

491 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
 492 Subsection 5(a), even if the party satisfies the requirements to release the vehicle, vessel, or
 493 outboard motor under this Subsection (6).

494 (7) (a) An impounded vehicle, vessel, or outboard motor not claimed by a party
 495 described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103 shall be sold
 496 in accordance with that section and the proceeds, if any, shall be disposed of as provided under
 497 Section 41-1a-1104.

498 (b) The date of impoundment is considered the date of seizure for computing the time
 499 period provided under Section 41-1a-1103.

500 (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the
 501 impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the
 502 fees and charges, together with damages, court costs, and attorney fees, against the operator of
 503 the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

504 (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,
 505 or outboard motor.

506 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 507 the department shall make rules setting the performance standards for towing companies to be
 508 used by the department.

509 (11) (a) The Motor Vehicle Division may specify that a report required under
 510 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and
 511 retrieval of the information.

512 (b) (i) Unless otherwise provided by statute, the Motor Vehicle Division or the
 513 administrator of the database may adopt a schedule of fees assessed for utilizing the database.

514 (ii) The fees under this Subsection (11)(b) shall:

515 (A) be reasonable and fair; and

516 (B) reflect the cost of administering the database.

517 Section 4. Section 72-9-102 is amended to read:

518 **72-9-102. Definitions.**

519 As used in this chapter:

520 ~~Ĥ→ [(1) (a) "Central office" means a central place of business of a tow truck motor carrier~~
 521 ~~located within a 10-mile radius of each state impound yard owned or operated by the tow truck] ←Ĥ~~

522 ~~H~~→ motor carrier:

523 ~~_____ (b) "Central office" does not include a remote state impound yard owned or operated~~
 524 ~~by the tow truck motor carrier:~~

525 ~~_____ [1] [1(2)] ←H~~ (a) "Commercial vehicle" includes:

526 (i) an interstate commercial vehicle; and

527 (ii) an intrastate commercial vehicle.

528 (b) "Commercial vehicle" does not include the following vehicles for purposes of this
 529 chapter:

530 (i) equipment owned and operated by the United States Department of Defense when
 531 driven by any active duty military personnel and members of the reserves and national guard on
 532 active duty including personnel on full-time national guard duty, personnel on part-time
 533 training, and national guard military technicians and civilians who are required to wear military
 534 uniforms and are subject to the code of military justice;

535 (ii) firefighting and emergency vehicles, operated by emergency personnel, not
 536 including commercial tow trucks;

537 (iii) recreational vehicles that are driven solely as family or personal conveyances for
 538 noncommercial purposes; or

539 (iv) vehicles owned by the state or a local government.

540 ~~H~~→ [f] (2) [1(3)] ←H "Interstate commercial vehicle" means a self-propelled or towed
 540a motor vehicle

541 used on a highway in interstate commerce to transport passengers or property if the vehicle:

542 (a) has a gross vehicle weight rating or gross combination weight rating of 10,001 or
 543 more pounds;

544 (b) is designed or used to transport more than eight passengers, including the driver, for
 545 compensation;

546 (c) is designed or used to transport more than 15 passengers, including the driver, and
 547 is not used to transport passengers for compensation; or

548 (d) (i) is used to transport materials designated as hazardous in accordance with 49
 549 U.S.C. Sec. 5103; and

550 (ii) is required to be placarded in accordance with regulations under 49 C.F.R., Subtitle
 551 B, Chapter I, Subchapter C.

552 ~~H~~→ [f] (3) [1(4)] ←H "Intrastate commercial vehicle" means a motor vehicle, vehicle,
 552a trailer, or

553 semitrailer used or maintained for business, compensation, or profit to transport passengers or
 554 property on a highway only within the boundaries of this state if the commercial vehicle:

555 (a) has a manufacturer's gross vehicle weight rating or gross combination weight rating
 556 of 10,001 or more pounds;

557 (b) is designed to transport more than 15 passengers, including the driver; or

558 (c) is used in the transportation of hazardous materials and is required to be placarded
 559 in accordance with 49 C.F.R. Part 172, Subpart F.

560 ~~H~~→ [f] (4) [~~5~~] ←~~H~~ "Motor carrier" means a person engaged in or transacting the
 560a business of

561 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
 562 highway within this state and includes a tow truck business.

563 ~~H~~→ [~~6~~] (5) ←~~H~~ "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the
 563a same as

564 that term is defined in Section [41-1a-102](#).

565 ~~H~~→ [~~7~~] (6) ←~~H~~ "Property owner" means the owner or lessee of real property.

566 ~~H~~→ [~~8~~] (7) ←~~H~~ "State impound yard" means the same as that term is defined in Section
 566a [41-1a-102](#).

567 [~~5~~] ~~H~~→ [~~9~~] (8) ←~~H~~ "Tow truck" means a motor vehicle constructed, designed, altered, or
 568 equipped primarily for the purpose of towing or removing damaged, disabled, abandoned,
 569 seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow
 570 bar, tow line, dolly, tilt bed, or other means.

571 ~~H~~→ [~~10~~] (9) ←~~H~~ "Tow truck motor carrier" means a motor carrier that is engaged in or
 571a transacting
 572 business for tow truck services.

573 ~~H~~→ [~~11~~] (10) ←~~H~~ "Tow truck operator" means an individual that performs operations
 573a related to a
 574 tow truck service as an employee or as an independent contractor on behalf of a tow truck
 575 motor carrier.

576 [~~6~~] ~~H~~→ [~~12~~] (11) ←~~H~~ "Tow truck service" means the functions and any ancillary
 576a operations
 577 associated with recovering, removing, and towing a vehicle and its load from a highway or
 578 other place by means of a tow truck.

579 [~~7~~] ~~H~~→ [~~13~~] (12) ←~~H~~ "Transportation" means the actual movement of property or
 579a passengers by
 580 motor vehicle, including loading, unloading, and any ancillary service provided by the motor
 581 carrier in connection with movement by motor vehicle, which is performed by or on behalf of
 582 the motor carrier, its employees or agents, or under the authority of the motor carrier, its
 583 employees or agents, or under the apparent authority and with the knowledge of the motor

584 carrier.

585 Section 5. Section 72-9-603 is amended to read:

586 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
587 **vehicle title restrictions -- Rules for maximum rates and certification.**

588 (1) Except for a tow truck service that was ordered by a peace officer, or a person
589 acting on behalf of a law enforcement agency, or a highway authority, after performing a tow
590 truck service that is being done without the vehicle, vessel, or outboard motor owner's
591 knowledge, the tow truck operator or the tow truck motor carrier shall:

592 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
593 or outboard motor:

594 (i) send a report of the removal to the Motor Vehicle Division that complies with the
595 requirements of Subsection 41-6a-1406(4)(b); and

596 (ii) contact the law enforcement agency having jurisdiction over the area where the
597 vehicle, vessel, or outboard motor was picked up and notify the agency of the:

598 (A) location of the vehicle, vessel, or outboard motor;

599 (B) date, time, and location from which the vehicle, vessel, or outboard motor was
600 removed;

601 (C) reasons for the removal of the vehicle, vessel, or outboard motor;

602 (D) person who requested the removal of the vehicle, vessel, or outboard motor; and

603 (E) ~~the~~ **description, including the identification number, license number, or other**

604 ~~identification number and license number or other identification number issued by a state~~

605 ~~agency;]~~ **description, including the identification number, license number, or other**

605a **identification number issued by a state agency, of the vehicle, vessel, or outboard motor;** ←H

606 (b) within two business days of performing the tow truck service under Subsection
607 (1)(a), send a certified letter to the last-known address of each party described in Subsection
608 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the
609 Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the
610 current address, notifying the party of the:

611 (i) location of the vehicle, vessel, or outboard motor;

612 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
613 removed;

614 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;

739 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
 740 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
 741 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
 742 [41-6a-1406](#).

743 (2) A tow truck motor carrier that has a county or municipal business license for a
 744 ~~Ĥ→~~ [f] **place of business** [~~central office~~] ~~←Ĥ~~ located within that county or municipality may not
 744a be
 745 required to obtain another business license in order to perform a tow truck service in another
 746 county or municipality if there is not a ~~Ĥ→~~ [f] **business location** [~~central office~~] ~~←Ĥ~~ in the other
 746a county or
 747 municipality.

748 (3) A county or municipal legislative or governing body may not require a tow truck
 749 motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing
 750 certificate by the department, as described in Section [72-9-602](#), to obtain an additional towing
 751 certificate.

752 (4) A county or municipal legislative body may require an annual tow truck safety
 753 inspection in addition to the inspections required under Sections [53-8-205](#) and [72-9-602](#) if:

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

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

756 (5) A tow truck shall be subject to only one annual safety inspection under Subsection
 757 (4)(b). A county or municipality that requires the additional annual safety inspection shall
 758 accept the same inspection performed by another county or municipality.

759 ~~Ŝ→~~ [~~(6)~~ ~~Ĥ→~~ [A] Beginning on January 1, 2021, a ~~←Ĥ~~ political subdivision or state agency
 759a1 may
 759a not charge an applicant a fee or charge
 760 related to dispatch costs in order to be part of the towing rotation.] **(6) (a) Beginning on July 1,**
 760a **2021, a political subdivision or state agency may not charge an applicant a fee or charge**
 760b **related to dispatch costs in order to be part of the towing rotation of that political subdivision**
 760c **or state agency.**

760d **(b) In addition to the fees set by the department in rules made in accordance with**
 760e **Subsection 72-9-603(7), a tow truck motor carrier may charge a fee to cover the costs of a**
 760f **dispatch charge described in Subsection (6)(a).**

760g **(c) The amount of the fee described in Subsection (6)(b) may not exceed the amount**
 760h **charged to the tow truck motor carrier by the political subdivision or state agency for dispatch**
 760i **services.**

760j **(d) A political subdivision or state agency that does not charge a dispatch fee as of**
 760k **January 1, 2019, may not charge a dispatch fee described in Subsection (6)(a).** ~~←Ŝ~~

761 ☉ (7) A towing entity may not require a tow truck operator who has received an
762 authorized towing certificate from the department to submit additional criminal background
763 check information for inclusion of the tow truck motor carrier on a rotation.

763a **Ĥ→ (8) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck**
763b **operator that responds may not respond to the location in a tow truck that is owned by a tow**
763c **truck motor carrier that is different than the tow truck motor carrier that was dispatched.** ←Ĥ

764 Section 7. Section **72-9-607** is enacted to read:

765 **72-9-607. Required process before removal from towing rotation.**

766 (1) Each political subdivision or state agency that establishes a towing rotation to
767 facilitate tows initiated by the political subdivision or state agency shall establish a policy for
768 an appeals process to hear and decide appeals from a decision to suspend or remove a tow truck
769 motor carrier or tow truck operator from a towing rotation.