

POSSESSORY LIEN AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kathleen Riebe

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to a possessory lien on personal items in a vehicle that has been towed.

Highlighted Provisions:

This bill:

- ▶ removes personal items from a possessory lien of a tow truck motor carrier or tow truck operator on a vehicle, vessel, or outboard motor that has been towed; and
- ▶ requires a tow truck motor carrier or tow truck operator to grant an owner access to a vehicle, vessel, or outboard motor that has been towed for the owner to ~~§~~ **→ inspect the vehicle, vessel, or outboard motor or ←§** remove personal items.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

Section 1. Section **72-9-603** is amended to read:



90 (3) The party described in Subsection 41-6a-1406(5)(a) with an interest in a vehicle,
 91 vessel, or outboard motor lawfully removed is only responsible for paying:

92 (a) the tow truck service and storage fees set in accordance with Subsection (7); and
 93 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

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

97 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,
 98 vessel, or outboard motor and items described in Subsection (4)(a) until a party described in
 99 Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard motor:

100 (i) pays the fees described in Subsection (3); and

101 (ii) removes the vehicle, vessel, or outboard motor from the secure storage facility.

102 (c) The tow truck operator or tow truck motor carrier shall provide a party described in
 103 Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard motor access to

104 the vehicle, vessel, or outboard motor to ~~§~~→ inspect the vehicle, vessel, or outboard motor or ←~~§~~

104a remove personal items from the vehicle, vessel, or

105 outboard motor.

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

109 (i) pay the fees described in Subsection (3); and

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

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

113 (6) (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post
 114 and disclose all its current fees, rates, and acceptable forms of payment for tow truck service
 115 and storage of a vehicle in accordance with rules established under Subsection (7).

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

120 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the