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TOWING REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill revises provisions related to towing, including signage requirements, preemption of local laws, and abandonment of a vehicle.

Highlighted Provisions:

This bill:

- ▶ restricts local zoning regulations with regard to impound yards;
- ▶ prohibits towing from a private lot if certain signage requirements are not met;
- ▶ prohibits and imposes a fine for failure to retrieve a towed vehicle;
- ▶ preempts local jurisdictions from passing an ordinance addressing towing;
- ▶ enacts provisions related to towing rotations and process for removal from a towing rotation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-102, as last amended by Laws of Utah 2018, Chapters 166 and 424

41-1a-1101, as last amended by Laws of Utah 2018, Chapter 29



28 41-6a-1406, as last amended by Laws of Utah 2017, Chapters 100 and 261

29 72-9-102, as last amended by Laws of Utah 2017, Chapter 96

30 72-9-603, as last amended by Laws of Utah 2017, Chapter 298

31 72-9-604, as last amended by Laws of Utah 2017, Chapter 298

32 ENACTS:

33 72-9-607, Utah Code Annotated 1953

34 72-9-608, Utah Code Annotated 1953

35

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

37 Section 1. Section 41-1a-102 is amended to read:

38 **41-1a-102. Definitions.**

39 As used in this chapter:

40 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

41 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
42 vehicles as operated and certified to by a weighmaster.

43 (3) "All-terrain type I vehicle" means the same as that term is defined in Section
44 41-22-2.

45 (4) "All-terrain type II vehicle" means the same as that term is defined in Section
46 41-22-2.

47 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
48 41-22-2.

49 (6) "Alternative fuel vehicle" means:

50 (a) an electric motor vehicle;

51 (b) a hybrid electric motor vehicle;

52 (c) a plug-in hybrid electric motor vehicle; or

53 (d) a motor vehicle powered by a fuel other than:

54 (i) motor fuel;

55 (ii) diesel fuel;

56 (iii) natural gas; or

57 (iv) propane.

58 (7) "Amateur radio operator" means any person licensed by the Federal

59 Communications Commission to engage in private and experimental two-way radio operation
60 on the amateur band radio frequencies.

61 (8) "Autocycle" means the same as that term is defined in Section 53-3-102.

62 (9) "Branded title" means a title certificate that is labeled:

63 (a) rebuilt and restored to operation;

64 (b) flooded and restored to operation; or

65 (c) not restored to operation.

66 (10) "Camper" means any structure designed, used, and maintained primarily to be
67 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
68 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
69 camping.

70 (11) "Certificate of title" means a document issued by a jurisdiction to establish a
71 record of ownership between an identified owner and the described vehicle, vessel, or outboard
72 motor.

73 (12) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
74 weighmaster.

75 (13) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
76 maintained for the transportation of persons or property that operates:

77 (a) as a carrier for hire, compensation, or profit; or

78 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
79 owner's commercial enterprise.

80 (14) "Commission" means the State Tax Commission.

81 (15) "Consumer price index" means the same as that term is defined in Section
82 59-13-102.

83 (16) "Dealer" means a person engaged or licensed to engage in the business of buying,
84 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
85 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
86 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

87 (17) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

88 (18) "Division" means the Motor Vehicle Division of the commission, created in
89 Section 41-1a-106.

90 (19) "Electric motor vehicle" means a motor vehicle that is powered solely by an
91 electric motor drawing current from a rechargeable energy storage system.

92 (20) "Essential parts" means all integral and body parts of a vehicle of a type required
93 to be registered in this state, the removal, alteration, or substitution of which would tend to
94 conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of
95 operation.

96 (21) "Farm tractor" means every motor vehicle designed and used primarily as a farm
97 implement for drawing plows, mowing machines, and other implements of husbandry.

98 (22) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
99 the owner's or operator's own use in the transportation of:

100 (i) farm products, including livestock and its products, poultry and its products,
101 floricultural and horticultural products;

102 (ii) farm supplies, including tile, fence, and every other thing or commodity used in
103 agricultural, floricultural, horticultural, livestock, and poultry production; and

104 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
105 other purposes connected with the operation of a farm.

106 (b) "Farm truck" does not include the operation of trucks by commercial processors of
107 agricultural products.

108 (23) "Fleet" means one or more commercial vehicles.

109 (24) "Foreign vehicle" means a vehicle of a type required to be registered, brought into
110 this state from another state, territory, or country other than in the ordinary course of business
111 by or through a manufacturer or dealer, and not registered in this state.

112 (25) "Gross laden weight" means the actual weight of a vehicle or combination of
113 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

114 (26) "Highway" or "street" means the entire width between property lines of every way
115 or place of whatever nature when any part of it is open to the public, as a matter of right, for
116 purposes of vehicular traffic.

117 (27) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion
118 energy from onboard sources of stored energy that are both:

119 (a) an internal combustion engine or heat engine using consumable fuel; and

120 (b) a rechargeable energy storage system where energy for the storage system comes

121 solely from sources onboard the vehicle.

122 (28) (a) "Identification number" means the identifying number assigned by the
123 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
124 motor.

125 (b) "Identification number" includes a vehicle identification number, state assigned
126 identification number, hull identification number, and motor serial number.

127 (29) "Implement of husbandry" means every vehicle designed or adapted and used
128 exclusively for an agricultural operation and only incidentally operated or moved upon the
129 highways.

130 (30) (a) "In-state miles" means the total number of miles operated in this state during
131 the preceding year by fleet power units.

132 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the
133 total number of miles that those vehicles were towed on Utah highways during the preceding
134 year.

135 (31) "Interstate vehicle" means any commercial vehicle operated in more than one
136 state, province, territory, or possession of the United States or foreign country.

137 (32) "Jurisdiction" means a state, district, province, political subdivision, territory, or
138 possession of the United States or any foreign country.

139 (33) "Lienholder" means a person with a security interest in particular property.

140 (34) "Manufactured home" means a transportable factory built housing unit constructed
141 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
142 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body
143 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
144 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
145 with or without a permanent foundation when connected to the required utilities, and includes
146 the plumbing, heating, air-conditioning, and electrical systems.

147 (35) "Manufacturer" means a person engaged in the business of constructing,
148 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
149 outboard motors for the purpose of sale or trade.

150 (36) "Mobile home" means a transportable factory built housing unit built prior to June
151 15, 1976, in accordance with a state mobile home code which existed prior to the Federal

152 Manufactured Housing and Safety Standards Act (HUD Code).

153 (37) "Motor fuel" means the same as that term is defined in Section 59-13-102.

154 (38) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
155 operation on the highways.

156 (b) "Motor vehicle" does not include an off-highway vehicle.

157 (39) "Motorboat" means the same as that term is defined in Section 73-18-2.

158 (40) "Motorcycle" means:

159 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
160 more than three wheels in contact with the ground; or

161 (b) an auticycle.

162 (41) "Natural gas" means a fuel of which the primary constituent is methane.

163 (42) (a) "Nonresident" means a person who is not a resident of this state as defined by
164 Section 41-1a-202, and who does not engage in intrastate business within this state and does
165 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

166 (b) A person who engages in intrastate business within this state and operates in that
167 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
168 interstate commerce, maintains any vehicle in this state as the home station of that vehicle is
169 considered a resident of this state, insofar as that vehicle is concerned in administering this
170 chapter.

171 (43) "Odometer" means a device for measuring and recording the actual distance a
172 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
173 periodically reset.

174 (44) "Off-highway implement of husbandry" means the same as that term is defined in
175 Section 41-22-2.

176 (45) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

177 (46) "Operate" means to drive or be in actual physical control of a vehicle or to
178 navigate a vessel.

179 (47) "Outboard motor" means a detachable self-contained propulsion unit, excluding
180 fuel supply, used to propel a vessel.

181 (48) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
182 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a

183 security interest.

184 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
185 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
186 stated in the agreement and with an immediate right of possession vested in the conditional
187 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
188 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
189 chapter.

190 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
191 owner until the lessee exercises the lessee's option to purchase the vehicle.

192 (49) "Park model recreational vehicle" means a unit that:

193 (a) is designed and marketed as temporary living quarters for recreational, camping,
194 travel, or seasonal use;

195 (b) is not permanently affixed to real property for use as a permanent dwelling;

196 (c) requires a special highway movement permit for transit; and

197 (d) is built on a single chassis mounted on wheels with a gross trailer area not
198 exceeding 400 square feet in the setup mode.

199 (50) "Personalized license plate" means a license plate that has displayed on it a
200 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
201 to the vehicle by the division.

202 (51) (a) "Pickup truck" means a two-axle motor vehicle with motive power
203 manufactured, remanufactured, or materially altered to provide an open cargo area.

204 (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a
205 camper, camper shell, tarp, removable top, or similar structure.

206 (52) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that
207 has the capability to charge the battery or batteries used for vehicle propulsion from an
208 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle
209 while the vehicle is in motion.

210 (53) "Pneumatic tire" means every tire in which compressed air is designed to support
211 the load.

212 (54) "Preceding year" means a period of 12 consecutive months fixed by the division
213 that is within 16 months immediately preceding the commencement of the registration or

214 license year in which proportional registration is sought. The division in fixing the period shall
215 conform it to the terms, conditions, and requirements of any applicable agreement or
216 arrangement for the proportional registration of vehicles.

217 (55) "Public garage" means every building or other place where vehicles or vessels are
218 kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

219 (56) "Receipt of surrender of ownership documents" means the receipt of surrender of
220 ownership documents described in Section [41-1a-503](#).

221 (57) "Reconstructed vehicle" means every vehicle of a type required to be registered in
222 this state that is materially altered from its original construction by the removal, addition, or
223 substitution of essential parts, new or used.

224 (58) "Recreational vehicle" means the same as that term is defined in Section
225 [13-14-102](#).

226 (59) "Registration" means a document issued by a jurisdiction that allows operation of
227 a vehicle or vessel on the highways or waters of this state for the time period for which the
228 registration is valid and that is evidence of compliance with the registration requirements of the
229 jurisdiction.

230 (60) (a) "Registration year" means a 12 consecutive month period commencing with
231 the completion of all applicable registration criteria.

232 (b) For administration of a multistate agreement for proportional registration the
233 division may prescribe a different 12-month period.

234 (61) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
235 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
236 or outboard motor, or by correcting the inoperative part.

237 (62) "Replica vehicle" means:

238 (a) a street rod that meets the requirements under Subsection [41-21-1\(3\)\(a\)\(i\)\(B\)](#); or

239 (b) a custom vehicle that meets the requirements under Subsection

240 [41-6a-1507\(1\)\(a\)\(i\)\(B\)](#).

241 (63) "Road tractor" means every motor vehicle designed and used for drawing other
242 vehicles and constructed so it does not carry any load either independently or any part of the
243 weight of a vehicle or load that is drawn.

244 (64) "Sailboat" means the same as that term is defined in Section [73-18-2](#).

245 (65) "Security interest" means an interest that is reserved or created by a security
246 agreement to secure the payment or performance of an obligation and that is valid against third
247 parties.

248 (66) "Semitrailer" means every vehicle without motive power designed for carrying
249 persons or property and for being drawn by a motor vehicle and constructed so that some part
250 of its weight and its load rests or is carried by another vehicle.

251 (67) "Special group license plate" means a type of license plate designed for a
252 particular group of people or a license plate authorized and issued by the division in accordance
253 with Section [41-1a-418](#).

254 (68) (a) "Special interest vehicle" means a vehicle used for general transportation
255 purposes and that is:

256 (i) 20 years or older from the current year; or

257 (ii) a make or model of motor vehicle recognized by the division director as having
258 unique interest or historic value.

259 (b) In making a determination under Subsection (68)(a), the division director shall give
260 special consideration to:

261 (i) a make of motor vehicle that is no longer manufactured;

262 (ii) a make or model of motor vehicle produced in limited or token quantities;

263 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
264 designed exclusively for educational purposes or museum display; or

265 (iv) a motor vehicle of any age or make that has not been substantially altered or
266 modified from original specifications of the manufacturer and because of its significance is
267 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
268 leisure pursuit.

269 (69) (a) "Special mobile equipment" means every vehicle:

270 (i) not designed or used primarily for the transportation of persons or property;

271 (ii) not designed to operate in traffic; and

272 (iii) only incidentally operated or moved over the highways.

273 (b) "Special mobile equipment" includes:

274 (i) farm tractors;

275 (ii) off-road motorized construction or maintenance equipment including backhoes,

276 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

277 (iii) ditch-digging apparatus.

278 (c) "Special mobile equipment" does not include a commercial vehicle as defined
279 under Section [72-9-102](#).

280 (70) "Specially constructed vehicle" means every vehicle of a type required to be
281 registered in this state, not originally constructed under a distinctive name, make, model, or
282 type by a generally recognized manufacturer of vehicles, and not materially altered from its
283 original construction.

284 (71) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard
285 motor that meets the requirements of rules made by the commission pursuant to Subsection
286 [41-1a-1101\(5\)](#).

287 [~~(71)~~] (72) "Title" means the right to or ownership of a vehicle, vessel, or outboard
288 motor.

289 [~~(72)~~] (73) (a) "Total fleet miles" means the total number of miles operated in all
290 jurisdictions during the preceding year by power units.

291 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
292 the number of miles that those vehicles were towed on the highways of all jurisdictions during
293 the preceding year.

294 [~~(73)~~] (74) "Trailer" means a vehicle without motive power designed for carrying
295 persons or property and for being drawn by a motor vehicle and constructed so that no part of
296 its weight rests upon the towing vehicle.

297 [~~(74)~~] (75) "Transferee" means a person to whom the ownership of property is
298 conveyed by sale, gift, or any other means except by the creation of a security interest.

299 [~~(75)~~] (76) "Transferor" means a person who transfers the person's ownership in
300 property by sale, gift, or any other means except by creation of a security interest.

301 [~~(76)~~] (77) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
302 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
303 vacation use that does not require a special highway movement permit when drawn by a
304 self-propelled motor vehicle.

305 [~~(77)~~] (78) "Truck tractor" means a motor vehicle designed and used primarily for
306 drawing other vehicles and not constructed to carry a load other than a part of the weight of the

307 vehicle and load that is drawn.

308 ~~[(78)]~~ (79) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
309 camper, park model recreational vehicle, manufactured home, and mobile home.

310 ~~[(79)]~~ (80) "Vessel" means the same as that term is defined in Section 73-18-2.

311 ~~[(80)]~~ (81) "Vintage vehicle" means the same as that term is defined in Section
312 41-21-1.

313 ~~[(81)]~~ (82) "Waters of this state" means the same as that term is defined in Section
314 73-18-2.

315 ~~[(82)]~~ (83) "Weighmaster" means a person, association of persons, or corporation
316 permitted to weigh vehicles under this chapter.

317 Section 2. Section 41-1a-1101 is amended to read:

318 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

319 (1) The division or any peace officer, without a warrant, may seize and take possession
320 of any vehicle, vessel, or outboard motor:

- 321 (a) that the division or the peace officer has reason to believe has been stolen;
322 (b) on which any identification number has been defaced, altered, or obliterated;
323 (c) that has been abandoned in accordance with Section 41-6a-1408;
324 (d) for which the applicant has written a check for registration or title fees that has not
325 been honored by the applicant's bank and that is not paid within 30 days;
326 (e) that is placed on the water with improper registration;
327 (f) that is being operated on a highway:
328 (i) with registration that has been expired for more than three months;
329 (ii) having never been properly registered by the current owner; or
330 (iii) with registration that is suspended or revoked; or
331 (g) (i) that the division or the peace officer has reason to believe has been involved in
332 an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
333 (ii) whose operator did not remain at the scene of the accident until the operator
334 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.

335 (2) (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer,
336 without a warrant:

- 337 (i) shall seize and take possession of any vehicle that is being operated on a highway

338 without owner's or operator's security in effect for the vehicle as required under Section
339 41-12a-301 and the vehicle was involved in an accident; or

340 (ii) may seize and take possession of any vehicle that is being operated on a highway
341 without owner's or operator's security in effect for the vehicle as required under Section
342 41-12a-301 after the division or any peace officer makes a reasonable determination whether
343 the vehicle would:

344 (A) present a public safety concern to the operator or any of the occupants in the
345 vehicle; or

346 (B) prevent the division or the peace officer from addressing other public safety
347 considerations.

348 (b) The division or any peace officer may not seize and take possession of a vehicle
349 under Subsection (2)(a):

350 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
351 security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer
352 verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured
353 Motorist Identification Database created in accordance with Section 41-12a-803; or

354 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
355 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification
356 Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's
357 security is not in effect for the vehicle, unless the division or a peace officer makes a
358 reasonable attempt to independently verify that owner's or operator's security is not in effect for
359 the vehicle.

360 (3) If necessary for the transportation of a seized vessel, the vessel's trailer may be
361 seized to transport and store the vessel.

362 (4) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard
363 motor under this section shall comply with the provisions of Section 41-6a-1406.

364 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
365 the commission shall make rules setting standards for public garages, impound lots, and
366 impound yards that may be used by peace officers and the division.

367 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
368 public garages, impound lots, or impound yards per geographical area.

369 (6) (a) A person may not locate a state impound yard in an area that the relevant
 370 municipality or county has zoned as primarily residential.

371 (b) Except as provided in Subsection (6)(a), a public garage, an impound lot, an
 372 impound yard, or a state impound yard is a permitted use in all zoning districts within a
 373 municipality or county.

374 ~~[(6)]~~ (7) (a) Except as provided under Subsection ~~[(6)]~~ (7)(b), a person may not operate
 375 or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard
 376 regulated under this part without prior written permission of the owner of the vehicle.

377 (b) Incidental and necessary operation of a vehicle to move the vehicle from one
 378 parking space to another within the facility and that is necessary for the normal management of
 379 the facility is not prohibited under Subsection ~~[(6)]~~ (7)(a).

380 ~~[(7)]~~ (8) A person who violates the provisions of Subsection ~~[(6)]~~ (7) is guilty of a
 381 class C misdemeanor.

382 ~~[(8)]~~ (9) The division or the peace officer who seizes a vehicle shall record the mileage
 383 shown on the vehicle's odometer at the time of seizure, if:

384 (a) the vehicle is equipped with an odometer; and

385 (b) the odometer reading is accessible to the division or the peace officer.

386 Section 3. Section **41-6a-1406** is amended to read:

387 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
 388 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

389 (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under
 390 Section [41-1a-1101](#), [41-6a-527](#), [41-6a-1405](#), [41-6a-1408](#), or [73-18-20.1](#) by an order of a peace
 391 officer or by an order of a person acting on behalf of a law enforcement agency or highway
 392 authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the
 393 expense of the owner.

394 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or
 395 impounded to~~[(a)]~~ a state impound yard~~[, or]~~ as defined in Section [41-1a-102](#).

396 ~~[(b) if none, a garage, docking area, or other place of safety.]~~

397 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
 398 removed by a tow truck motor carrier that meets standards established:

399 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

400 (b) by the department under Subsection (10).

401 (4) (a) Immediately after the removal of the vehicle, vessel, or outboard motor, a report
402 of the removal shall be sent to the Motor Vehicle Division by:

403 (i) the peace officer or agency by whom the peace officer is employed; and

404 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
405 operator is employed.

406 (b) The report shall be in a form specified by the Motor Vehicle Division and shall
407 include:

408 (i) the operator's name, if known;

409 (ii) a description of the vehicle, vessel, or outboard motor;

410 (iii) the vehicle identification number or vessel or outboard motor identification
411 number;

412 (iv) the license number, temporary permit number, or other identification number
413 issued by a state agency;

414 (v) the date, time, and place of impoundment;

415 (vi) the reason for removal or impoundment;

416 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or
417 outboard motor; and

418 (viii) the place where the vehicle, vessel, or outboard motor is stored.

419 (c) Until the tow truck operator or tow truck motor carrier reports the removal as
420 required under this Subsection (4), a tow truck motor carrier or impound yard may not:

421 (i) collect any fee associated with the removal; and

422 (ii) begin charging storage fees.

423 (5) (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the
424 Motor Vehicle Division shall give notice, in the manner described in Section [41-1a-114](#), to the
425 following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:

426 (i) the registered owner;

427 (ii) any lien holder; or

428 (iii) a dealer, as defined in Section [41-1a-102](#), if the vehicle, vessel, or outboard motor
429 is currently operating under a temporary permit issued by the dealer, as described in Section
430 [41-3-302](#).

431 (b) The notice shall:

432 (i) state the date, time, and place of removal, the name, if applicable, of the person
433 operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal,
434 and the place where the vehicle, vessel, or outboard motor is stored;

435 (ii) state that the registered owner is responsible for payment of towing, impound, and
436 storage fees charged against the vehicle, vessel, or outboard motor;

437 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
438 motor is released; and

439 (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the
440 vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or
441 impoundment under this section, one of the parties fails to make a claim for release of the
442 vehicle, vessel, or outboard motor.

443 (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard
444 motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort
445 to notify the parties described in Subsection (5)(a) of the removal and the place where the
446 vehicle, vessel, or outboard motor is stored.

447 (d) The Motor Vehicle Division shall forward a copy of the notice to the place where
448 the vehicle, vessel, or outboard motor is stored.

449 (e) The Motor Vehicle Division is not required to give notice under this Subsection (5)
450 if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck
451 service in accordance with Subsection [72-9-603\(1\)\(a\)\(i\)](#).

452 (6) (a) The vehicle, vessel, or outboard motor shall be released after a party described
453 in Subsection (5)(a):

454 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
455 the State Tax Commission;

456 (ii) presents identification sufficient to prove ownership of the impounded vehicle,
457 vessel, or outboard motor;

458 (iii) completes the registration, if needed, and pays the appropriate fees;

459 (iv) if the impoundment was made under Section [41-6a-527](#), pays an administrative
460 impound fee of \$400; and

461 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard

462 motor is stored.

463 (b) (i) Twenty-nine dollars of the administrative impound fee assessed under
464 Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;

465 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
466 be deposited in the Department of Public Safety Restricted Account created in Section
467 53-3-106;

468 (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
469 be deposited in the Spinal Cord and Brain Injury Rehabilitation Fund; and

470 (iv) the remainder of the administrative impound fee assessed under Subsection
471 (6)(a)(iv) shall be deposited in the General Fund.

472 (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be
473 waived or refunded by the State Tax Commission if the registered owner, lien holder, or
474 owner's agent presents written evidence to the State Tax Commission that:

475 (i) the Driver License Division determined that the arrested person's driver license
476 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter
477 or other report from the Driver License Division presented within 180 days after the day on
478 which the Driver License Division mailed the final notification; or

479 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
480 stolen vehicle report presented within 180 days after the day of the impoundment.

481 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
482 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)
483 or any service rendered, performed, or supplied in connection with a removal or impoundment
484 under Subsection (1).

485 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
486 impounded vehicle, vessel, or outboard motor if:

487 (i) the vehicle, vessel, or outboard motor is being held as evidence; and

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

491 (7) (a) An impounded vehicle, vessel, or outboard motor not claimed by a party
492 described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103 shall be sold

493 in accordance with that section and the proceeds, if any, shall be disposed of as provided under
494 Section 41-1a-1104.

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

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

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

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

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

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

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

512 (A) be reasonable and fair; and

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

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

515 **72-9-102. Definitions.**

516 As used in this chapter:

517 (1) (a) "Central office" means a central place of business of a tow truck motor carrier
518 located within a 10 mile radius of each state impound yard owned or operated by the tow truck
519 motor carrier.

520 (b) "Central office" does not include a remote state impound yard owned or operated
521 by the tow truck motor carrier.

522 [(+)] (2) (a) "Commercial vehicle" includes:

523 (i) an interstate commercial vehicle; and

524 (ii) an intrastate commercial vehicle.

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

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

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

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

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

537 [~~(2)~~] (3) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle
538 used on a highway in interstate commerce to transport passengers or property if the vehicle:

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

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

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

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

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

549 [~~(3)~~] (4) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or
550 semitrailer used or maintained for business, compensation, or profit to transport passengers or
551 property on a highway only within the boundaries of this state if the commercial vehicle:

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

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

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

557 ~~[(4)]~~ (5) "Motor carrier" means a person engaged in or transacting the business of
558 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
559 highway within this state and includes a tow truck business.

560 (6) "Property owner" means the owner or lessee of real property.

561 (7) "State impound yard" means the same as that term is defined in Section [41-1a-102](#).

562 ~~[(5)]~~ (8) "Tow truck" means a motor vehicle constructed, designed, altered, or
563 equipped primarily for the purpose of towing or removing damaged, disabled, abandoned,
564 seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow
565 bar, tow line, dolly, tilt bed, or other means.

566 (9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting
567 business for tow truck services.

568 (10) "Tow truck operator" means an individual that performs operations related to a
569 tow truck service as an employee or as an agent of a tow truck motor carrier.

570 ~~[(6)]~~ (11) "Tow truck service" means the functions and any ancillary operations
571 associated with recovering, removing, and towing a vehicle and its load from a highway or
572 other place by means of a tow truck.

573 ~~[(7)]~~ (12) "Transportation" means the actual movement of property or passengers by
574 motor vehicle, including loading, unloading, and any ancillary service provided by the motor
575 carrier in connection with movement by motor vehicle, which is performed by or on behalf of
576 the motor carrier, its employees or agents, or under the authority of the motor carrier, its
577 employees or agents, or under the apparent authority and with the knowledge of the motor
578 carrier.

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

580 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
581 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

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

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

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

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

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

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

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

597 (E) vehicle, vessel, or outboard motor's description, including [its] the vehicle's
598 identification number and license number or other identification number issued by a state
599 agency;

600 (b) within two business days of performing the tow truck service under Subsection
601 (1)(a), send a certified letter to the last-known address of each party described in Subsection
602 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the
603 Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the
604 current address, notifying the party of the:

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

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

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

609 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;

610 (v) a description, including its identification number and license number or other
611 identification number issued by a state agency; and

612 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and

613 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was
614 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding
615 Towing established by the department in Subsection [~~7~~] (13)(e).

616 (2) [~~a~~] Until the tow truck operator or tow truck motor carrier reports the removal as

617 required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound
618 yard may not:

619 ~~[(i) (a) collect any fee associated with the removal; or~~

620 ~~[(ii) (b) begin charging storage fees.~~

621 ~~[(b) (i) Except as provided in Subsection (2)(c), a tow truck operator or tow truck~~
622 ~~motor carrier may not perform a tow truck service without the vehicle, vessel, or outboard~~
623 ~~motor owner's or a lien holder's knowledge at either of the following locations without signage~~
624 ~~that meets the requirements of Subsection (2)(b)(ii):]~~

625 ~~[(A) a mobile home park as defined in Section 57-16-3; or]~~

626 ~~[(B) a multifamily dwelling of more than eight units.]~~

627 ~~[(ii) Signage under Subsection (2)(b)(i) shall display:]~~

628 ~~[(A) where parking is subject to towing; and]~~

629 ~~[(B) (I) the Internet website address that provides access to towing database~~
630 ~~information in accordance with Section 41-6a-1406; or]~~

631 ~~[(H) one of the following:]~~

632 ~~[(Aa) the name and phone number of the tow truck operator or tow truck motor carrier~~
633 ~~that performs a tow truck service for the locations listed under Subsection (2)(b)(i); or]~~

634 ~~[(Bb) the name of the mobile home park or multifamily dwelling and the phone~~
635 ~~number of the mobile home park or multifamily dwelling manager or management office that~~
636 ~~authorized the vehicle, vessel, or outboard motor to be towed:]~~

637 ~~[(c) Signage is not required under Subsection (2)(b) for parking in a location:]~~

638 ~~[(i) that is prohibited by law; or]~~

639 ~~[(ii) if it is reasonably apparent that the location is not open to parking.]~~

640 ~~[(d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined~~
641 ~~in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on~~
642 ~~parking:]~~

643 (3) (a) Except as provided in Subsection (3)(b) or (7), a tow truck operator or tow truck
644 motor carrier may not perform a tow truck service without the vehicle, vessel, or outboard
645 motor owner's or a lien holder's knowledge at any privately owned property without appropriate
646 signage that meets the requirements of Subsection (5) or (6).

647 (b) Signage is not required under Subsection (3)(a) or (4) for parking in a location:

648 (i) that is prohibited by law; or
649 (ii) if it is reasonably apparent that the location is not open to parking as described in
650 Subsection (4)(a)(iii).

651 (c) A property owner shall ensure that the signage described in this section is erected
652 before October 1, 2020.

653 (d) Nothing in Subsection (3) or (4) restricts the ability of a property owner of a
654 privately owned property from instituting and enforcing regulations on parking.

655 (4) (a) Subject to the requirements in Subsections (5) through (7), a property owner
656 may enforce parking restrictions by:

657 (i) entering into a contract with a tow truck motor carrier that has a towing certificate
658 that will patrol and monitor the lot and enforce parking restrictions on behalf of the property
659 owner;

660 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck
661 motor carrier;

662 (iii) erecting a physical barricade and signage to prevent access to a property; or

663 (iv) for a property where erecting signs to notify of parking restrictions is not feasible
664 or practical, reporting a parking violation to a peace officer within the jurisdiction.

665 (b) (i) The contract described in Subsection (4)(a)(i) between a property owner and a
666 tow truck motor carrier shall clearly state the rules for the tow truck motor carrier to remove a
667 vehicle, vessel, or outboard motor from the property.

668 (ii) In addition to the signage described in Subsection (5), a property owner shall erect
669 appropriate signage on the property indicating clear instructions for parking on the property.

670 (5) For private property where parking is enforced by a tow truck motor carrier or tow
671 truck operator as described in Subsection (4)(a), the property owner shall ensure that each
672 entrance to the property has the following signs clearly visible to the driver of a vehicle
673 entering the property:

674 (a) a top sign that is 24 inches tall by 18 inches wide that has:

675 (i) a blue, reflective background with a 1/2 inch white, reflective border;

676 (ii) two-inch, white, reflective letters at the top of the sign with the words "private
677 property";

678 (iii) a white, reflective towing logo that is six inches tall and 16 inches wide that

679 depicts an entire tow truck, a tow hook, and the entire car being towed; and
680 (iv) two-inch, white, reflective letters at the bottom of the sign with the words "towing
681 enforced"; and
682 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white,
683 reflective border, and that has:
684 (i) a top half that is red, reflective background with white, reflective letters that
685 provides:
686 (A) who is allowed to park or restricted from parking in the lot; and
687 (B) any type of vehicle prohibited from parking in the lot; and
688 (ii) a bottom half that is white, reflective background with red, reflective letters that
689 indicate:
690 (A) the name and telephone number of the tow truck motor carrier that has been
691 contracted to patrol the lot; and
692 (B) the Internet web address "tow.utah.gov."
693 (6) For a lot where parking is enforced by requesting a tow on a case by case basis as
694 described in Subsection (4)(b), the property owner shall ensure that each entrance to the lot has
695 clearly visible a sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
696 border, and that has:
697 (a) in the top eight inches of the sign, a blue, reflective background with a white,
698 reflective towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck,
699 a tow hook, and the entire car being towed;
700 (b) in the middle eight inches of the sign, a red, reflective background with white,
701 reflective letters indicating:
702 (i) who is allowed to park or restricted from parking in the lot; and
703 (ii) any type of vehicle prohibited from parking in the lot; and
704 (c) in the bottom eight inches of the sign, a white, reflective background with red,
705 reflective letters that indicate:
706 (i) the name and telephone number of the tow truck motor carrier that has been
707 contracted to provide towing services for the lot; and
708 (ii) the Internet web address "tow.utah.gov."
709 (7) For private property where a physical barricade prevents access to the property as

710 described in Subsection (4)(a)(iii), or for a property where erecting signs to notify of parking
711 restrictions is not feasible or practical as described in Subsection (4)(a)(iv), the property owner
712 may request a peace officer:

- 713 (a) mark a vehicle, vessel, or outboard motor indicating a parking violation;
714 (b) provide to the property owner a case number; and
715 (c) 24 hours after the vehicle, vessel, or outboard motor was marked, request the
716 vehicle, vessel, or outboard motor be towed by a certified tow truck motor carrier.

717 (8) The department shall publish on the department Internet website the signage
718 requirements and illustrated or photographed examples of the signage described in Subsections
719 (5) and (6).

720 ~~[(3)]~~ (9) The party described in Subsection 41-6a-1406(5)(a) with an interest in a
721 vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:

722 (a) the tow truck service and storage fees set in accordance with Subsection ~~[(7)]~~ (13);
723 and

724 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

725 ~~[(4)]~~ (10) (a) The fees under Subsection ~~[(3)]~~ (9) are a possessory lien on the vehicle,
726 vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or
727 outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor until
728 paid.

729 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,
730 vessel, or outboard motor and items described in Subsection ~~[(4)]~~ (10)(a) in an approved state
731 impound yard until a party described in Subsection 41-6a-1406(5)(a) with an interest in the
732 vehicle, vessel, or outboard motor:

733 (i) pays the fees described in Subsection ~~[(3)]~~ (9); and

734 (ii) removes the vehicle, vessel, or outboard motor from the ~~[secure storage facility]~~
735 state impound yard.

736 ~~[(5)(a)]~~ (11) (a) (i) For a vehicle, vessel, or outboard motor that is towed by order of a
737 peace officer, a person acting on behalf of a law enforcement agency, or a highway authority,
738 the owner of the vehicle, vessel, or outboard motor shall take possession of the vehicle from
739 the tow truck motor carrier within 72 hours of the report described in Subsection
740 41-6a-1406(4).

741 (ii) An owner of a vehicle, vessel, or outboard motor that fails to take possession of the
742 vehicle, vessel, or outboard motor as required in Subsection (11)(a)(i) is guilty of an infraction
743 and shall pay a fine of \$300.

744 (iii) (A) If an owner of a vehicle, vessel, or outboard motor fails to take possession of
745 the vehicle, vessel, or outboard motor as required in Subsection (11)(a)(i), the tow truck motor
746 carrier may request the issuance of a citation.

747 (B) If a tow truck motor carrier requests a citation as described in Subsection
748 (11)(a)(iii)(A), the law enforcement agency with jurisdiction for the area in which the state
749 impound yard and the vehicle, vessel, or outboard motor are located shall issue the citation.

750 (b) A vehicle, vessel, or outboard motor shall be considered abandoned if a party
751 described in Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard
752 motor does not, within 30 days after notice has been sent under Subsection (1)(b):

753 (i) pay the fees described in Subsection [(3)] (9); and

754 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

755 [(b)] (c) A person may not request a transfer of title to an abandoned vehicle, vessel, or
756 outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

757 [(6)] (12) (a) A tow truck motor carrier or impound yard shall clearly and
758 conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for
759 tow truck service and storage of a vehicle in accordance with rules established under
760 Subsection [(7)] (13).

761 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
762 payment by cash and debit or credit card for a tow truck service under Subsection (1) or any
763 service rendered, performed, or supplied in connection with a tow truck service under
764 Subsection (1).

765 [(7)] (13) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
766 Act, the [~~Department of Transportation~~] department shall:

767 (a) subject to the restriction in Subsection [(8)] (14), set maximum rates that:

768 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,
769 or outboard motor that are transported in response to:

770 (A) a peace officer dispatch call;

771 (B) a motor vehicle division call; and

772 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor
773 has not consented to the removal; and

774 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor
775 stored as a result of one of the conditions listed under Subsection [~~(7)~~] (13)(a)(i);

776 (b) establish authorized towing certification requirements, not in conflict with federal
777 law, related to incident safety, clean-up, and hazardous material handling;

778 (c) specify the form and content of the posting and disclosure of fees and rates charged
779 and acceptable forms of payment by a tow truck motor carrier or impound yard;

780 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
781 charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of
782 the removal to each party described in Subsection 41-6a-1406(5)(a) with an interest in the
783 vehicle, vessel, or outboard motor as required in Subsection (1)(b); and

784 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
785 specific information regarding:

786 (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;

787 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow
788 truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or
789 request where the owner of the vehicle, vessel, or outboard motor has not consented to the
790 removal; and

791 (iii) identifies the maximum rates that an impound yard may charge for the storage of
792 vehicle, vessel, or outboard motor that is transported in response to a call or request where the
793 owner of the vehicle, vessel, or outboard motor has not consented to the removal.

794 [~~(8)~~] (14) An impound yard may not charge a fee for the storage of an impounded
795 vehicle, vessel, or outboard motor if:

796 (a) the vehicle, vessel, or outboard motor is being held as evidence; and

797 (b) the vehicle, vessel, or outboard motor is not being released to a party described in
798 Subsection 41-6a-1406(5)(a), even if the party satisfies the requirements to release the vehicle,
799 vessel, or outboard motor under Section 41-6a-1406.

800 [~~(9)~~] (15) In addition to the maximum rates established under Subsection [~~(7)~~] (13) and
801 when receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an
802 impound yard may charge a credit card processing fee of 3% of the transaction total.

803 ~~[(10)]~~ (16) (a) When a tow truck motor carrier or impound lot is in possession of a
 804 vehicle, vessel, or outboard motor as a result of a tow service that was performed without the
 805 consent of the owner, and that was not ordered by a peace officer or a person acting on behalf
 806 of a law enforcement agency, the tow truck motor carrier or impound yard shall make
 807 personnel available:

808 ~~[(a)]~~ (i) by phone 24 hours a day, seven days a week; and

809 ~~[(b)]~~ (ii) to release the impounded vehicle, vessel, or outboard motor to the owner
 810 within one hour of when the owner calls the tow truck motor carrier or impound yard.

811 (b) If the owner of the vehicle, vessel, or outboard motor fails to contact the tow truck
 812 motor carrier or impound yard within 12 hours of when the vehicle, vessel, or outboard motor
 813 was towed, the tow truck motor carrier or impound yard is only required to make personnel
 814 available to release the vehicle, vessel, or outboard motor to the owner during normal business
 815 hours Monday through Friday, except for designated state and federal holidays.

816 Section 6. Section **72-9-604** is amended to read:

817 **72-9-604. Preemption of local authorities -- Tow trucks.**

818 (1) (a) ~~[Notwithstanding]~~ Except as authorized in this section, notwithstanding any
 819 other provision of law, a political subdivision of this state may neither enact nor enforce any
 820 ordinance, regulation, or rule pertaining to a tow truck motor carrier, tow truck operator, ~~[or]~~
 821 tow truck ~~[that conflicts with:], or impound yard.~~

822 ~~[(i) any provision of this part;]~~

823 ~~[(ii) Section 41-6a-1401;]~~

824 ~~[(iii) Section 41-6a-1407; or]~~

825 ~~[(iv) rules made by the department under this part.]~~

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

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

829 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
 830 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
 831 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
 832 **41-6a-1406.**

833 (2) A tow truck motor carrier that has a county or municipal business license for a

834 ~~[place of business]~~ central office located within that county or municipality may not be
835 required to obtain another business license in order to perform a tow truck service in another
836 county or municipality if there is not a ~~[business location]~~ central office in the other county or
837 municipality.

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

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

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

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

846 (5) (a) A tow truck shall be subject to only one annual safety inspection under
847 Subsection (4)(b).

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

850 (6) (a) If a political subdivision or state agency requires the removal of a vehicle,
851 vessel, or outboard motor in response to a request by an authorized peace officer for a tow
852 truck service, the political subdivision or state agency may use only a tow truck motor carrier
853 or tow truck operator that possesses a current and valid towing certificate by the department as
854 described in Section 72-9-602.

855 (b) A political subdivision or state agency may not deny a tow truck motor carrier or
856 tow truck operator inclusion on the political subdivision or state agency's rotation or list for the
857 removal of a vehicle, vessel, or outboard motor in response to a request by a peace officer for a
858 tow truck service if the tow truck motor carrier possesses a current and valid towing certificate
859 issued by the department as described in Section 72-9-602.

860 (c) (i) Before a political subdivision or state agency may temporarily remove a tow
861 truck operator from the political subdivision's or state agency's tow rotation, the political
862 subdivision or state agency shall provide due process to a tow truck operator as described in
863 Section 72-9-608.

864 (ii) Upon application by a tow truck motor carrier to the towing rotation of a political

865 subdivision or state agency, the political subdivision or state agency shall provide to the tow
866 truck motor carrier a written explanation of the due process and hearing procedure for
867 temporary removal of a tow truck operator from the towing rotation as described in Section
868 72-9-608.

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

870 **72-9-607. Towing rotations.**

871 (1) For purposes of this section, "towing entity" means a peace officer, local highway
872 authority, political subdivision, or state agency that initiates a tow of a vehicle, vessel, or
873 outboard motor.

874 (2) To facilitate nonconsent tows or tows requested by a towing entity, a towing entity
875 shall create and maintain a towing rotation list of approved tow truck motor carriers in the area
876 as described in this section.

877 (3) (a) In order to be considered for inclusion on a towing rotation list for a towing
878 entity, a tow truck motor carrier shall complete and submit a towing rotation application.

879 (b) The towing rotation application shall include only:

880 (i) the date of the application;

881 (ii) the business name of the tow truck motor carrier;

882 (iii) the address of the tow truck motor carrier;

883 (iv) a 24-hour phone number of the tow truck motor carrier for use of the dispatcher of
884 the towing entity;

885 (v) a copy of the towing certificate issued by the department for the tow truck motor
886 carrier;

887 (vi) a copy of the towing certificate issued by the department for each tow truck driver
888 that works for the tow truck motor carrier;

889 (vii) the address and yard number of all state impound yards, including a central office
890 and satellite yards, that would apply to the rotation for which the application is being
891 submitted; and

892 (viii) a signature line with a declaration that the contents of the application are true and
893 correct.

894 (c) A towing entity shall include a tow truck motor carrier on the towing rotation list if
895 the tow truck motor carrier submits a completed application, and:

896 (i) the tow truck motor carrier, tow truck, and tow truck operator possesses a current
897 and valid towing certificate issued by the department as described in Section 72-9-602; and

898 (ii) the tow truck motor carrier operates an impound yard that is:

899 (A) located within seven miles of the political subdivision or multiple political
900 subdivisions that are part of the same towing rotation in which the towing service is requested;
901 or

902 (B) located within five miles of the county in which the towing service is requested.

903 (4) A tow truck motor carrier shall notify the towing entity as directed by the towing
904 entity if the tow truck motor carrier is out of service or unavailable so the tow truck motor
905 carrier may be temporarily removed from the towing rotation list.

906 (5) (a) When a peace officer contacts a dispatch center and requests that a tow truck
907 motor carrier be dispatched, a dispatcher for the towing entity shall immediately contact the
908 next tow truck motor carrier on the towing rotation list of the towing entity.

909 (b) The dispatcher shall contact tow truck motor carriers in the order appearing on the
910 towing rotation list.

911 (6) The dispatcher shall provide the tow truck motor carrier with information regarding
912 the nature of the call so the tow truck motor carrier may determine if the tow truck motor
913 carrier is able to handle the call.

914 (7) (a) If a tow truck motor carrier fails to respond when contacted by a dispatcher or
915 the tow truck motor carrier is unable to respond to the call, the department dispatcher shall
916 contact the next tow truck motor carrier on the towing rotation list.

917 (b) A dispatcher who attempts to contact a tow truck motor carrier that fails to respond
918 or that is unable to respond to a call may not contact the tow truck motor carrier until the next
919 time that the tow truck motor carrier's name appears on the towing rotation list.

920 (8) If a dispatcher contacts a tow truck motor carrier that is available but is not
921 equipped for the specific type of service requested, the department dispatcher shall continue to
922 contact tow truck motor carriers on the towing rotation list until a tow truck motor carrier is
923 found that is equipped to handle the request for service.

924 (9) If a tow truck motor carrier responds to a call from dispatch but tow services are
925 later determined not to be necessary, the dispatcher shall contact the tow truck motor carrier the
926 next time that tow services are needed.

927 (10) Subject to considerations of weather, traffic, and public safety, if a tow truck
928 motor carrier is dispatched, the tow truck motor carrier shall report to the specified location
929 within 30 minutes.

930 (11) (a) If a tow truck motor carrier is dispatched, the tow truck operator that responds
931 may not respond to the location in a tow truck that belongs to a tow truck motor carrier that is
932 different than the tow truck motor carrier that was dispatched.

933 (b) A tow truck operator may work for more than one tow truck motor carrier.

934 (12) A tow truck operator may not leave the location of a dispatched towing rotation
935 call until all debris, oils, and radiator fluids have been properly removed from the scene.

936 (13) (a) Each towing entity shall maintain a log of all of the requests for service made
937 to certified tow truck motor carriers.

938 (b) The log of requests described in Subsection (13)(a) for service shall contain the
939 following information:

940 (i) the date and time of the call for service;

941 (ii) the officer requesting service;

942 (iii) the reason for the request;

943 (iv) the description of the vehicle, including the license plate number;

944 (v) the location of the vehicle;

945 (vi) the tow truck motor carrier contacted;

946 (vii) whether the tow truck motor carrier responded to the request for service; and

947 (viii) the department dispatcher's initials and any remarks.

948 Section 8. Section **72-9-608** is enacted to read:

949 **72-9-608. Required process before removal from towing rotation.**

950 (1) A tow truck motor carrier may be required to temporarily prohibit a tow truck
951 operator from performing a tow truck service related to a towing rotation list described in
952 Section [72-9-607](#), after the hearing process described in this section, if the tow truck operator:

953 (a) fails to comply with any of the requirements of this chapter or applicable towing
954 administrative rules made by the department, the State Tax Commission, or the Department of
955 Public Safety;

956 (b) is operating in violation of the law or has engaged in practices which are a violation
957 of law;

958 (c) exhibits continued unavailability that disrupts the operation of a dispatch center;
959 (d) routinely fails to respond to requests for service in a timely manner; or
960 (e) refuses to retrieve an abandoned vehicle.
961 (2) For the first complaint described in Subsection (1) against a tow truck operator:
962 (a) if the tow truck operator does not dispute the infraction, the political subdivision or
963 state agency:
964 (i) shall issue a written warning to the tow truck motor carrier and the tow truck
965 operator; and
966 (ii) the tow truck operator may continue to perform tow truck services on the towing
967 rotation; or
968 (b) if the tow truck motor carrier or tow truck operator chooses to dispute the alleged
969 infraction, the political subdivision or state agency shall provide a hearing for the tow truck
970 motor carrier or tow truck operator as set forth in Subsection (4).
971 (3) For a second or subsequent complaint described in Subsection (1) against a tow
972 truck operator, the political subdivision or state agency:
973 (a) shall provide to the tow truck motor carrier and tow truck operator in writing a
974 description of the alleged violation;
975 (b) shall provide a hearing as described in Subsection (4); and
976 (c) may require the tow truck motor carrier to prohibit the tow truck operator from
977 performing a tow truck service pursuant to the towing rotation, for a period not to exceed 30
978 days, pending the result of the hearing described in Subsection (4).
979 (4) (a) A political subdivision or state agency shall provide each tow truck motor
980 carrier or tow truck operator alleged to have committed an infraction described in Subsection
981 (1) with a hearing to dispute the claim as established according to this Subsection (4).
982 (b) (i) Each political subdivision or state agency shall establish procedures for the
983 hearing described in Subsection (4)(a).
984 (ii) Subject to Subsection (4)(b)(iii), a political subdivision may create a process for a
985 hearing before a single appeal officer or a panel of appeals officers.
986 (iii) The appeal officer or panel of appeals officers may not include the individual that
987 made the complaint of the alleged violation against the tow truck motor carrier or tow truck
988 operator.

989 (c) The state agency or political subdivision shall schedule a hearing to occur within 30
990 days of the alleged violation.

991 (5) (a) After the hearing described in Subsection (4), the appeal officer or panel of
992 appeals officers may:

993 (i) find that the tow truck motor carrier or tow truck operator did not commit a
994 violation and issue no penalty; or

995 (ii) find that the tow truck motor carrier or tow truck operator committed a violation,
996 and:

997 (A) issue a warning to the tow truck motor carrier or tow truck operator;

998 (B) place the tow truck operator's ability to perform a tow truck service as part of the
999 towing rotation list on a probationary status not to exceed 60 days; or

1000 (C) prohibit the tow truck operator from performing a tow truck service as part of the
1001 towing rotation list for a period not to exceed 30 days.

1002 (b) If an appeals officer or panel finds that a tow truck motor carrier or tow truck
1003 operator has repeated or egregious violations, the political subdivision or state agency may
1004 report the infractions to the department for possible removal of the tow truck motor carrier's or
1005 tow truck operator's towing certificate.