

**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

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**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;
- ▶ provides for towing after 24 hours when other signage requirements aren't met; and
- ▶ preempts 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

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

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

28 **41-6a-214. Quasi-public roads and parking areas -- Local ordinances.**

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

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

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

35 (i) a public hearing; and

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

38 (3) This section:

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

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

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

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

45 **41-6a-215. Right of real property owner to regulate traffic.**

46 (1) As used in this section, "certified tow truck motor carrier" means a tow truck  
47 operator or tow truck motor carrier that has a current authorized towing certificate as described  
48 in Subsection 72-9-601(1)(c).

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

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

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

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

55 (3) Except as provided in Subsection (3), a certified tow truck motor carrier may not  
56 perform a tow truck service at any parking lot where towing occurs without the vehicle owner's

57 or a lien holder's knowledge unless signage that meets the following requirements is present:

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

60 (b) Each sign shall be 18 inches wide by 24 inches high, have red letters on a white  
61 background, and shall state in reflective lettering:

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

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

64 (iii) one of the following:

65 (A) the name and phone number of the certified tow truck motor carrier that performs  
66 the towing service for the owner of the real property; or

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

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

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

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

77 (d) A sign may, at the option of the owner, include a QR code, or other similar  
78 technology, that provides a link to the Utah Consumer Bill of Rights Regarding Towing, or  
79 other similar document provided by the Utah Department of Transportation.

80 (4) If signage meeting the requirements of Subsection (3) is not provided at a parking  
81 lot, a certified tow truck motor carrier may perform a tow truck service on that lot if:

82 (a) the owner of a parking lot where towing occurs has contracted with a certified tow  
83 truck motor carrier;

84 (b) before a vehicle is towed, the certified tow truck motor carrier posts written notice  
85 of intent to tow on the vehicle that contains the following information:

86 (i) notice that if the vehicle, vessel, or outboard motor is not removed from the  
87 property within 24 hours, the vehicle, vessel, or outboard motor will be towed to an impound

88 yard;

89 (ii) the date and time of posting of the notice;

90 (iii) the name and phone number of the certified tow truck motor carrier that will  
91 perform the tow; and

92 (iv) the Internet website address that provides access to towing database information in  
93 accordance with Section [41-6a-301](#).

94 (c) the certified tow truck motor carrier creates and retains:

95 (i) a time stamped photograph of the notice placed on the vehicle;

96 (ii) other documentation showing the date and time the notice was placed on the  
97 vehicle; and

98 (iii) documentation showing the date and time the vehicle was removed from the  
99 property 24 hours or more after notice was posted; and

100 (d) the name and phone number of the certified tow truck motor carrier that the owner  
101 has contracted with is:

102 (i) available at any office or place of business of the owner that is associated with or  
103 adjacent to the parking lot; and

104 (ii) posted on:

105 (A) signage on the parking lot; or

106 (B) on a building adjacent to the parking lot in a location that is visible from the  
107 parking lot.

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