

## SB0155S01 compared with SB0155

~~text~~ shows text that was in SB0155 but was deleted in SB0155S01.

Inserted text shows text that was not in SB0155 but was inserted into SB0155S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Wayne A. Harper proposes the following substitute bill:

### TOWING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

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

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#### LONG TITLE

##### General Description:

This bill ~~requires~~ amends Section 41-6a-215 to require parking lot owners to post towing signs ~~under certain conditions~~.

##### Highlighted Provisions:

This bill:

- ▶ requires owners of parking lots to post towing signs;
- ▶ prohibits any tow truck service from towing at any noncompliant lot; ~~and~~
- ▶ 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:

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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

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

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

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

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

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

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

(i) a public hearing; and

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

(3) This section:

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

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

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

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

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

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

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

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

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

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

(a) The owner of ~~{real property used by the public as }~~ a parking lot ~~{by permission of the owner}~~ where towing occurs shall install signs at the entrances of the lot and at least one other area in the lot.

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

(i) the conditions under which towing will occur;

(ii) the consequence for parking under those conditions;

(iii) one of the following:

~~{(iii)}~~ A) the name and ~~{telephone}~~ phone number of the tow truck operator or tow truck motor carrier that performs ~~{a}~~ the tow truck service for the owner of the real property; or

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

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

(v) ~~{a symbol warning of the potential of towing.}~~ the towing symbol recommended by the "Manual on Uniform Traffic Control Devices for Streets and Highways."

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

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### Legislative Review Note

~~Office of Legislative Research and General Counsel}~~ (3) Notwithstanding any other provision of law, a political subdivision of this state may neither enact nor enforce any

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ordinance, regulation, or rule pertaining to a parking lot, tow truck motor carrier, tow truck operator, or tow truck that conflicts with any provision of this section or any rules or standards adopted under 72-9-605.