

SB0230S01 compared with SB0230

~~text~~ shows text that was in SB0230 but was deleted in SB0230S01.

text shows text that was not in SB0230 but was inserted into SB0230S01.

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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 ~~share~~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

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- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

ENACTS:

41-1a-523, Utah Code Annotated 1953

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

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

41-1a-102. Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.
- (4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.
- (5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

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(6) "Alternative fuel vehicle" means:

- (a) an electric motor vehicle;
- (b) a hybrid electric motor vehicle;
- (c) a plug-in hybrid electric motor vehicle; or
- (d) a motor vehicle powered exclusively by a fuel other than:
 - (i) motor fuel;
 - (ii) diesel fuel;
 - (iii) natural gas; or
 - (iv) propane.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(22) "Essential parts" means the integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type, or mode of operation.

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

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

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

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

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

(b) "Farm truck" does not include the operation of trucks by commercial processors of

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agricultural products.

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

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

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

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

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

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

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

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

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

(31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

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

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

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

(34) "Jurisdiction" means a state, district, province, political subdivision, territory, or

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possession of the United States or any foreign country.

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

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

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

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

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

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

(b) "Motor vehicle" does not include:

(i) an off-highway vehicle; or

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

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

(42) "Motorcycle" means:

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

(b) an autocycle.

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

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

(b) A person who engages in intrastate business within this state and operates in that

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business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains a vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

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

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

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

(48) (a) "Operate" means:

(i) to navigate a vessel; or

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

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

(B) an engaged automated driving system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(64) "Replica vehicle" means:

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

(b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

(70) (a) "Special interest vehicle" means a vehicle used for general transportation

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purposes and that is:

- (i) 20 years or older from the current year; or
- (ii) a make or model of motor vehicle recognized by the division director as having

unique interest or historic value.

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

- (i) a make of motor vehicle that is no longer manufactured;
- (ii) a make or model of motor vehicle produced in limited or token quantities;
- (iii) a make or model of motor vehicle produced as an experimental vehicle or one

designed exclusively for educational purposes or museum display; or

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

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

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

(b) "Special mobile equipment" includes:

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

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

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

(73) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission pursuant to Subsection

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41-1a-1101(5).

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

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

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

~~(75)~~ (77) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

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

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

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

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

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

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

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

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

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

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

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

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

41-1a-104. Commission powers.

The commission may:

(1) enter into agreements with other jurisdictions:

- (a) relating to proportional registration to facilitate administration;
- (b) for the exchange of information for audit and enforcement activities; and
- (c) for cooperation with other jurisdictions;

(2) enter into an agreement with one or more tow truck motor carriers, as defined in Section 72-9-102, to ~~{share}~~ disclose to the tow truck motor carrier information regarding lienholders, owners, and registrations of towed vehicles, vessels, or outboard motors;

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

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

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

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

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

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

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

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

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

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

(3) Proof of the giving of notice ~~[in either manner specified]~~ in accordance with

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Subsection (1)(a) or (b) may be made by the certificate of any officer or employee of the division or affidavit of any person over 18 years of age, naming the person to whom the notice was given and specifying the time, place, and manner of giving the notice.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Before issuing a certificate of title under this section, the commission may require ~~for a physical examination~~ that the tow truck operator or tow truck motor carrier provide the commission images of the abandoned vehicle, vessel, or outboard motor ~~by a commission employee, if the abandoned vehicle, vessel, or outboard motor:~~

~~— (i) (A) has a value of less than \$1,000; and~~

~~— (B) is less than six model years old; or~~

~~— (ii) is a motorcycle}.~~

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

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

(3) If the abandoned vehicle, vessel, or outboard motor that is the subject of an application under this section is more than 10 years old, the commission shall issue the certificate of title or deny the application no later than ~~15~~30 days after the day on which the commission receives a complete application.

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

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

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

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

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

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

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

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

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

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

(b) the vehicle has not been dismantled;

(c) an investigator for the Motor Vehicle Enforcement Division of the commission determines after a physical inspection of the vehicle that it is the same vehicle for which the permit to dismantle was issued; and

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

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

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

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

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

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

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

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

(C) a statement of any outstanding lien or encumbrance on the abandoned vehicle,

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vessel, or outboard motor;

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

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

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

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

(c) Before issuing a permit to dismantle under this subsection, the division may require ~~for a physical examination~~ that the tow truck operator or tow truck motor carrier provide to the division images of the abandoned vehicle, vessel, or outboard motor ~~by a division employee, if the abandoned vehicle, vessel, or outboard motor:~~

~~—— (i) (A) has a value of less than \$1,000; and~~

~~—— (B) is less than six model years old; or~~

~~—— (ii) is a motorcycle}.~~

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

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

~~(f)~~ The division shall issue a permit to dismantle or deny the application no later than ~~10~~30 days after the day on which the division receives a complete application under this subsection.

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

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

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

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

(2) entitles the owner of the vehicle to transport the vehicle to the place of business of a

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dismantler, crusher, or salvage dealer licensed under the provisions of Title 41, Chapter 3, Part 2, Licensing.

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

41-6a-102. Definitions.

As used in this chapter:

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

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

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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(b) "Circular intersection" includes:

- (i) roundabouts;
- (ii) rotaries; and
- (iii) traffic circles.

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

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

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

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

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

- (a) designed primarily for through traffic; and
- (b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(13) "Crosswalk" means:

- (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:
 - (i) (A) the curbs; or
 - (B) in the absence of curbs, from the edges of the traversable roadway; and
- (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

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

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

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

- (a) visual contact is maintained; and
- (b) advice and assistance can be given and received.

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

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- (a) an unpaved intervening space;
- (b) a physical barrier; or
- (c) a clearly indicated dividing section constructed to impede vehicular traffic.

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

- (a) has a power output of not more than 750 watts;
- (b) has fully operable pedals on permanently affixed cranks;
- (c) is fully operable as a bicycle without the use of the electric motor; and
- (d) is one of the following:
 - (i) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) provides assistance only when the rider is pedaling; and
 - (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per

hour;

- (ii) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) may be used exclusively to propel the bicycle; and
 - (B) is not capable of providing assistance when the bicycle reaches the speed of 20

miles per hour; or

- (iii) an electric assisted bicycle equipped with a motor or electronics that:
 - (A) provides assistance only when the rider is pedaling;
 - (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per

hour; and

- (C) is equipped with a speedometer.

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

- (i) two nontandem wheels in contact with the ground;
- (ii) a system capable of steering and stopping the unit under typical operating

conditions;

- (iii) an electric propulsion system with average power of one horsepower or 750 watts;
 - (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
 - (v) a deck design for a person to stand while operating the device.
- (b) "Electric personal assistive mobility device" does not include a wheelchair.

(19) "Explosives" means a chemical compound or mechanical mixture commonly used

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or intended for the purpose of producing an explosion and that contains any oxidizing and combustible units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

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

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

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

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

- (i) is designed for transportation by players on a golf course;
- (ii) has not less than three wheels in contact with the ground;
- (iii) has an unladen weight of less than 1,800 pounds;
- (iv) is designed to operate at low speeds; and
- (v) is designed to carry not more than six persons including the driver.

(b) "Golf cart" does not include:

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

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

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

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

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

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

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

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

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

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

(29) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

(30) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.

(31) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.

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

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

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.

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(33) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

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

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

(ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.

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

(35) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

(36) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

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

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

(i) designed for off-highway use; and

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

(37) "Mobile home" means:

(a) a trailer or semitrailer that is:

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

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

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

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

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

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

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

(ii) a motor that:

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

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

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

(c) "Moped" does not include:

(i) an electric assisted bicycle; or

(ii) a motor assisted scooter.

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

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

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

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

(iv) either:

(A) handlebars and a deck design for a person to stand while operating the device; or

(B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;

(v) a design for the ability to be propelled by human power alone; and

(vi) a maximum speed of 20 miles per hour on a paved level surface.

(b) "Motor assisted scooter" does not include:

(i) an electric assisted bicycle; or

(ii) a motor-driven cycle.

(40) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include:

(i) vehicles moved solely by human power;

(ii) motorized wheelchairs;

(iii) an electric personal assistive mobility device;

(iv) an electric assisted bicycle;

(v) a motor assisted scooter;

(vi) a personal delivery device, as defined in Section 41-6a-1119; or

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(vii) a mobile carrier, as defined in Section 41-6a-1120.

(41) "Motorcycle" means:

(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or

(b) an autocycle.

(42) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:

(i) an engine with less than 150 cubic centimeters displacement; or

(ii) a motor that produces not more than five horsepower.

(b) "Motor-driven cycle" does not include:

(i) an electric personal assistive mobility device;

(ii) a motor assisted scooter; or

(iii) an electric assisted bicycle.

(43) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.

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

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

(46) "Operator" means:

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

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

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

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

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

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

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

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laws.

(49) "Pedestrian" means a person traveling:

- (a) on foot; or
- (b) in a wheelchair.

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

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

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

- (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
- (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(62) "Shoulder area" means:

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

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

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

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

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

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

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

- (a) necessary to avoid conflict with other traffic; or
- (b) in compliance with the directions of a peace officer or traffic-control device.

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

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

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

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

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

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

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

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

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

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

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

- (a) designed and used primarily for drawing other vehicles; and
- (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

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

- (a) provided for vehicle operators making left turns in either direction;
- (b) that is not used for passing, overtaking, or through travel; and
- (c) that has been indicated by a lane traffic-control device that may include lane

markings.

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

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

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

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

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

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

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

- (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
- (b) by the department under Subsection (10).

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

- (i) the peace officer or agency by whom the peace officer is employed; and
- (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck

operator is employed.

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

- (i) the operator's name, if known;
- (ii) a description of the vehicle, vessel, or outboard motor;
- (iii) the vehicle identification number or vessel or outboard motor identification number;
- (iv) the license number, temporary permit number, or other identification number issued by a state agency;
- (v) the date, time, and place of impoundment;
- (vi) the reason for removal or impoundment;
- (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
- (viii) the place where the vehicle, vessel, or outboard motor is stored.

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

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

- (i) the registered owner;
- (ii) any lien holder; or
- (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.

(b) The notice shall:

- (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
- (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
- (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard

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motor is released; and

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

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

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

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

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

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

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

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

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

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

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

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

(iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall

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be deposited in the Spinal Cord and Brain Injury Rehabilitation Fund; and

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

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

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

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

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

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

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

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

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

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

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

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the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

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

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

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

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

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

(A) be reasonable and fair; and

(B) reflect the cost of administering the database.

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

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

Penalties.

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

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

(a) a peace officer;

(b) a law enforcement agency;

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

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

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

(b) The removal of the unattended vehicle shall comply with requirements of Section

SB0230S01 compared with SB0230

41-6a-1406.

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

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