

Representative A. Cory Maloy proposes the following substitute bill:

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, abandonment of a vehicle, and towing rotations.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ amends provisions related to state impound yards, including provisions related to local zoning that impact state impound yards;
- ▶ outlines the requirements for signs in private lots enforced by towing;
- ▶ prohibits towing from a private lot if certain signage requirements are not met;
- ▶ requires law enforcement to issue a citation for an individual's failure to retrieve a towed vehicle;
- ▶ amends provisions related to preemption of additional towing regulations by a political subdivision except where provided in statute;
- ▶ enacts statewide standards for inclusion on a towing rotation;
- ▶ requires a political subdivision or state agency to provide an appeals process regarding suspension or removal from a towing rotation; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-1a-102**, as last amended by Laws of Utah 2018, Chapters 166 and 424

33 **41-1a-1101**, as last amended by Laws of Utah 2018, Chapter 29

34 **41-6a-1406**, as last amended by Laws of Utah 2017, Chapters 100 and 261

35 **72-9-102**, as last amended by Laws of Utah 2017, Chapter 96

36 **72-9-603**, as last amended by Laws of Utah 2017, Chapter 298

37 **72-9-604**, as last amended by Laws of Utah 2017, Chapter 298

38 ENACTS:

39 **72-9-607**, Utah Code Annotated 1953

40 **72-9-608**, Utah Code Annotated 1953



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

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

44 **41-1a-102. Definitions.**

45 As used in this chapter:

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

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

49 (3) "All-terrain type I vehicle" means the same as that term is defined in Section
50 **41-22-2**.

51 (4) "All-terrain type II vehicle" means the same as that term is defined in Section
52 **41-22-2**.

53 (5) "All-terrain type III vehicle" means the same as that term is defined in Section
54 **41-22-2**.

55 (6) "Alternative fuel vehicle" means:

56 (a) an electric motor vehicle;

- 57 (b) a hybrid electric motor vehicle;
- 58 (c) a plug-in hybrid electric motor vehicle; or
- 59 (d) a motor vehicle powered by a fuel other than:
 - 60 (i) motor fuel;
 - 61 (ii) diesel fuel;
 - 62 (iii) natural gas; or
 - 63 (iv) propane.
- 64 (7) "Amateur radio operator" means any person licensed by the Federal
65 Communications Commission to engage in private and experimental two-way radio operation
66 on the amateur band radio frequencies.
- 67 (8) "Autocycle" means the same as that term is defined in Section [53-3-102](#).
- 68 (9) "Branded title" means a title certificate that is labeled:
 - 69 (a) rebuilt and restored to operation;
 - 70 (b) flooded and restored to operation; or
 - 71 (c) not restored to operation.
- 72 (10) "Camper" means any structure designed, used, and maintained primarily to be
73 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
74 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
75 camping.
- 76 (11) "Certificate of title" means a document issued by a jurisdiction to establish a
77 record of ownership between an identified owner and the described vehicle, vessel, or outboard
78 motor.
- 79 (12) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
80 weighmaster.
- 81 (13) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
82 maintained for the transportation of persons or property that operates:
 - 83 (a) as a carrier for hire, compensation, or profit; or
 - 84 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
85 owner's commercial enterprise.
- 86 (14) "Commission" means the State Tax Commission.
- 87 (15) "Consumer price index" means the same as that term is defined in Section

88 59-13-102.

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

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

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

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

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

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

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

106 (i) farm products, including livestock and its products, poultry and its products,
107 floricultural and horticultural products;

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

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

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

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

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

118 (25) "Gross laden weight" means the actual weight of a vehicle or combination of

119 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

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

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

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

126 (b) a rechargeable energy storage system where energy for the storage system comes
127 solely from sources onboard the vehicle.

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

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

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

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

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

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

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

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

146 (34) "Manufactured home" means a transportable factory built housing unit constructed
147 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
148 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body
149 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more

150 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
151 with or without a permanent foundation when connected to the required utilities, and includes
152 the plumbing, heating, air-conditioning, and electrical systems.

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

156 (36) "Mobile home" means a transportable factory built housing unit built prior to June
157 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
158 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

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

164 (40) "Motorcycle" means:

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

167 (b) an auticycle.

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

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

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

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

180 (44) "Off-highway implement of husbandry" means the same as that term is defined in

181 Section 41-22-2.

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

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

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

187 (48) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
188 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
189 security interest.

190 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
191 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
192 stated in the agreement and with an immediate right of possession vested in the conditional
193 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
194 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
195 chapter.

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

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

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

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

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

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

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

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

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

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

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

218 (54) "Preceding year" means a period of 12 consecutive months fixed by the division
219 that is within 16 months immediately preceding the commencement of the registration or
220 license year in which proportional registration is sought. The division in fixing the period shall
221 conform it to the terms, conditions, and requirements of any applicable agreement or
222 arrangement for the proportional registration of vehicles.

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

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

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

230 (58) "Recreational vehicle" means the same as that term is defined in Section
231 [13-14-102](#).

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

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

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

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

243 (62) "Replica vehicle" means:

244 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

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

246 41-6a-1507(1)(a)(i)(B).

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

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

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

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

257 (67) "Special group license plate" means a type of license plate designed for a
258 particular group of people or a license plate authorized and issued by the division in accordance
259 with Section 41-1a-418.

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

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

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

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

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

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

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

271 (iv) a motor vehicle of any age or make that has not been substantially altered or
272 modified from original specifications of the manufacturer and because of its significance is
273 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a

274 leisure pursuit.

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

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

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

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

279 (b) "Special mobile equipment" includes:

280 (i) farm tractors;

281 (ii) off-road motorized construction or maintenance equipment including backhoes,
282 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

283 (iii) ditch-digging apparatus.

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

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

290 (71) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard
291 motor that meets the requirements of rules made by the commission pursuant to Subsection
292 [41-1a-1101\(5\)](#).

293 [~~71~~] (72) "Title" means the right to or ownership of a vehicle, vessel, or outboard
294 motor.

295 [~~72~~] (73) (a) "Total fleet miles" means the total number of miles operated in all
296 jurisdictions during the preceding year by power units.

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

300 [~~73~~] (74) "Trailer" means a vehicle without motive power designed for carrying
301 persons or property and for being drawn by a motor vehicle and constructed so that no part of
302 its weight rests upon the towing vehicle.

303 [~~74~~] (75) "Transferee" means a person to whom the ownership of property is
304 conveyed by sale, gift, or any other means except by the creation of a security interest.

305 ~~[(75)]~~ (76) "Transferor" means a person who transfers the person's ownership in
306 property by sale, gift, or any other means except by creation of a security interest.

307 ~~[(76)]~~ (77) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
308 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
309 vacation use that does not require a special highway movement permit when drawn by a
310 self-propelled motor vehicle.

311 ~~[(77)]~~ (78) "Truck tractor" means a motor vehicle designed and used primarily for
312 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
313 vehicle and load that is drawn.

314 ~~[(78)]~~ (79) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
315 camper, park model recreational vehicle, manufactured home, and mobile home.

316 ~~[(79)]~~ (80) "Vessel" means the same as that term is defined in Section 73-18-2.

317 ~~[(80)]~~ (81) "Vintage vehicle" means the same as that term is defined in Section
318 41-21-1.

319 ~~[(81)]~~ (82) "Waters of this state" means the same as that term is defined in Section
320 73-18-2.

321 ~~[(82)]~~ (83) "Weighmaster" means a person, association of persons, or corporation
322 permitted to weigh vehicles under this chapter.

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

324 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

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

327 (a) that the division or the peace officer has reason to believe has been stolen;

328 (b) on which any identification number has been defaced, altered, or obliterated;

329 (c) that has been abandoned in accordance with Section 41-6a-1408;

330 (d) for which the applicant has written a check for registration or title fees that has not
331 been honored by the applicant's bank and that is not paid within 30 days;

332 (e) that is placed on the water with improper registration;

333 (f) that is being operated on a highway:

334 (i) with registration that has been expired for more than three months;

335 (ii) having never been properly registered by the current owner; or

336 (iii) with registration that is suspended or revoked; or
337 (g) (i) that the division or the peace officer has reason to believe has been involved in
338 an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and

339 (ii) whose operator did not remain at the scene of the accident until the operator
340 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.

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

343 (i) shall seize and take possession of any vehicle that is being operated on a highway
344 without owner's or operator's security in effect for the vehicle as required under Section
345 41-12a-301 and the vehicle was involved in an accident; or

346 (ii) may seize and take possession of any vehicle that is being operated on a highway
347 without owner's or operator's security in effect for the vehicle as required under Section
348 41-12a-301 after the division or any peace officer makes a reasonable determination whether
349 the vehicle would:

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

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

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

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

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

366 (3) If necessary for the transportation of a seized vessel, the vessel's trailer may be

367 seized to transport and store the vessel.

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

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

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

375 (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard
376 unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state
377 impound yard set forth in this section and rules made in accordance with Subsection (5)(a).

378 (d) (i) Rules made by the commission shall include a requirement that a state impound
379 yard have opaque fencing on any side of the state impound yard that has frontage with a
380 highway.

381 (ii) The opaque fencing described in Subsection (5)(d)(i) may be opaque chain link
382 fencing.

383 (6) (a) Except as provided under Subsection (6)(b), a person may not operate or allow
384 to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated
385 under this part without prior written permission of the owner of the vehicle.

386 (b) Incidental and necessary operation of a vehicle to move the vehicle from one
387 parking space to another within the facility and that is necessary for the normal management of
388 the facility is not prohibited under Subsection (6)(a).

389 (7) A person who violates the provisions of Subsection (6) is guilty of a class C
390 misdemeanor.

391 (8) The division or the peace officer who seizes a vehicle shall record the mileage
392 shown on the vehicle's odometer at the time of seizure, if:

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

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

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

396 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
397 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

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

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

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

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

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

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

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

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

413 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
414 operator is employed.

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

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

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

419 (iii) the vehicle identification number or vessel or outboard motor identification
420 number;

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

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

424 (vi) the reason for removal or impoundment;

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

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

428 (c) Until the tow truck operator or tow truck motor carrier reports the removal as

429 required under this Subsection (4), a tow truck motor carrier or impound yard may not:

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

431 (ii) begin charging storage fees.

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

435 (i) the registered owner;

436 (ii) any lien holder; or

437 (iii) a dealer, as defined in Section [41-1a-102](#), if the vehicle, vessel, or outboard motor
438 is currently operating under a temporary permit issued by the dealer, as described in Section
439 [41-3-302](#).

440 (b) The notice shall:

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

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

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

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

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

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

458 (e) The Motor Vehicle Division is not required to give notice under this Subsection (5)
459 if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck

460 service in accordance with Subsection 72-9-603(1)(a)(i).

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

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

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

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

468 (iv) if the impoundment was made under Section 41-6a-527, pays an administrative
469 impound fee of \$400; and

470 (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard
471 motor is stored.

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

474 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
475 be deposited in the Department of Public Safety Restricted Account created in Section
476 53-3-106;

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

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

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

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

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

490 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept

491 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)
492 or any service rendered, performed, or supplied in connection with a removal or impoundment
493 under Subsection (1).

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

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

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

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

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

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

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

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

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

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

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

521 (A) be reasonable and fair; and

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

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

524 **72-9-102. Definitions.**

525 As used in this chapter:

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

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

531 [~~1~~] (2) (a) "Commercial vehicle" includes:

532 (i) an interstate commercial vehicle; and

533 (ii) an intrastate commercial vehicle.

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

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

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

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

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

546 [~~2~~] (3) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle
547 used on a highway in interstate commerce to transport passengers or property if the vehicle:

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

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

552 (c) is designed or used to transport more than 15 passengers, including the driver, and

553 is not used to transport passengers for compensation; or

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

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

558 ~~[(3)]~~ (4) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or
559 semitrailer used or maintained for business, compensation, or profit to transport passengers or
560 property on a highway only within the boundaries of this state if the commercial vehicle:

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

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

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

566 ~~[(4)]~~ (5) "Motor carrier" means a person engaged in or transacting the business of
567 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
568 highway within this state and includes a tow truck business.

569 (6) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as
570 that term is defined in Section 41-1a-102.

571 (7) "Property owner" means the owner or lessee of real property.

572 (8) "State impound yard" means the same as that term is defined in Section 41-1a-102.

573 ~~[(5)]~~ (9) "Tow truck" means a motor vehicle constructed, designed, altered, or
574 equipped primarily for the purpose of towing or removing damaged, disabled, abandoned,
575 seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow
576 bar, tow line, dolly, tilt bed, or other means.

577 (10) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting
578 business for tow truck services.

579 (11) "Tow truck operator" means an individual that performs operations related to a
580 tow truck service as an employee or as an independent contractor on behalf of a tow truck
581 motor carrier.

582 ~~[(6)]~~ (12) "Tow truck service" means the functions and any ancillary operations
583 associated with recovering, removing, and towing a vehicle and its load from a highway or

584 other place by means of a tow truck.

585 ~~[(7)]~~ (13) "Transportation" means the actual movement of property or passengers by
586 motor vehicle, including loading, unloading, and any ancillary service provided by the motor
587 carrier in connection with movement by motor vehicle, which is performed by or on behalf of
588 the motor carrier, its employees or agents, or under the authority of the motor carrier, its
589 employees or agents, or under the apparent authority and with the knowledge of the motor
590 carrier.

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

592 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
593 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

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

600 (i) send a report of the removal to the Motor Vehicle Division that complies with the
601 requirements of Subsection [41-6a-1406\(4\)\(b\)](#); and

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

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

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

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

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

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

612 (b) within two business days of performing the tow truck service under Subsection
613 (1)(a), send a certified letter to the last-known address of each party described in Subsection
614 [41-6a-1406\(5\)\(a\)](#) with an interest in the vehicle, vessel, or outboard motor obtained from the

615 Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the
616 current address, notifying the party of the:

- 617 (i) location of the vehicle, vessel, or outboard motor;
- 618 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
619 removed;
- 620 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 621 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 622 (v) a description, including its identification number and license number or other
623 identification number issued by a state agency; and
- 624 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 625 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was
626 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding
627 Towing established by the department in Subsection ~~[(7)]~~ (13)(e).

628 (2) ~~[(a)]~~ Until the tow truck operator or tow truck motor carrier reports the removal as
629 required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound
630 yard may not:

- 631 ~~[(i)]~~ (a) collect any fee associated with the removal; or
- 632 ~~[(ii)]~~ (b) begin charging storage fees.

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

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

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

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

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

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

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

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

646 ~~[(Bb) the name of the mobile home park or multifamily dwelling and the phone~~
647 ~~number of the mobile home park or multifamily dwelling manager or management office that~~
648 ~~authorized the vehicle, vessel, or outboard motor to be towed.]~~

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

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

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

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

655 (3) (a) Except as provided in Subsection (3)(b) or (7), a tow truck operator or tow truck
656 motor carrier may not perform a tow truck service without the vehicle, vessel, or outboard
657 motor owner's or a lien holder's knowledge without appropriate signage that meets the
658 requirements of Subsection (5) or (6) at the following locations:

659 (i) any privately owned commercial property; or

660 (ii) any multi-unit residential complex with nine or more units.

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

662 (i) that is prohibited by law;

663 (ii) if it is reasonably apparent that the location is not open to parking as described in
664 Subsection (4)(a)(iii);

665 (iii) that is a single family residential dwelling; or

666 (iv) that is a multi-unit residential complex of 8 or fewer units.

667 (c) A property owner shall ensure that the signage required in this section is erected
668 before October 1, 2020.

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

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

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

676 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck

677 motor carrier;

678 (iii) (A) erecting a physical barricade to prevent access to a property; or

679 (B) erecting signs to indicate that no parking is allowed, which signs are not required to
680 comply with Subsection (5) or (6); or

681 (iv) for a property described in Subsection (3)(b), or where erecting signs to notify of
682 parking restrictions is not feasible or practical, requesting a towing service from a certified tow
683 truck motor carrier.

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

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

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

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

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

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

697 (iii) a white, reflective towing logo that is six inches tall and 16 inches wide that
698 depicts an entire tow truck, a tow hook, and the entire car being towed; and

699 (iv) two-inch, white, reflective letters at the bottom of the sign with the words "towing
700 enforced"; and

701 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white,
702 reflective border, and that has:

703 (i) a top half that is red, reflective background with white, reflective letters that
704 provides:

705 (A) who is allowed to park or restricted from parking in the lot; and

706 (B) any type of vehicle prohibited from parking in the lot; and

707 (ii) a bottom half that is white, reflective background with red, reflective letters that

708 indicate:

709 (A) the name and telephone number of the tow truck motor carrier that has been
710 contracted to patrol the lot; and

711 (B) the Internet web address "tow.utah.gov."

712 (6) For a lot where parking is enforced by requesting a tow on a case by case basis as
713 described in Subsection (4)(b), the property owner shall ensure that each entrance to the lot has
714 clearly visible a sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
715 border, and that has:

716 (a) in the top eight inches of the sign, a blue, reflective background with a white,
717 reflective towing logo that is six inches tall and 16 inches wide that depicts an entire tow truck,
718 a tow hook, and the entire car being towed;

719 (b) in the middle eight inches of the sign, a red, reflective background with white,
720 reflective letters indicating:

721 (i) who is allowed to park or restricted from parking in the lot; and

722 (ii) any type of vehicle prohibited from parking in the lot; and

723 (c) in the bottom eight inches of the sign, a white, reflective background with red,
724 reflective letters that indicate:

725 (i) the name and telephone number of the tow truck motor carrier that has been
726 contracted to provide towing services for the lot; and

727 (ii) the Internet web address "tow.utah.gov."

728 (7) For a property described in Subsection (3)(b), or private property where a physical
729 barricade prevents access to the property as described in Subsection (4)(a)(iii), or for a property
730 where erecting signs to notify of parking restrictions is not feasible or practical as described in
731 Subsection (4)(a)(iv), the property owner may:

732 (a) (i) mark a vehicle, vessel, or outboard motor indicating a parking violation; or

733 (ii) request that a certified tow truck motor carrier mark a vehicle, vessel, or outboard
734 motor indicating a parking violation; and

735 (b) 24 hours after the vehicle, vessel, or outboard motor was marked, request the
736 vehicle, vessel, or outboard motor be towed by a certified tow truck motor carrier.

737 (8) (a) The department shall publish on the department Internet website the signage
738 requirements and illustrated or photographed examples of the signage described in Subsections

739 (5) and (6).

740 (b) Signs required under this section shall be erected on private property, outside the
741 public right-of-way.

742 ~~[(3)]~~ (9) The party described in Subsection 41-6a-1406(5)(a) with an interest in a
743 vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:

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

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

747 ~~[(4)]~~ (10) (a) The fees under Subsection ~~[(3)]~~ (9) are a possessory lien on the vehicle,
748 vessel, or outboard motor and any nonlife essential items contained in the vehicle, vessel, or
749 outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor until
750 paid.

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

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

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

758 (11) (a) (i) For a vehicle, vessel, or outboard motor that is towed by order of a peace
759 officer, a person acting on behalf of a law enforcement agency, or a highway authority, the
760 owner of the vehicle, vessel, or outboard motor shall make contact with the tow truck motor
761 carrier within five business days of the report described in Subsection 41-6a-1406(4).

762 (ii) An owner of a vehicle, vessel, or outboard motor that fails to make contact with the
763 tow truck motor carrier as required in Subsection (11)(a)(i) is guilty of an infraction and the
764 court may impose a fine of up to \$300.

765 (iii) (A) If an owner of a vehicle, vessel, or outboard motor fails to make contact with
766 the tow truck motor carrier as required in Subsection (11)(a)(i), the tow truck motor carrier may
767 request the issuance of a citation.

768 (B) If a tow truck motor carrier requests a citation as described in Subsection
769 (11)(a)(iii)(A), the law enforcement agency with jurisdiction for the area in which the state

770 impound yard and the vehicle, vessel, or outboard motor are located shall issue the citation.

771 (C) A law enforcement agency may issue a citation described in this Subsection (11)(a)
772 by mailing the citation to the address of the owner indicated on the registration for the vehicle.

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

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

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

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

780 ~~[(6)]~~ (12) (a) A tow truck motor carrier or impound yard shall clearly and
781 conspicuously post and disclose all its current fees, rates, and acceptable forms of payment for
782 tow truck service and storage of a vehicle in accordance with rules established under
783 Subsection ~~[(7)]~~ (13).

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

788 ~~[(7)]~~ (13) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
789 Act, the ~~[Department of Transportation]~~ department shall:

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

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

793 (A) a peace officer dispatch call;

794 (B) a motor vehicle division call; and

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

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

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

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

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

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

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

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

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

817 ~~[(8)]~~ (14) An impound yard may not charge a fee for the storage of an impounded
818 vehicle, vessel, or outboard motor if:

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

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

823 (15) (a) (i) A tow truck motor carrier may charge a rate up to the maximum rate set by
824 the department in rules made under Subsection (13).

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

828 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a
829 higher level than required in rules made pursuant to Subsection (13).

830 ~~[(10)]~~ (16) (a) When a tow truck motor carrier or impound lot is in possession of a
831 vehicle, vessel, or outboard motor as a result of a tow service that was performed without the

832 consent of the owner, and that was not ordered by a peace officer or a person acting on behalf
833 of a law enforcement agency, the tow truck motor carrier or impound yard shall make
834 personnel available:

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

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

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

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

844 **72-9-604. Preemption of local authorities -- Tow trucks.**

845 (1) (a) Notwithstanding any other provision of law, a political subdivision of this state
846 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor
847 carrier, tow truck operator, ~~[(or)]~~ tow truck, or an impound yard that conflicts with:

848 (i) any provision of this part;

849 (ii) Section [41-6a-1401](#);

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

851 (iv) rules made by the department under this part~~[-];~~ or

852 (v) rules made by the State Tax Commission under Section [41-1a-1101](#).

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

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

856 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
857 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
858 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
859 [41-6a-1406](#).

860 (2) A tow truck motor carrier that has a county or municipal business license for a
861 ~~[place of business]~~ central office located within that county or municipality may not be
862 required to obtain another business license in order to perform a tow truck service in another

863 county or municipality if there is not a [~~business location~~] central office in the other county or
864 municipality.

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

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

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

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

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

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

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

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

887 (c) (i) Before a political subdivision or state agency may suspend or remove a tow
888 truck motor carrier or a tow truck operator from the political subdivision's or state agency's tow
889 rotation, the political subdivision or state agency shall provide due process to the tow truck
890 motor carrier or tow truck operator as described in Section [72-9-608](#).

891 (ii) Upon application by a tow truck motor carrier to the towing rotation of a political
892 subdivision or state agency, the political subdivision or state agency shall provide to the tow
893 truck motor carrier a written explanation of the due process and hearing procedure for

894 suspension or removal of a tow truck motor carrier or tow truck operator from the towing
895 rotation as described in Section 72-9-608.

896 (d) Upon application by a tow truck motor carrier to the towing rotation of a political
897 subdivision or state agency, the political subdivision or state agency shall provide to the tow
898 truck motor carrier the policies pertaining to the towing rotation established in accordance with
899 Section 72-9-607.

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

901 **72-9-607. Towing rotations.**

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

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

908 (3) (a) A towing entity may not limit the number of tow truck motor carriers allowed
909 on a towing rotation list.

910 (b) A towing entity may not accept a tow truck motor carrier on a towing rotation list if
911 the tow truck motor carrier does not possess a current and valid towing certificate issued by the
912 department as described in Section 72-9-602.

913 (c) A towing entity may not exclude a tow truck motor carrier from the towing rotation
914 list based on the location of the tow truck motor carrier's impound yard if the tow truck motor
915 carrier operates an impound yard that is:

916 (i) located within a one-mile radius of the political subdivision or multiple political
917 subdivisions that are part of the same towing rotation in which the towing service is requested;
918 or

919 (ii) for a towing rotation operated by a county, located within a one-mile radius of the
920 area served by the towing rotation for which the towing service is requested.

921 (d) A towing entity may not charge an applicant for inclusion on a towing rotation:

922 (i) an application fee;

923 (ii) dispatch charges; or

924 (iii) any other cost associated with administering a towing rotation.

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

928 (4) (a) Each towing entity shall establish policies for the towing rotation consistent
929 with this chapter and with any applicable administrative rules pertaining to towing made by the
930 department, the State Tax Commission, or the Department of Public Safety.

931 (b) A towing entity shall ensure each tow truck motor carrier that meets the application
932 requirements in Subsection (3) has equal access to the towing rotation.

933 (5) (a) Each towing entity shall establish a reasonable time within which a tow truck
934 operator shall report to the specified location after being dispatched.

935 (b) Subject to considerations of weather, traffic, and public safety, if a tow truck motor
936 carrier is dispatched, the tow truck operator shall report to the specified location within the
937 time required by the towing entity under Subsection (5)(a).

938 (6) (a) If a tow truck motor carrier is dispatched, the tow truck operator that responds
939 may not respond to the location in a tow truck that is owned by a tow truck motor carrier that is
940 different than the tow truck motor carrier that was dispatched.

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

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

943 **72-9-608. Required process before removal from towing rotation.**

944 (1) Each political subdivision or state agency that establishes a towing rotation as
945 described in Section [72-9-607](#) shall establish a policy for an appeals process to hear and decide
946 appeals from a decision to suspend or remove a tow truck motor carrier or tow truck operator
947 from a towing rotation.

948 (2) In conducting an appeal as described in Subsection (1):

949 (a) the appeal process may be conducted by a single appeal officer or a panel; and

950 (b) an individual hearing an appeal, whether as a single appeal officer or as part of a
951 panel, may not be the same individual who made the decision to suspend or remove the tow
952 truck motor carrier or tow truck operator from the towing rotation.