

SB0155S04 compared with SB0155S03

~~{deleted text}~~ shows text that was in SB0155S03 but was deleted in SB0155S04.

Inserted text shows text that was not in SB0155S03 but was inserted into SB0155S04.

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: 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;
- ▶ provides for towing after 24 hours when other signage requirements aren't met; and
- ▶ ~~{preempts local laws which conflict with this section}~~ modifies provisions relating to prohibitions on local laws' interference with statutory towing laws or rules.

Money Appropriated in this Bill:

None

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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

72-9-604, as last amended by Laws of Utah 2017, Chapter 298

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) As used in this section, "certified tow truck motor carrier" means a tow truck operator or tow truck motor carrier that has a current authorized towing certificate as described in Subsection ~~72-9-601~~72-9-602(1)(c).

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(2) 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

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

(3) Except as provided in Subsection ~~(3)~~ (4) or (5), a ~~certified tow truck motor carrier~~ person 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 a parking lot 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 no less than 18 inches wide by 24 inches high, have red letters on a white background, 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:

(A) the name and phone number of the certified tow truck motor carrier that performs the towing 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~~ property manager and the phone number of the ~~mobile home park or multifamily dwelling~~ property 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) on the uppermost portion of the sign, the international 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.~~

~~(d) A sign may, at the option of the owner, include a QR code, or other similar~~

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~~technology, that provides a link~~ A sign may provide a link or address to the Utah Consumer Bill of Rights Regarding Towing, or other similar document provided by the Utah Department of Transportation.

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

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

~~_____ (b) }~~ before a vehicle, vessel, or outboard motor is towed, ~~the~~ a certified tow truck motor carrier posts written notice of intent to tow on the vehicle, vessel, or outboard motor that contains the following information:

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

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

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

(iv) the internet website address that provides access to towing database information in accordance with Section ~~41-6a-301~~ 41-6a-1406.

~~(c) b~~ the certified tow truck motor carrier creates and retains for a period of one year:

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

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

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

~~(d) c~~ the name ~~and~~, phone number, and website of the certified tow truck motor carrier that the owner has ~~contracted with~~ used for the tow is:

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

~~_____ (ii) posted on;~~

~~_____ (A) signage on the parking lot; or~~

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~~(B) on a building adjacent to the parking lot.~~

(5) A tow truck service may be performed without the vehicle owner's knowledge, and the signage requirements under Subsection (3) are not required for parking:

(a) in a location that is ~~visible from the parking lot.~~

~~(5) prohibited by law; or~~

(b) where it is reasonably apparent that the location is not open to parking.

(6) Notwithstanding any other provision of law, a political subdivision of this state must follow any rules or standards adopted under Section 72-9-604.

Section 3. Section 72-9-604 is amended to read:

72-9-604. Regulatory powers of local authorities -- Tow trucks.

(1) (a) Notwithstanding any other provision of law, a political subdivision of this state may ~~neither~~ enact ~~nor~~ or enforce ~~any~~ an ordinance, regulation, or rule pertaining to a ~~parking lot,~~ tow truck motor carrier, tow truck operator, or tow truck that ~~conflicts~~ does not conflict with:

(i) any provision of this ~~section or any rules or standards adopted~~ part;

(ii) Section 41-6a-215;

~~(ii)~~ (iii) Section 41-6a-1401;

~~(iii)~~ (iv) Section 41-6a-1407; or

~~(iv)~~ (v) rules made by the department under this part.

(b) A county or municipal legislative governing body may not charge a fee for the storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

(i) is holding the vehicle, vessel, or outboard motor as evidence; and

(ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

(2) A tow truck motor carrier that has a county or municipal business license for a place of business located within that county or municipality may not be required to obtain another business license in order to perform a tow truck service in another county or municipality if there is not a business location in the other county or municipality.

(3) A county or municipal legislative or governing body may not require a tow truck

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motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.

(4) A county or municipal legislative body may require an annual tow truck safety inspection in addition to the inspections required under ~~{Section 72-9-604.~~

Sections 53-8-205 and 72-9-602 if:

(a) no fee is charged for the inspection; and

(b) the inspection complies with federal motor carrier safety regulations.

(5) A tow truck shall be subject to only one annual safety inspection under Subsection

(4)(b). A county or municipality that requires the additional annual safety inspection shall accept the same inspection performed by another county or municipality.