

Senator Michael K. McKell proposes the following substitute bill:

TOWING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to towing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows the State Tax Commission to enter into an agreement with a tow truck motor carrier to disclose certain information;
- ▶ provides a process by which a tow truck operator or a tow truck motor carrier may obtain a certificate of title or a permit to dismantle for an abandoned vehicle, vessel, or outboard motor;
- ▶ requires law enforcement to submit a report to the Motor Vehicle Division when law enforcement requests removal of an unattended vehicle for any reason; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **41-1a-102**, as last amended by Laws of Utah 2019, Chapters 373, 428, 459, and 479

28 **41-1a-104**, as renumbered and amended by Laws of Utah 1992, Chapter 1

29 **41-1a-114**, as renumbered and amended by Laws of Utah 1992, Chapter 1

30 **41-1a-1010**, as last amended by Laws of Utah 2009, Chapter 183

31 **41-1a-1011**, as last amended by Laws of Utah 1993, Chapter 210

32 **41-6a-102**, as last amended by Laws of Utah 2020, Chapters 84 and 354

33 **41-6a-1406**, as last amended by Laws of Utah 2019, Chapter 373

34 **41-6a-1407**, as last amended by Laws of Utah 2017, Chapter 298

35 ENACTS:

36 **41-1a-523**, Utah Code Annotated 1953



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

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

40 **41-1a-102. Definitions.**

41 As used in this chapter:

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

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

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

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

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

51 (6) "Alternative fuel vehicle" means:

52 (a) an electric motor vehicle;

53 (b) a hybrid electric motor vehicle;

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

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

56 (i) motor fuel;

- 57 (ii) diesel fuel;
- 58 (iii) natural gas; or
- 59 (iv) propane.

60 (7) "Amateur radio operator" means a person licensed by the Federal Communications
61 Commission to engage in private and experimental two-way radio operation on the amateur
62 band radio frequencies.

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

64 (9) "Automated driving system" means the same as that term is defined in Section
65 41-26-102.1.

66 (10) "Branded title" means a title certificate that is labeled:

- 67 (a) rebuilt and restored to operation;
- 68 (b) flooded and restored to operation; or
- 69 (c) not restored to operation.

70 (11) "Camper" means a structure designed, used, and maintained primarily to be
71 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
72 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
73 camping.

74 (12) "Certificate of title" means a document issued by a jurisdiction to establish a
75 record of ownership between an identified owner and the described vehicle, vessel, or outboard
76 motor.

77 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
78 weighmaster.

79 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
80 maintained for the transportation of persons or property that operates:

- 81 (a) as a carrier for hire, compensation, or profit; or
- 82 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
83 owner's commercial enterprise.

84 (15) "Commission" means the State Tax Commission.

85 (16) "Consumer price index" means the same as that term is defined in Section
86 59-13-102.

87 (17) "Dealer" means a person engaged or licensed to engage in the business of buying,

88 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
89 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
90 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

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

92 (19) "Division" means the Motor Vehicle Division of the commission, created in
93 Section 41-1a-106.

94 (20) "Dynamic driving task" means the same as that term is defined in Section
95 41-26-102.1.

96 (21) "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 (22) "Essential parts" means the 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 the vehicle's appearance, model, type,
101 or mode of operation.

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

104 (24) (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 any 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 (25) "Fleet" means one or more commercial vehicles.

115 (26) "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 (27) "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 (28) "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 (29) "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 (30) (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 (31) "Implement of husbandry" means a vehicle designed or adapted and used
134 exclusively for an agricultural operation and only incidentally operated or moved upon the
135 highways.

136 (32) (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 a fleet is 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 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state,
142 province, territory, or possession of the United States or foreign country.

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

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

146 (36) "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 (37) "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 (38) "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 (39) "Motor fuel" means the same as that term is defined in Section 59-13-102.

160 (40) (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:

163 (i) an off-highway vehicle; or

164 (ii) a motor assisted scooter as defined in Section 41-6a-102.

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

166 (42) "Motorcycle" means:

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

169 (b) an auticycle.

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

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

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

179 (45) "Odometer" means a device for measuring and recording the actual distance a
180 vehicle travels while in operation, but does not include any auxiliary odometer designed to be

181 periodically reset.

182 (46) "Off-highway implement of husbandry" means the same as that term is defined in
183 Section 41-22-2.

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

185 (48) (a) "Operate" means:

186 (i) to navigate a vessel; or

187 (ii) collectively, the activities performed in order to perform the entire dynamic driving
188 task for a given motor vehicle by:

189 (A) a human driver as defined in Section 41-26-102.1; or

190 (B) an engaged automated driving system.

191 (b) "Operate" includes testing of an automated driving system.

192 (49) "Outboard motor" means a detachable self-contained propulsion unit, excluding
193 fuel supply, used to propel a vessel.

194 (50) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
195 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
196 security interest.

197 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
198 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
199 stated in the agreement and with an immediate right of possession vested in the conditional
200 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
201 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
202 chapter.

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

205 (51) "Park model recreational vehicle" means a unit that:

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

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

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

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

212 (52) "Personalized license plate" means a license plate that has displayed on it a
213 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
214 to the vehicle by the division.

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

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

219 (54) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that
220 has the capability to charge the battery or batteries used for vehicle propulsion from an
221 off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle
222 while the vehicle is in motion.

223 (55) "Pneumatic tire" means a tire in which compressed air is designed to support the
224 load.

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

230 (57) "Public garage" means a building or other place where vehicles or vessels are kept
231 and stored and where a charge is made for the storage and keeping of vehicles and vessels.

232 (58) "Receipt of surrender of ownership documents" means the receipt of surrender of
233 ownership documents described in Section [41-1a-503](#).

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

237 (60) "Recreational vehicle" means the same as that term is defined in Section
238 [13-14-102](#).

239 (61) "Registration" means a document issued by a jurisdiction that allows operation of
240 a vehicle or vessel on the highways or waters of this state for the time period for which the
241 registration is valid and that is evidence of compliance with the registration requirements of the
242 jurisdiction.

243 (62) (a) "Registration year" means a 12 consecutive month period commencing with
244 the completion of the applicable registration criteria.

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

247 (63) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
248 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
249 or outboard motor, or by correcting the inoperative part.

250 (64) "Replica vehicle" means:

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

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

253 41-6a-1507(1)(a)(i)(B).

254 (65) "Road tractor" means a motor vehicle designed and used for drawing other
255 vehicles and constructed so it does not carry any load either independently or any part of the
256 weight of a vehicle or load that is drawn.

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

258 (67) "Security interest" means an interest that is reserved or created by a security
259 agreement to secure the payment or performance of an obligation and that is valid against third
260 parties.

261 (68) "Semitrailer" means a vehicle without motive power designed for carrying persons
262 or property and for being drawn by a motor vehicle and constructed so that some part of its
263 weight and its load rests or is carried by another vehicle.

264 (69) "Special group license plate" means a type of license plate designed for a
265 particular group of people or a license plate authorized and issued by the division in accordance
266 with Section 41-1a-418.

267 (70) (a) "Special interest vehicle" means a vehicle used for general transportation
268 purposes and that is:

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

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

272 (b) In making a determination under Subsection (70)(a), the division director shall give
273 special consideration to:

- 274 (i) a make of motor vehicle that is no longer manufactured;
- 275 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 276 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
277 designed exclusively for educational purposes or museum display; or
- 278 (iv) a motor vehicle of any age or make that has not been substantially altered or
279 modified from original specifications of the manufacturer and because of its significance is
280 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
281 leisure pursuit.

282 (71) (a) "Special mobile equipment" means a vehicle:

- 283 (i) not designed or used primarily for the transportation of persons or property;
- 284 (ii) not designed to operate in traffic; and
- 285 (iii) only incidentally operated or moved over the highways.

286 (b) "Special mobile equipment" includes:

- 287 (i) farm tractors;
- 288 (ii) off-road motorized construction or maintenance equipment including backhoes,
289 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- 290 (iii) ditch-digging apparatus.

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

293 (72) "Specially constructed vehicle" means a vehicle of a type required to be registered
294 in this state, not originally constructed under a distinctive name, make, model, or type by a
295 generally recognized manufacturer of vehicles, and not materially altered from its original
296 construction.

297 (73) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard
298 motor that meets the requirements of rules made by the commission pursuant to Subsection
299 [41-1a-1101\(5\)](#).

300 (74) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

301 (75) "Tow truck motor carrier" means the same as that term is defined in Section
302 [72-9-102](#).

303 (76) "Tow truck operator" means the same as that term is defined in Section [72-9-102](#).

304 ~~(75)~~ (77) (a) "Total fleet miles" means the total number of miles operated in all

305 jurisdictions during the preceding year by power units.

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

309 [~~(76)~~] (78) "Trailer" means a vehicle without motive power designed for carrying
310 persons or property and for being drawn by a motor vehicle and constructed so that no part of
311 its weight rests upon the towing vehicle.

312 [~~(77)~~] (79) "Transferee" means a person to whom the ownership of property is
313 conveyed by sale, gift, or any other means except by the creation of a security interest.

314 [~~(78)~~] (80) "Transferor" means a person who transfers the person's ownership in
315 property by sale, gift, or any other means except by creation of a security interest.

316 [~~(79)~~] (81) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
317 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
318 vacation use that does not require a special highway movement permit when drawn by a
319 self-propelled motor vehicle.

320 [~~(80)~~] (82) "Truck tractor" means a motor vehicle designed and used primarily for
321 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
322 vehicle and load that is drawn.

323 [~~(81)~~] (83) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
324 camper, park model recreational vehicle, manufactured home, and mobile home.

325 [~~(82)~~] (84) "Vessel" means the same as that term is defined in Section 73-18-2.

326 [~~(83)~~] (85) "Vintage vehicle" means the same as that term is defined in Section
327 41-21-1.

328 [~~(84)~~] (86) "Waters of this state" means the same as that term is defined in Section
329 73-18-2.

330 [~~(85)~~] (87) "Weighmaster" means a person, association of persons, or corporation
331 permitted to weigh vehicles under this chapter.

332 Section 2. Section 41-1a-104 is amended to read:

333 **41-1a-104. Commission powers.**

334 The commission may:

335 (1) enter into agreements with other jurisdictions:

336 (a) relating to proportional registration to facilitate administration;
337 (b) for the exchange of information for audit and enforcement activities; and
338 (c) for cooperation with other jurisdictions;
339 (2) enter into an agreement with one or more tow truck motor carriers, as defined in
340 Section 72-9-102, to disclose to the tow truck motor carrier information regarding lienholders,
341 owners, and registrations of towed vehicles, vessels, or outboard motors;

342 [~~2~~] (3) confer and advise with the proper officers, officials, and legislative bodies of
343 other jurisdictions to promote agreements under which the registration of vehicles owned in
344 this state is recognized by the other jurisdictions;

345 [~~3~~] (4) make and enforce rules necessary to effectuate this chapter; and

346 [~~4~~] (5) adopt an official seal for the use of the division.

347 Section 3. Section 41-1a-114 is amended to read:

348 **41-1a-114. Method of giving notice.**

349 (1) If the division is authorized or required to give [~~any~~] a notice under this chapter or
350 other law regulating the operation of vehicles, vessels, and outboard motors, unless [~~a different~~
351 ~~method of giving the notice is expressly prescribed, the notice shall be given either by]~~
352 otherwise prescribed, the division shall give the notice by:

353 (a) personal delivery to the person to be notified; [~~or~~]

354 (b) [~~deposit~~] depositing the notice in the United States mail [~~of the notice in an~~
355 ~~envelope~~] with postage prepaid, addressed to the person at the person's address as shown by the
356 records of the division[~~;~~]; or

357 (c) electronic mail, if the person has provided an email address to the division.

358 (2) Notice by mail is complete upon the expiration of four days after deposit of the
359 notice.

360 (3) Proof of the giving of notice [~~in either manner specified~~] in accordance with
361 Subsection (1)(a) or (b) may be made by the certificate of any officer or employee of the
362 division or affidavit of any person over 18 years of age, naming the person to whom the notice
363 was given and specifying the time, place, and manner of giving the notice.

364 Section 4. Section 41-1a-523 is enacted to read:

365 **41-1a-523. Abandoned vehicles -- Transfer of title to tow truck operator or tow**
366 **truck motor carrier.**

367 (1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a
368 vehicle, vessel, or outboard motor that is considered abandoned under Subsection
369 72-9-603(14)(a).

370 (2) (a) Subject to the provisions of this section and Subsection 72-9-603(14)(b), if a
371 tow truck operator or a tow truck motor carrier lacks satisfactory documentary evidence of
372 ownership of an abandoned vehicle, vessel, or outboard motor, and the tow truck operator or
373 tow truck motor carrier has exhausted all typical means of obtaining documentary evidence of
374 ownership, upon receipt of an application described in Subsection (2)(b), the commission shall
375 issue the tow truck operator or the tow truck motor carrier a certificate of title for the
376 abandoned vehicle, vessel, or outboard motor.

377 (b) An application described in Subsection (2)(a) shall include:

378 (i) a court order granting the applicant title to the abandoned vehicle, vessel, or
379 outboard motor; or

380 (ii) a completed form prescribed by the division that contains:

381 (A) a complete statement of the facts explaining the absence of a negotiable title or, for
382 a nontitle state, current registration;

383 (B) an explanation of how and from whom the applicant obtained the abandoned
384 vehicle, vessel, or outboard motor;

385 (C) a statement of any outstanding lien or encumbrance on the abandoned vehicle,
386 vessel, or outboard motor;

387 (D) a statement indicating where the abandoned vehicle, vessel, or outboard motor was
388 last titled or registered;

389 (E) a description of the abandoned vehicle, vessel, or outboard motor;

390 (F) any other information required by the commission that is relevant to the acquisition
391 or possession of the abandoned vehicle, vessel, or outboard motor; and

392 (G) an indemnification agreement holding the commission and the commission's
393 employees harmless from any and all liability resulting from the issuance of the certificate of
394 title.

395 (c) Before issuing a certificate of title under this section, the commission may require
396 that the tow truck operator or tow truck motor carrier provide the commission images of the
397 abandoned vehicle, vessel, or outboard motor.

398 (d) Before issuing a certificate of title under this section, the commission may require a
399 surety bond in an amount not to exceed twice the fair market value of the abandoned vehicle,
400 vessel, or outboard motor, if the value of the abandoned vehicle, vessel, or outboard motor is
401 more than \$5,000.

402 (e) The commission may not require a physical inspection of an abandoned vehicle,
403 vessel, or outboard motor for the purpose of issuing a certificate of title under this section.

404 (3) If the abandoned vehicle, vessel, or outboard motor that is the subject of an
405 application under this section is more than 10 years old, the commission shall issue the
406 certificate of title or deny the application no later than 30 days after the day on which the
407 commission receives a complete application.

408 Section 5. Section **41-1a-1010** is amended to read:

409 **41-1a-1010. Permit required to dismantle vehicle -- Duties upon receiving the**
410 **permit -- Exceptions.**

411 (1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a
412 vehicle, vessel, or outboard motor that is considered abandoned under Subsection
413 [72-9-603\(14\)\(a\)](#).

414 ~~[(1)]~~ (2) (a) A person may not scrap, dismantle, destroy, or otherwise change any
415 vehicle so that it loses its character, until the person submits to the division:

416 (i) except as provided in Subsection (6), the certificate of title for the vehicle for
417 cancellation; and

418 (ii) an application for a permit to dismantle the vehicle.

419 (b) Upon approval of the application, the division shall issue a permit to dismantle the
420 vehicle.

421 ~~[(2)]~~ (3) Except as provided in Subsection ~~[(3)]~~ (4), if a permit to dismantle is issued
422 under this section, the vehicle shall be destroyed and may not be rebuilt or reconstructed and
423 may not be retitled or registered.

424 ~~[(3)]~~ (4) A vehicle for which a permit to dismantle has been issued by the division may
425 be retitled and the permit to dismantle rescinded if:

426 (a) prior to receiving a dismantling permit the vehicle had a Utah certificate of title;

427 (b) the vehicle has not been dismantled;

428 (c) an investigator for the Motor Vehicle Enforcement Division of the commission

429 determines after a physical inspection of the vehicle that it is the same vehicle for which the
430 permit to dismantle was issued; and

431 (d) the applicant pays the fee under Subsection [~~(4)~~] (5).

432 [~~(4)~~] (5) The commission may collect a fee established in accordance with Section
433 63J-1-504 to cover the expenses of an inspection under Subsection [~~(3)~~] (4).

434 (6) (a) Subject to the provisions of this section and Subsection 72-9-603(14)(b), if a
435 tow truck operator or a tow truck motor carrier lacks satisfactory documentary evidence of
436 ownership of an abandoned vehicle, vessel, or outboard motor, and the tow truck operator or
437 tow truck motor carrier has exhausted all typical means of obtaining documentary evidence of
438 ownership, upon receipt of an application described in Subsection (6)(b), the division shall
439 issue the tow truck operator or the tow truck motor carrier a permit to dismantle described in
440 this section.

441 (b) An application described in Subsection (6) shall include:

442 (i) a court order granting the applicant title to the abandoned vehicle, vessel, or
443 outboard motor; or

444 (ii) a completed form prescribed by the division that contains:

445 (A) a complete statement of the facts explaining the absence of a negotiable title or, for
446 a nontitle state, current registration;

447 (B) an explanation of how and from whom the applicant obtained the abandoned
448 vehicle, vessel, or outboard motor;

449 (C) a statement of any outstanding lien or encumbrance on the abandoned vehicle,
450 vessel, or outboard motor;

451 (D) a statement indicating where the abandoned vehicle, vessel, or outboard motor was
452 last titled or registered;

453 (E) a description of the abandoned vehicle, vessel, or outboard motor;

454 (F) any other information required by the division that is relevant to the acquisition or
455 possession of the abandoned vehicle, vessel, or outboard motor; and

456 (G) an indemnification agreement holding the commission and the commission's
457 employees harmless from any and all liability resulting from the issuance of the permit to
458 dismantle.

459 (c) Before issuing a permit to dismantle under this subsection, the division may require

460 that the tow truck operator or tow truck motor carrier provide to the division images of the
461 abandoned vehicle, vessel, or outboard motor.

462 (d) Before issuing a permit to dismantle under this subsection, the division may require
463 a surety bond in an amount not to exceed twice the fair market value of the abandoned vehicle,
464 vessel, or outboard motor, if the value of the abandoned vehicle, vessel, or outboard motor is
465 more than \$5,000.

466 (e) The division may not require a physical inspection of a vehicle, vessel, or outboard
467 motor for the purpose of issuing a permit to dismantle.

468 (f) The division shall issue a permit to dismantle or deny the application no later than
469 30 days after the day on which the division receives a complete application under this
470 subsection.

471 Section 6. Section **41-1a-1011** is amended to read:

472 **41-1a-1011. Use of dismantling permit.**

473 The permit to dismantle issued under Section **41-1a-1010**:

474 (1) requires the owner to dismantle the vehicle described in the permit unless the
475 vehicle is retitled as provided in Subsection **41-1a-1010**~~(3)~~(4); and

476 (2) entitles the owner of the vehicle to transport the vehicle to the place of business of a
477 dismantler, crusher, or salvage dealer licensed under the provisions of Title 41, Chapter 3, Part
478 2, Licensing.

479 Section 7. Section **41-6a-102** is amended to read:

480 **41-6a-102. Definitions.**

481 As used in this chapter:

482 (1) "Alley" means a street or highway intended to provide access to the rear or side of
483 lots or buildings in urban districts and not intended for through vehicular traffic.

484 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
485 **41-22-2**.

486 (3) "Authorized emergency vehicle" includes:

487 (a) fire department vehicles;

488 (b) police vehicles;

489 (c) ambulances; and

490 (d) other publicly or privately owned vehicles as designated by the commissioner of the

491 Department of Public Safety.

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

493 (5) (a) "Bicycle" means a wheeled vehicle:

494 (i) propelled by human power by feet or hands acting upon pedals or cranks;

495 (ii) with a seat or saddle designed for the use of the operator;

496 (iii) designed to be operated on the ground; and

497 (iv) whose wheels are not less than 14 inches in diameter.

498 (b) "Bicycle" includes an electric assisted bicycle.

499 (c) "Bicycle" does not include scooters and similar devices.

500 (6) (a) "Bus" means a motor vehicle:

501 (i) designed for carrying more than 15 passengers and used for the transportation of
502 persons; or

503 (ii) designed and used for the transportation of persons for compensation.

504 (b) "Bus" does not include a taxicab.

505 (7) (a) "Circular intersection" means an intersection that has an island, generally
506 circular in design, located in the center of the intersection where traffic passes to the right of
507 the island.

508 (b) "Circular intersection" includes:

509 (i) roundabouts;

510 (ii) rotaries; and

511 (iii) traffic circles.

512 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
513 Subsection (17)(d)(i).

514 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
515 Subsection (17)(d)(ii).

516 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
517 Subsection (17)(d)(iii).

518 (11) "Commissioner" means the commissioner of the Department of Public Safety.

519 (12) "Controlled-access highway" means a highway, street, or roadway:

520 (a) designed primarily for through traffic; and

521 (b) to or from which owners or occupants of abutting lands and other persons have no

522 legal right of access, except at points as determined by the highway authority having
523 jurisdiction over the highway, street, or roadway.

524 (13) "Crosswalk" means:

525 (a) that part of a roadway at an intersection included within the connections of the
526 lateral lines of the sidewalks on opposite sides of the highway measured from:

527 (i) (A) the curbs; or

528 (B) in the absence of curbs, from the edges of the traversable roadway; and

529 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
530 included within the extension of the lateral lines of the existing sidewalk at right angles to the
531 centerline; or

532 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
533 pedestrian crossing by lines or other markings on the surface.

534 (14) "Department" means the Department of Public Safety.

535 (15) "Direct supervision" means oversight at a distance within which:

536 (a) visual contact is maintained; and

537 (b) advice and assistance can be given and received.

538 (16) "Divided highway" means a highway divided into two or more roadways by:

539 (a) an unpaved intervening space;

540 (b) a physical barrier; or

541 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

542 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:

543 (a) has a power output of not more than 750 watts;

544 (b) has fully operable pedals on permanently affixed cranks;

545 (c) is fully operable as a bicycle without the use of the electric motor; and

546 (d) is one of the following:

547 (i) an electric assisted bicycle equipped with a motor or electronics that:

548 (A) provides assistance only when the rider is pedaling; and

549 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
550 hour;

551 (ii) an electric assisted bicycle equipped with a motor or electronics that:

552 (A) may be used exclusively to propel the bicycle; and

553 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
554 miles per hour; or

555 (iii) an electric assisted bicycle equipped with a motor or electronics that:

556 (A) provides assistance only when the rider is pedaling;

557 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
558 hour; and

559 (C) is equipped with a speedometer.

560 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
561 with:

562 (i) two nontandem wheels in contact with the ground;

563 (ii) a system capable of steering and stopping the unit under typical operating
564 conditions;

565 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

566 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

567 (v) a deck design for a person to stand while operating the device.

568 (b) "Electric personal assistive mobility device" does not include a wheelchair.

569 (19) "Explosives" means a chemical compound or mechanical mixture commonly used
570 or intended for the purpose of producing an explosion and that contains any oxidizing and
571 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
572 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
573 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
574 capable of producing destructive effects on contiguous objects or of causing death or serious
575 bodily injury.

576 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm
577 implement, for drawing plows, mowing machines, and other implements of husbandry.

578 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
579 as determined by a tagliabue or equivalent closed-cup test device.

580 (22) "Freeway" means a controlled-access highway that is part of the interstate system
581 as defined in Section [72-1-102](#).

582 (23) (a) "Golf cart" means a device that:

583 (i) is designed for transportation by players on a golf course;

- 584 (ii) has not less than three wheels in contact with the ground;
- 585 (iii) has an unladen weight of less than 1,800 pounds;
- 586 (iv) is designed to operate at low speeds; and
- 587 (v) is designed to carry not more than six persons including the driver.

588 (b) "Golf cart" does not include:

- 589 (i) a low-speed vehicle or an off-highway vehicle;
- 590 (ii) a motorized wheelchair;
- 591 (iii) an electric personal assistive mobility device;
- 592 (iv) an electric assisted bicycle;
- 593 (v) a motor assisted scooter;
- 594 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 595 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

596 (24) "Gore area" means the area delineated by two solid white lines that is between a
597 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
598 including similar areas between merging or splitting highways.

599 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of
600 any load on the vehicle.

601 (26) "Highway" means the entire width between property lines of every way or place of
602 any nature when any part of it is open to the use of the public as a matter of right for vehicular
603 travel.

604 (27) "Highway authority" means the same as that term is defined in Section [72-1-102](#).

605 (28) (a) "Intersection" means the area embraced within the prolongation or connection
606 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or
607 more highways that join one another.

608 (b) Where a highway includes two roadways 30 feet or more apart:

609 (i) every crossing of each roadway of the divided highway by an intersecting highway
610 is a separate intersection; and

611 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
612 every crossing of two roadways of the highways is a separate intersection.

613 (c) "Intersection" does not include the junction of an alley with a street or highway.

614 (29) "Island" means an area between traffic lanes or at an intersection for control of

615 vehicle movements or for pedestrian refuge designated by:

616 (a) pavement markings, which may include an area designated by two solid yellow

617 lines surrounding the perimeter of the area;

618 (b) channelizing devices;

619 (c) curbs;

620 (d) pavement edges; or

621 (e) other devices.

622 (30) "Lane filtering" means, when operating a motorcycle other than an autocycle, the

623 act of overtaking and passing another vehicle that is stopped in the same direction of travel in

624 the same lane.

625 (31) "Law enforcement agency" means the same as that term is as defined in Section

626 [53-1-102](#).

627 (32) "Limited access highway" means a highway:

628 (a) that is designated specifically for through traffic; and

629 (b) over, from, or to which neither owners nor occupants of abutting lands nor other

630 persons have any right or easement, or have only a limited right or easement of access, light,

631 air, or view.

632 (33) "Local highway authority" means the legislative, executive, or governing body of

633 a county, municipal, or other local board or body having authority to enact laws relating to

634 traffic under the constitution and laws of the state.

635 (34) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

636 (i) is designed to be operated at speeds of not more than 25 miles per hour; and

637 (ii) has a capacity of not more than six passengers, including a conventional driver or

638 fallback-ready user if on board the vehicle, as those terms are defined in Section [41-26-102.1](#).

639 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

640 (35) "Metal tire" means a tire, the surface of which in contact with the highway is

641 wholly or partly of metal or other hard nonresilient material.

642 (36) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or

643 saddle that is less than 24 inches from the ground as measured on a level surface with properly

644 inflated tires.

645 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

646 (c) "Mini-motorcycle" does not include a motorcycle that is:

647 (i) designed for off-highway use; and

648 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

649 (37) "Mobile home" means:

650 (a) a trailer or semitrailer that is:

651 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
652 place either permanently or temporarily; and

653 (ii) equipped for use as a conveyance on streets and highways; or

654 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
655 constructed for use as a mobile home, as defined in Subsection (37)(a), but that is instead used
656 permanently or temporarily for:

657 (i) the advertising, sale, display, or promotion of merchandise or services; or

658 (ii) any other commercial purpose except the transportation of property for hire or the
659 transportation of property for distribution by a private carrier.

660 (38) (a) "Moped" means a motor-driven cycle having:

661 (i) pedals to permit propulsion by human power; and

662 (ii) a motor that:

663 (A) produces not more than two brake horsepower; and

664 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
665 level ground.

666 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
667 centimeters and the moped shall have a power drive system that functions directly or
668 automatically without clutching or shifting by the operator after the drive system is engaged.

669 (c) "Moped" does not include:

670 (i) an electric assisted bicycle; or

671 (ii) a motor assisted scooter.

672 (39) (a) "Motor assisted scooter" means a self-propelled device with:

673 (i) at least two wheels in contact with the ground;

674 (ii) a braking system capable of stopping the unit under typical operating conditions;

675 (iii) an electric motor not exceeding 2,000 watts;

676 (iv) either:

- 677 (A) handlebars and a deck design for a person to stand while operating the device; or
678 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
679 the device;
- 680 (v) a design for the ability to be propelled by human power alone; and
681 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 682 (b) "Motor assisted scooter" does not include:
683 (i) an electric assisted bicycle; or
684 (ii) a motor-driven cycle.
- 685 (40) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
686 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
687 (b) "Motor vehicle" does not include:
688 (i) vehicles moved solely by human power;
689 (ii) motorized wheelchairs;
690 (iii) an electric personal assistive mobility device;
691 (iv) an electric assisted bicycle;
692 (v) a motor assisted scooter;
693 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
694 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 695 (41) "Motorcycle" means:
696 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
697 and designed to travel with not more than three wheels in contact with the ground; or
698 (b) an auticycle.
- 699 (42) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
700 having:
701 (i) an engine with less than 150 cubic centimeters displacement; or
702 (ii) a motor that produces not more than five horsepower.
- 703 (b) "Motor-driven cycle" does not include:
704 (i) an electric personal assistive mobility device;
705 (ii) a motor assisted scooter; or
706 (iii) an electric assisted bicycle.
- 707 (43) "Off-highway implement of husbandry" means the same as that term is defined

708 under Section 41-22-2.

709 (44) "Off-highway vehicle" means the same as that term is defined under Section
710 41-22-2.

711 (45) "Operate" means the same as that term is defined in Section 41-1a-102.

712 (46) "Operator" means:

713 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or

714 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a
715 vehicle.

716 (47) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
717 occupied or not.

718 (b) "Park" or "parking" does not include:

719 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged
720 in loading or unloading property or passengers; or

721 (ii) a motor vehicle with an engaged automated driving system that has achieved a
722 minimal risk condition, as those terms are defined in Section 41-26-102.1.

723 (48) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
724 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
725 laws.

726 (49) "Pedestrian" means a person traveling:

727 (a) on foot; or

728 (b) in a wheelchair.

729 (50) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
730 pedestrians.

731 (51) "Person" means a natural person, firm, copartnership, association, corporation,
732 business trust, estate, trust, partnership, limited liability company, association, joint venture,
733 governmental agency, public corporation, or any other legal or commercial entity.

734 (52) "Pole trailer" means a vehicle without motive power:

735 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
736 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

737 (b) that is ordinarily used for transporting long or irregular shaped loads including
738 poles, pipes, or structural members generally capable of sustaining themselves as beams

739 between the supporting connections.

740 (53) "Private road or driveway" means every way or place in private ownership and
741 used for vehicular travel by the owner and those having express or implied permission from the
742 owner, but not by other persons.

743 (54) "Railroad" means a carrier of persons or property upon cars operated on stationary
744 rails.

745 (55) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
746 public body or official or by a railroad and intended to give notice of the presence of railroad
747 tracks or the approach of a railroad train.

748 (56) "Railroad train" means a locomotive propelled by any form of energy, coupled
749 with or operated without cars, and operated upon rails.

750 (57) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful
751 manner in preference to another vehicle or pedestrian approaching under circumstances of
752 direction, speed, and proximity that give rise to danger of collision unless one grants
753 precedence to the other.

754 (58) (a) "Roadway" means that portion of highway improved, designed, or ordinarily
755 used for vehicular travel.

756 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
757 them are used by persons riding bicycles or other human-powered vehicles.

758 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
759 a highway includes two or more separate roadways.

760 (59) "Safety zone" means the area or space officially set apart within a roadway for the
761 exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to
762 be plainly visible at all times while set apart as a safety zone.

763 (60) (a) "School bus" means a motor vehicle that:

764 (i) complies with the color and identification requirements of the most recent edition of
765 "Minimum Standards for School Buses"; and

766 (ii) is used to transport school children to or from school or school activities.

767 (b) "School bus" does not include a vehicle operated by a common carrier in
768 transportation of school children to or from school or school activities.

769 (61) (a) "Semitrailer" means a vehicle with or without motive power:

770 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

771 and

772 (ii) constructed so that some part of its weight and that of its load rests on or is carried
773 by another vehicle.

774 (b) "Semitrailer" does not include a pole trailer.

775 (62) "Shoulder area" means:

776 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
777 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";

778 or

779 (b) that portion of the road contiguous to the roadway for accommodation of stopped
780 vehicles, for emergency use, and for lateral support.

781 (63) "Sidewalk" means that portion of a street between the curb lines, or the lateral
782 lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

783 (64) "Solid rubber tire" means a tire of rubber or other resilient material that does not
784 depend on compressed air for the support of the load.

785 (65) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied
786 or not, for the purpose of and while actually engaged in receiving or discharging passengers.

787 (66) "Stop" when required means complete cessation from movement.

788 (67) "Stop" or "stopping" when prohibited means any halting even momentarily of a
789 vehicle, whether occupied or not, except when:

790 (a) necessary to avoid conflict with other traffic; or

791 (b) in compliance with the directions of a peace officer or traffic-control device.

792 (68) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I
793 vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet the
794 requirements of Section [41-6a-1509](#) to operate on highways in the state in accordance with
795 Section [41-6a-1509](#).

796 (69) "Tow truck motor carrier" means the same as that term is defined in Section
797 [72-9-102](#).

798 (70) "Tow truck operator" means the same as that term is defined in Section [72-9-102](#).

799 [~~69~~] (71) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
800 conveyances either singly or together while using any highway for the purpose of travel.

801 [~~(70)~~] (72) "Traffic signal preemption device" means an instrument or mechanism
802 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

803 [~~(71)~~] (73) "Traffic-control device" means a sign, signal, marking, or device not
804 inconsistent with this chapter placed or erected by a highway authority for the purpose of
805 regulating, warning, or guiding traffic.

806 [~~(72)~~] (74) "Traffic-control signal" means a device, whether manually, electrically, or
807 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

808 [~~(73)~~] (75) (a) "Trailer" means a vehicle with or without motive power designed for
809 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
810 part of its weight rests upon the towing vehicle.

811 (b) "Trailer" does not include a pole trailer.

812 [~~(74)~~] (76) "Truck" means a motor vehicle designed, used, or maintained primarily for
813 the transportation of property.

814 [~~(75)~~] (77) "Truck tractor" means a motor vehicle:

815 (a) designed and used primarily for drawing other vehicles; and

816 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
817 tractor.

818 [~~(76)~~] (78) "Two-way left turn lane" means a lane:

819 (a) provided for vehicle operators making left turns in either direction;

820 (b) that is not used for passing, overtaking, or through travel; and

821 (c) that has been indicated by a lane traffic-control device that may include lane
822 markings.

823 [~~(77)~~] (79) "Urban district" means the territory contiguous to and including any street,
824 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
825 less than 100 feet, for a distance of a quarter of a mile or more.

826 [~~(78)~~] (80) "Vehicle" means a device in, on, or by which a person or property is or may
827 be transported or drawn on a highway, except a mobile carrier, as defined in Section
828 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

829 Section 8. Section **41-6a-1406** is amended to read:

830 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
831 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

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

837 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or
838 impounded to a state impound yard.

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

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

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

843 (4) (a) [~~Immediately after the removal of~~] Within 2 business days after the day on
844 which the vehicle, vessel, or outboard motor is removed, a report of the removal shall be sent
845 to the Motor Vehicle Division by:

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

847 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
848 operator is employed.

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

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

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

853 (iii) the vehicle identification number or vessel or outboard motor identification
854 number;

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

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

858 (vi) the reason for removal or impoundment;

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

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

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

863 required under this Subsection (4), a tow truck motor carrier or impound yard may not~~[(i)]~~
864 collect any fee associated with the removal~~[-and (ii) begin charging storage fees].~~

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

868 (i) the registered owner;

869 (ii) any lien holder; or

870 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor
871 is currently operating under a temporary permit issued by the dealer, as described in Section
872 41-3-302.

873 (b) The notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

907 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
908 be deposited in the Department of Public Safety Restricted Account created in Section
909 53-3-106;

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

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

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

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

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

923 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
924 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)

925 or any service rendered, performed, or supplied in connection with a removal or impoundment
926 under Subsection (1).

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

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

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

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

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

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

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

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

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

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

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

954 (A) be reasonable and fair; and

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

956 Section 9. Section **41-6a-1407** is amended to read:

957 **41-6a-1407. Removal of unattended vehicles prohibited without authorization --**

958 **Penalties.**

959 (1) As used in this section, "unattended vehicle" means a vehicle for which there is no
960 individual present who is authorized and able to drive the vehicle.

961 ~~[(1)]~~ (2) In cases not amounting to burglary or theft of a vehicle, a person may not
962 remove an unattended vehicle without prior authorization of:

963 (a) a peace officer;

964 (b) a law enforcement agency;

965 (c) a highway authority having jurisdiction over the highway on which there is an
966 unattended vehicle; or

967 (d) the owner or person in lawful possession or control of the real property.

968 ~~[(2)]~~ (3) (a) ~~[An authorization from]~~ Each time a person specified under Subsection
969 ~~[(1)]~~ (2)(a), (b), or (c) shall be in requests removal of an unattended vehicle for any reason,
970 the person shall complete and submit to the Motor Vehicle Division a form specified by the
971 Motor Vehicle Division.

972 (b) The removal of the unattended vehicle shall comply with requirements of Section
973 **41-6a-1406.**

974 ~~[(3)]~~ (4) The removal of the unattended vehicle authorized under Subsection ~~[(1)]~~
975 (2)(d) shall comply with the requirements of Section **72-9-603.**

976 ~~[(4)]~~ (5) A person who violates Subsection ~~[(1)]~~ (2) or ~~[(3)]~~ (4) is guilty of an
977 infraction.