



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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March 1, 2019

Mr. Speaker,

The Transportation Committee recommends **H.B. 228**, TOWING REVISIONS, by Representative A. Cory Maloy, be replaced and reports a favorable recommendation on **3rd Sub. H.B. 228**, TOWING REVISIONS with the following amendments:

1. *Page 17, Line 520 through 525:*

520 ~~{(1) (a) "Central office" means a central place of business of a tow truck~~
~~motor carrier~~
521 ~~located within a 10 mile radius of each state impound yard owned or operated by the~~
~~tow truck~~
-
522 ~~motor carrier.~~
523 ~~(b) "Central office" does not include a remote state impound yard owned or~~
~~operated~~
524 ~~by the tow truck motor carrier.~~
525 ~~—+} (1) {+ (2)}~~ (a) "Commercial vehicle" includes:

2. *Page 18, Line 540:*

540 {+} (2) {+ (3)} "Interstate commercial vehicle" means a self-propelled
or towed motor vehicle

3. *Page 18, Line 552 through 553:*

552 {+} (3) {+ (4)} "Intrastate commercial vehicle" means a motor vehicle,
vehicle, trailer, or

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553 semitrailer used or maintained for business, compensation, or profit to transport
passengers or

4. Page 19, Line 560 through 581:

560 {+} (4) {+(5)} "Motor carrier" means a person engaged in or transacting
the business of
561 transporting passengers, freight, merchandise, or other property by a commercial vehicle
on a
562 highway within this state and includes a tow truck business.

563 {-(6)} (5) "Owner" as pertaining to a vehicle, vessel, or outboard motor,
means the same as
564 that term is defined in Section 41-1a-102.

565 {-(7)} (6) "Property owner" means the owner or lessee of real property.

566 {-(8)} (7) "State impound yard" means the same as that term is defined in
Section 41-1a-102.

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

571 {-(10)} (9) "Tow truck motor carrier" means a motor carrier that is
engaged in or transacting
572 business for tow truck services.

573 {-(11)} (10) "Tow truck operator" means an individual that performs
operations related to a
574 tow truck service as an employee or as an independent contractor on behalf of a tow truck
575 motor carrier.

576 [(6)] {-(12)} (11) "Tow truck service" means the functions and any
ancillary operations
577 associated with recovering, removing, and towing a vehicle and its load from a highway

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or
578 other place by means of a tow truck.
579 [(7)] {~~(13)~~} (12) "Transportation" means the actual movement of
property or passengers by
580 motor vehicle, including loading, unloading, and any ancillary service provided by the
motor
581 carrier in connection with movement by motor vehicle, which is performed by or on
behalf of

5. Page 20, Line 602 through 606:

602 (D) person who requested the removal of the vehicle, vessel, or outboard motor; and
603 (E) {~~vehicle, vessel, or outboard motor's description, including [its] the~~
~~vehicle's~~
604 ~~identification number and license number or other identification number issued by~~
~~a state~~
605 ~~agency;~~} description, including the identification number, license number, or
other identification number issued by a state agency, of the vehicle, vessel, or
outboard motor;
606 (b) within two business days of performing the tow truck service under Subsection

6. Page 25, Line 743 through 747:

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

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7. Page 25, Line 759 through 764:

759 (6) ~~{A}~~ Beginning on January 1, 2021, a political subdivision or state
agency may not charge an applicant a fee or charge

760 related to dispatch costs in order to be part of the towing rotation.

761 (7) A towing entity may not require a tow truck operator who has received an
762 authorized towing certificate from the department to submit additional criminal
background

763 check information for inclusion of the tow truck motor carrier on a rotation.

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

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

Respectfully,

Kay J. Christofferson
Chair

Voting: 9-0-3

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