or standards adopted under [72-9-605](#).