

**Senator Michael K. McKell** proposes the following substitute bill:

**TOWING AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the towing and impounding of vehicles.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires submission of a certain form to the Division of Motor Vehicles and notification of the owner of a vehicle if the vehicle is removed;
- ▶ grants rulemaking authority to prescribe the format and contents of the form to be submitted to the Division of Motor Vehicles;
- ▶ provides that certain towing related fees and charges are a possessory lien on the vehicle and nonlife essential items in the vehicle;
- ▶ allows a tow truck motor carrier to charge an after-hour fee if an owner requests release of a vehicle after normal business hours; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-1a-102**, as last amended by Laws of Utah 2019, Chapters 373, 428, 459, and 479

29 **41-1a-1103**, as last amended by Laws of Utah 2014, Chapter 382

30 **41-6a-102**, as last amended by Laws of Utah 2020, Chapters 84 and 354

31 **41-6a-1406**, as last amended by Laws of Utah 2019, Chapter 373

32 **53-3-106**, as last amended by Laws of Utah 2018, Chapter 417

33 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154

34 **72-9-603**, as last amended by Laws of Utah 2020, Chapter 45

35 REPEALS:

36 **41-1a-1104**, as last amended by Laws of Utah 2005, Chapter 56



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

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

305 the preceding year.

306 (76) "Tow truck motor carrier" means the same as that term is defined in Section  
307 72-9-102.

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

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-1103 is amended to read:

333 **41-1a-1103. Sale.**

334 (1) (a) ~~[H]~~ For a vehicle, vessel, or outboard motor with a model year of seven years  
335 old or older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not

336 recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the  
337 division is unable to determine the owner or lienholder through reasonable efforts, the division  
338 shall ~~[sell]~~ transfer title of the vehicle, vessel, or outboard motor to the tow truck motor carrier  
339 in possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor  
340 carrier.

341 (b) For a vehicle, vessel, or outboard motor with a model year under seven years old, if  
342 the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the  
343 vehicle, vessel, or outboard motor within 55 days from the date of seizure, or if the division is  
344 unable to determine the owner or lienholder through reasonable efforts, the division shall  
345 transfer title of the vehicle, vessel, or outboard motor to the tow truck motor carrier in  
346 possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor  
347 carrier.

348 ~~[(2) The sale shall:]~~

349 ~~[(a) be held in the form of a public auction at the place of storage; and]~~

350 ~~[(b) at the discretion of the division, be conducted by:]~~

351 ~~[(i) an authorized representative of the division; or]~~

352 ~~[(ii) a public garage, impound lot, or impound yard that:]~~

353 ~~[(A) is authorized by the division;]~~

354 ~~[(B) meets the standards under Subsection [41-1a-1101\(5\)](#); and]~~

355 ~~[(C) complies with the requirements of Section [72-9-603](#).]~~

356 ~~[(3) At least five days prior to the date set for sale, the division shall publish a notice of~~  
357 ~~sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or~~  
358 ~~outboard motor to be sold:]~~

359 ~~[(a) on the division's website; and]~~

360 ~~[(b) as required in Section [45-1-101](#).]~~

361 ~~[(4) At the time of sale the division or other person authorized to conduct the sale shall~~  
362 ~~tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the~~  
363 ~~vehicle, vessel, or outboard motor:]~~

364 ~~[(5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this~~  
365 ~~section shall be distributed as provided under Section [41-1a-1104](#).]~~

366 ~~[(6)]~~ (2) (a) [H] For a vehicle, vessel, or outboard motor with a model year of seven

367 years old or older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized  
368 under Section 41-1a-1101 and subsequently released by the division fails to take possession of  
369 the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within  
370 30 days from the date of release, the division shall renotify the owner or lienholder and [setH]  
371 transfer title to the vehicle, vessel, or outboard motor to the tow truck motor carrier in  
372 possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor  
373 carrier, in accordance with this section, 30 days from the date of the notice.

374 (b) For a vehicle, vessel, or outboard motor with a model year under seven years old, if  
375 the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section  
376 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,  
377 vessel, or outboard motor and satisfy the amount due to the place of storage within 55 days  
378 from the date of release, the division shall renotify the owner or lienholder and transfer title to  
379 the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the  
380 vehicle, vessel, or outboard motor upon request by the tow truck motor carrier, in accordance  
381 with this section, 55 days from the date of the notice.

382 Section 3. Section 41-6a-102 is amended to read:

383 **41-6a-102. Definitions.**

384 As used in this chapter:

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

387 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
388 41-22-2.

389 (3) "Authorized emergency vehicle" includes:

390 (a) fire department vehicles;

391 (b) police vehicles;

392 (c) ambulances; and

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

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

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

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

- 398 (ii) with a seat or saddle designed for the use of the operator;
- 399 (iii) designed to be operated on the ground; and
- 400 (iv) whose wheels are not less than 14 inches in diameter.
- 401 (b) "Bicycle" includes an electric assisted bicycle.
- 402 (c) "Bicycle" does not include scooters and similar devices.
- 403 (6) (a) "Bus" means a motor vehicle:
- 404 (i) designed for carrying more than 15 passengers and used for the transportation of
- 405 persons; or
- 406 (ii) designed and used for the transportation of persons for compensation.
- 407 (b) "Bus" does not include a taxicab.
- 408 (7) (a) "Circular intersection" means an intersection that has an island, generally
- 409 circular in design, located in the center of the intersection where traffic passes to the right of
- 410 the island.
- 411 (b) "Circular intersection" includes:
- 412 (i) roundabouts;
- 413 (ii) rotaries; and
- 414 (iii) traffic circles.
- 415 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
- 416 Subsection (17)(d)(i).
- 417 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
- 418 Subsection (17)(d)(ii).
- 419 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
- 420 Subsection (17)(d)(iii).
- 421 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 422 (12) "Controlled-access highway" means a highway, street, or roadway:
- 423 (a) designed primarily for through traffic; and
- 424 (b) to or from which owners or occupants of abutting lands and other persons have no
- 425 legal right of access, except at points as determined by the highway authority having
- 426 jurisdiction over the highway, street, or roadway.
- 427 (13) "Crosswalk" means:
- 428 (a) that part of a roadway at an intersection included within the connections of the

- 429 lateral lines of the sidewalks on opposite sides of the highway measured from:
- 430 (i) (A) the curbs; or
- 431 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 432 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 433 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 434 centerline; or
- 435 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 436 pedestrian crossing by lines or other markings on the surface.
- 437 (14) "Department" means the Department of Public Safety.
- 438 (15) "Direct supervision" means oversight at a distance within which:
- 439 (a) visual contact is maintained; and
- 440 (b) advice and assistance can be given and received.
- 441 (16) "Divided highway" means a highway divided into two or more roadways by:
- 442 (a) an unpaved intervening space;
- 443 (b) a physical barrier; or
- 444 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 445 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 446 (a) has a power output of not more than 750 watts;
- 447 (b) has fully operable pedals on permanently affixed cranks;
- 448 (c) is fully operable as a bicycle without the use of the electric motor; and
- 449 (d) is one of the following:
- 450 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 451 (A) provides assistance only when the rider is pedaling; and
- 452 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
- 453 hour;
- 454 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 455 (A) may be used exclusively to propel the bicycle; and
- 456 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
- 457 miles per hour; or
- 458 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 459 (A) provides assistance only when the rider is pedaling;

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

462 (C) is equipped with a speedometer.

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

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

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

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

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

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

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

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

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

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

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

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

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

487 (ii) has not less than three wheels in contact with the ground;

488 (iii) has an unladen weight of less than 1,800 pounds;

489 (iv) is designed to operate at low speeds; and

490 (v) is designed to carry not more than six persons including the driver.



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

492 (i) a low-speed vehicle or an off-highway vehicle;

493 (ii) a motorized wheelchair;

494 (iii) an electric personal assistive mobility device;

495 (iv) an electric assisted bicycle;

496 (v) a motor assisted scooter;

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

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

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

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

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

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

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

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

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

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

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

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

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

521 (b) channelizing devices;

522 (c) curbs;

523 (d) pavement edges; or

524 (e) other devices.

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

528 (31) "Law enforcement agency" means the same as that term is as defined in Section  
529 [53-1-102](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

552 (37) "Mobile home" means:

- 553 (a) a trailer or semitrailer that is:
- 554 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping  
555 place either permanently or temporarily; and
- 556 (ii) equipped for use as a conveyance on streets and highways; or
- 557 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and  
558 constructed for use as a mobile home, as defined in Subsection (37)(a), but that is instead used  
559 permanently or temporarily for:
- 560 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 561 (ii) any other commercial purpose except the transportation of property for hire or the  
562 transportation of property for distribution by a private carrier.
- 563 (38) (a) "Moped" means a motor-driven cycle having:
- 564 (i) pedals to permit propulsion by human power; and
- 565 (ii) a motor that:
- 566 (A) produces not more than two brake horsepower; and
- 567 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on  
568 level ground.
- 569 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic  
570 centimeters and the moped shall have a power drive system that functions directly or  
571 automatically without clutching or shifting by the operator after the drive system is engaged.
- 572 (c) "Moped" does not include:
- 573 (i) an electric assisted bicycle; or
- 574 (ii) a motor assisted scooter.
- 575 (39) (a) "Motor assisted scooter" means a self-propelled device with:
- 576 (i) at least two wheels in contact with the ground;
- 577 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 578 (iii) an electric motor not exceeding 2,000 watts;
- 579 (iv) either:
- 580 (A) handlebars and a deck design for a person to stand while operating the device; or
- 581 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating  
582 the device;
- 583 (v) a design for the ability to be propelled by human power alone; and

- 584 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 585 (b) "Motor assisted scooter" does not include:
- 586 (i) an electric assisted bicycle; or
- 587 (ii) a motor-driven cycle.
- 588 (40) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 589 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- 590 (b) "Motor vehicle" does not include:
- 591 (i) vehicles moved solely by human power;
- 592 (ii) motorized wheelchairs;
- 593 (iii) an electric personal assistive mobility device;
- 594 (iv) an electric assisted bicycle;
- 595 (v) a motor assisted scooter;
- 596 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 597 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 598 (41) "Motorcycle" means:
- 599 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 600 and designed to travel with not more than three wheels in contact with the ground; or
- 601 (b) an auticycle.
- 602 (42) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
- 603 having:
- 604 (i) an engine with less than 150 cubic centimeters displacement; or
- 605 (ii) a motor that produces not more than five horsepower.
- 606 (b) "Motor-driven cycle" does not include:
- 607 (i) an electric personal assistive mobility device;
- 608 (ii) a motor assisted scooter; or
- 609 (iii) an electric assisted bicycle.
- 610 (43) "Off-highway implement of husbandry" means the same as that term is defined
- 611 under Section [41-22-2](#).
- 612 (44) "Off-highway vehicle" means the same as that term is defined under Section
- 613 [41-22-2](#).
- 614 (45) "Operate" means the same as that term is defined in Section [41-1a-102](#).

615 (46) "Operator" means:

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

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

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

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

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

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

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

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

630 (a) on foot; or

631 (b) in a wheelchair.

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

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

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

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

640 (b) that is ordinarily used for transporting long or irregular shaped loads including  
641 poles, pipes, or structural members generally capable of sustaining themselves as beams  
642 between the supporting connections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

678 (62) "Shoulder area" means:

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

681 or

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

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

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

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

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

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

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

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

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

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

700 (70) "Tow truck motor carrier" means the same as that term is defined in Section  
701 [72-9-102](#).

702 [~~(69)~~] (71) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
703 conveyances either singly or together while using any highway for the purpose of travel.

704 [~~(70)~~] (72) "Traffic signal preemption device" means an instrument or mechanism  
705 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

706 [~~(71)~~] (73) "Traffic-control device" means a sign, signal, marking, or device not  
707 inconsistent with this chapter placed or erected by a highway authority for the purpose of

708 regulating, warning, or guiding traffic.

709 ~~[(72)]~~ (74) "Traffic-control signal" means a device, whether manually, electrically, or  
710 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

711 ~~[(73)]~~ (75) (a) "Trailer" means a vehicle with or without motive power designed for  
712 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
713 part of its weight rests upon the towing vehicle.

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

715 ~~[(74)]~~ (76) "Truck" means a motor vehicle designed, used, or maintained primarily for  
716 the transportation of property.

717 ~~[(75)]~~ (77) "Truck tractor" means a motor vehicle:

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

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

721 ~~[(76)]~~ (78) "Two-way left turn lane" means a lane:

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

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

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

726 ~~[(77)]~~ (79) "Urban district" means the territory contiguous to and including any street,  
727 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
728 less than 100 feet, for a distance of a quarter of a mile or more.

729 ~~[(78)]~~ (80) "Vehicle" means a device in, on, or by which a person or property is or may  
730 be transported or drawn on a highway, except a mobile carrier, as defined in Section  
731 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

732 Section 4. Section **41-6a-1406** is amended to read:

733 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**  
734 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

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



739 expense of the owner.

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

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

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

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

746 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel, or  
747 outboard motor that is:

748 (i) removed or impounded as described in Subsection (1); or

749 (ii) removed or impounded by any law enforcement or government entity.

750 [(4)(a)] (b) [Immediately] Before noon on the next business day after the date of the  
751 removal of the vehicle, vessel, or outboard motor, a report of the removal shall be sent to the  
752 Motor Vehicle Division by:

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

754 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck  
755 operator is employed.

756 [(b)] (c) The report shall be in a form specified by the Motor Vehicle Division and  
757 shall include:

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

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

760 (iii) the vehicle identification number or vessel or outboard motor identification  
761 number;

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

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

765 (vi) the reason for removal or impoundment;

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

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

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

770 State Tax Commission shall make rules to establish proper format and information required on  
771 the form described in this subsection (4).

772 ~~[(e)]~~ (e) Until the tow truck operator or tow truck motor carrier reports the removal as  
773 required under this Subsection (4), a tow truck motor carrier or impound yard may not~~[(i)]~~  
774 collect any fee associated with the removal~~[-and]~~.

775 ~~[(ii) begin charging storage fees.]~~

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

779 (i) the registered owner;

780 (ii) any lien holder; or

781 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor  
782 is currently operating under a temporary permit issued by the dealer, as described in Section  
783 41-3-302.

784 (b) The notice shall:

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

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

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

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

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

800 (d) The Motor Vehicle Division shall forward a copy of the notice to the place where

801 the vehicle, vessel, or outboard motor is stored.

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

805 (6) (a) Fees described in this Subsection (6) are a possessory lien on the vehicle, vessel,  
806 outboard motor, and any nonlife essential items contained in the vehicle, vessel, or outboard  
807 motor until paid.

808 ~~[(6)(a)]~~ (b) The vehicle, vessel, or outboard motor shall be released after a party  
809 described in Subsection (5)(a):

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

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

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

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

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

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

821 (ii) \$147 of the administrative impound fee assessed under Subsection ~~[(6)(a)(iv)]~~  
822 (6)(b)(iv) shall be deposited ~~[in]~~ into the Department of Public Safety Restricted Account  
823 created in Section [53-3-106](#);

824 (iii) \$20 of the administrative impound fee assessed under Subsection ~~[(6)(a)(iv)]~~  
825 (6)(b)(iv) shall be deposited in the Spinal Cord and Brain Injury Rehabilitation Fund; and

826 (iv) the remainder of the administrative impound fee assessed under Subsection  
827 ~~[(6)(a)(iv)]~~ (6)(b)(iv) shall be deposited ~~[in]~~ into the General Fund.

828 ~~[(e)]~~ (d) The administrative impound fee assessed under Subsection ~~[(6)(a)(iv)]~~  
829 (6)(b)(iv) shall be waived or refunded by the State Tax Commission if the registered owner,  
830 lien holder, or owner's agent presents written evidence to the State Tax Commission that:

831 (i) the Driver License Division determined that the arrested person's driver license

832 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter  
833 or other report from the Driver License Division presented within 180 days after the day on  
834 which the Driver License Division mailed the final notification; or

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

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

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

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

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

847 (7) (a) ~~[An]~~ For an impounded vehicle, vessel, or outboard motor not claimed by a  
848 party described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103 ~~[shall be~~  
849 ~~sold in accordance with that section and the proceeds, if any, shall be disposed of as provided~~  
850 ~~under Section 41-1a-1104]~~, the Motor Vehicle Division shall transfer title of the impounded  
851 vehicle, vessel, or outboard motor as described in Section 41-1a-1103.

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

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

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

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

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

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

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

869 (A) be reasonable and fair; and

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

871 Section 5. Section **53-3-106** is amended to read:

872 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**  
873 **-- Uses as provided by appropriation -- Nonlapsing.**

874 (1) There is created within the Transportation Fund a restricted account known as the  
875 "Department of Public Safety Restricted Account."

876 (2) The account consists of money generated from the following revenue sources:

877 (a) all money received under this chapter;

878 (b) administrative fees received according to the fee schedule authorized under this  
879 chapter and Section [63J-1-504](#);

880 (c) beginning on January 1, 2013, money received in accordance with Section  
881 [41-1a-1201](#); and

882 (d) any appropriations made to the account by the Legislature.

883 (3) (a) The account shall earn interest.

884 (b) All interest earned on account money shall be deposited in the account.

885 (4) The expenses of the department in carrying out this chapter shall be provided for by  
886 legislative appropriation from this account.

887 (5) The amount in excess of \$45 of the fees collected under Subsection [53-3-105\(25\)](#)  
888 shall be appropriated by the Legislature from this account to the department to implement the  
889 provisions of Section [53-1-117](#), except that of the amount in excess of \$45, \$100 shall be  
890 deposited ~~in~~ into the State Laboratory Drug Testing Account created in Section [26-1-34](#).

891 (6) All money received under Subsection [41-6a-1406\(6\)\(b\)\(c\)\(ii\)](#) shall be  
892 appropriated by the Legislature from this account to the department to implement the  
893 provisions of Section [53-1-117](#).

894 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000  
895 annually from the account to the state medical examiner appointed under Section 26-4-4 for  
896 use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).

897 (8) The division shall remit the fees collected under Subsection 53-3-105(31) to the  
898 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal  
899 Identification provides under Section 53-3-205.5.

900 (9) (a) Beginning on January 1, 2013, the Legislature shall appropriate all money  
901 received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for  
902 field operations.

903 (b) The Legislature may appropriate additional money from the account to the Utah  
904 Highway Patrol Division for law enforcement purposes.

905 (10) Appropriations to the department from the account are nonlapsing.

906 (11) The department shall report to the Department of Health, on or before December  
907 31, the amount the department expects to collect under Subsection 53-3-105(25) in the next  
908 fiscal year.

909 Section 6. Section 63I-1-241 is amended to read:

910 **63I-1-241. Repeal dates, Title 41.**

911 (1) Subsection 41-1a-1201(9), related to the Spinal Cord and Brain Injury  
912 Rehabilitation Fund, is repealed January 1, 2025.

913 (2) Section 41-3-106, which creates an advisory board related to motor vehicle  
914 business regulation, is repealed July 1, 2024.

915 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

916 (a) Subsection 41-6a-102(30) that defines "lane filtering";

917 (b) Subsection 41-6a-704(5); and

918 (c) Subsection 41-6a-710(1)(c).

919 (4) Subsection 41-6a-1406(6)(b)(c)(iii), related to the Spinal Cord and Brain Injury  
920 Rehabilitation Fund, is repealed January 1, 2025.

921 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which create the Off-highway Vehicle  
922 Advisory Council, are repealed July 1, 2027.

923 (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation  
924 Fund, is repealed January 1, 2025.

925 Section 7. Section **72-9-603** is amended to read:

926 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**  
927 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

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

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

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

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

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

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

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

943 (E) description, including the identification number, license number, or other  
944 identification number issued by a state agency, of the vehicle, vessel, or outboard motor;

945 (b) within two business days of performing the tow truck service under Subsection  
946 (1)(a), send a certified letter to the last-known address of each party described in Subsection  
947 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard motor obtained from the  
948 Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the  
949 current address, notifying the party of the:

950 (i) location of the vehicle, vessel, or outboard motor;

951 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was  
952 removed;

953 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;

954 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;

955 (v) a description, including its identification number and license number or other

956 identification number issued by a state agency; and

957 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and

958 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was

959 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding

960 Towing established by the department in Subsection (16)(e).

961 (2) Until the tow truck operator or tow truck motor carrier reports the removal as

962 required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound

963 yard may not:

964 (a) collect any fee associated with the removal; or

965 (b) begin charging storage fees.

966 (3) (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck

967 motor carrier may not perform a tow truck service at the request or direction of a private

968 property owner or the property owner's agent unless:

969 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the

970 tow truck service; or

971 (ii) the property owner erects signage that meets the requirements of:

972 (A) Subsection (4)(b)(ii); and

973 (B) Subsection (7) or (8).

974 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or

975 outboard motor:

976 (i) from a location where parking is prohibited by law, including:

977 (A) a designated fire lane;

978 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking

979 stall or space; or

980 (C) a marked parking stall or space legally designated for disabled persons;

981 (ii) from a location where it is reasonably apparent that the location is not open to

982 parking;

983 (iii) from a location where all public access points are controlled by:

984 (A) a permanent gate, door, or similar feature allowing the vehicle to access the

985 facility; or

986 (B) a parking attendant;



987 (iv) from a location that materially interferes with access to private property;

988 (v) from the property of a detached single-family dwelling or duplex; or

989 (vi) pursuant to a legal repossession.

990 (4) (a) A private property owner may, subject to the requirements of a local ordinance,  
991 enforce parking restrictions by:

992 (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce  
993 parking restrictions on behalf of the property owner in accordance with Subsection (7);

994 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck  
995 motor carrier on a case-by-case basis in accordance with Subsection (8); or

996 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written  
997 notice in accordance with Subsection (9).

998 (b) (i) Any agreement between a private property owner and tow truck motor carrier  
999 authorizing the tow truck motor carrier to patrol and monitor the property under Subsection  
1000 (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a  
1001 vehicle, vessel, or outboard motor from the property.

1002 (ii) In addition to the signage described in Subsection (7) or (8), a private property  
1003 owner who allows public parking shall erect appropriate signage on the property indicating  
1004 clear instructions for parking at the property.

1005 (iii) Where a single parking area includes abutting parcels of property owned by two or  
1006 more private property owners who enforce different parking restrictions under Subsection (7)  
1007 or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8),  
1008 erect signage as required by this section:

1009 (A) at each entrance to the property owner's parcel from another property owner's  
1010 parcel; and

1011 (B) if there is no clearly defined entrance between one property owner's parcel and  
1012 another property owner's parcel, at intervals of 40 feet or less along the line dividing the  
1013 property owner's parcel from the other property owner's parcel.

1014 (iv) Where there is no clearly defined entrance to a parking area from a highway, the  
1015 property owner shall erect signage as required by this section at intervals of 40 feet or less  
1016 along any portion of a property line where a vehicle, vessel, or outboard motor may enter the  
1017 parking area.

1018 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner  
1019 from, subject to the provisions of this section, instituting and enforcing regulations for parking  
1020 at the property.

1021 (6) In addition to any other powers provided by law, a political subdivision or state  
1022 agency may:

1023 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on  
1024 property that is:

1025 (i) owned by the political subdivision or state agency;

1026 (ii) located outside of the public right-of-way; and

1027 (iii) open to public parking; and

1028 (b) request or direct a tow truck service in order to abate a public nuisance on private  
1029 property over which the political subdivision or state agency has jurisdiction.

1030 (7) For private property where parking is enforced under Subsection (4)(a)(i), the  
1031 property owner shall ensure that each entrance to the property has the following signs located  
1032 on the property and clearly visible to the driver of a vehicle entering the property:

1033 (a) a top sign that is 24 inches tall by 18 inches wide and has:

1034 (i) a blue, reflective background with a 1/2 inch white border;

1035 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is  
1036 Patrolled";

1037 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire  
1038 tow truck, a tow hook, and an entire vehicle being towed; and

1039 (iv) two-inch, white letters at the bottom of the sign with the capitalized words  
1040 "Towing Enforced"; and

1041 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white,  
1042 reflective border, and has:

1043 (i) a top half that is red background with white, reflective letters indicating:

1044 (A) who is authorized to park or restricted from parking at the property; and

1045 (B) any type of vehicle prohibited from parking at the property; and

1046 (ii) a bottom half that has a white, reflective background with red letters indicating:

1047 (A) the name and telephone number of the tow truck motor carrier that the property  
1048 owner has authorized to patrol the property; and

1049 (B) the Internet web address "tow.utah.gov".  
1050 (8) For private property where parking is enforced under Subsection (4)(a)(ii):  
1051 (a) a tow truck motor carrier may not:  
1052 (i) patrol and monitor the property;  
1053 (ii) perform a tow truck service without the written or verbal request of the property  
1054 owner or the property owner's agent; or  
1055 (iii) act as the property owner's agent to request a tow truck service; and  
1056 (b) the property owner shall ensure that each entrance to the property has a clearly  
1057 visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch  
1058 white, reflective border, and has:  
1059 (i) at the top of the sign, a blue background with a white, reflective towing logo that is  
1060 at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an  
1061 entire vehicle being towed;  
1062 (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue  
1063 background with white, reflective letters at least two inches tall with the capitalized words  
1064 "Towing Enforced";  
1065 (iii) in the middle of the sign, a red background with white, reflective letters at least  
1066 one inch tall indicating:  
1067 (A) who is authorized to park or restricted from parking at the property; and  
1068 (B) any type of vehicle prohibited from parking at the property; and  
1069 (iv) at the bottom of the sign, a white, reflective background with red letters at least  
1070 one inch tall indicating:  
1071 (A) either:  
1072 (I) the name and telephone number of the property owner or the property owner's agent  
1073 who is authorized to request a tow truck service; or  
1074 (II) the name and telephone number of the tow truck motor carrier that provides tow  
1075 truck services for the property; and  
1076 (B) the Internet web address "tow.utah.gov".  
1077 (9) (a) For private property without signage meeting the requirements of Subsection (7)  
1078 or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or  
1079 outboard motor from the private property 24 hours after the property owner or the property

1080 owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance  
1081 with this Subsection (9).

1082 (b) The written notice described in Subsection (9)(a) shall:

1083 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or  
1084 outboard motor;

1085 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or  
1086 outboard motor will be towed from the property if it is not removed within 24 hours after the  
1087 time indicated in Subsection (9)(b)(i);

1088 (iii) be at least four inches tall and four inches wide; and

1089 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on  
1090 the driver's side window of the vehicle, vessel, or outboard motor.

1091 (c) A property owner may authorize a tow truck motor carrier to act as the property  
1092 owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a  
1093 vehicle, vessel, or outboard motor.

1094 (10) The department shall publish on the department Internet website the signage  
1095 requirements and written notice requirements and illustrated or photographed examples of the  
1096 signage and written notice requirements described in Subsections (7) through (9).

1097 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises  
1098 from the towing of a vehicle, vessel, or outboard motor from private property that the property  
1099 had signage meeting the requirements of:

1100 (a) Subsection (4)(b)(ii); and

1101 (b) Subsection (7) or (8).

1102 (12) The party described in Subsection 41-6a-1406(5)(a) with an interest in a vehicle,  
1103 vessel, or outboard motor lawfully removed is only responsible for paying:

1104 (a) the tow truck service and storage fees set in accordance with Subsection (16); and

1105 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

1106 (13) (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or  
1107 outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard  
1108 motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.

1109 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,  
1110 vessel, or outboard motor and items described in Subsection (13)(a) in an approved state

1111 impound yard until a party described in Subsection 41-6a-1406(5)(a) with an interest in the  
1112 vehicle, vessel, or outboard motor:

1113 (i) pays the fees described in Subsection (12); and

1114 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

1115 (14) (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party  
1116 described in Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard  
1117 motor does not, within 30 days after notice has been sent under Subsection (1)(b):

1118 (i) pay the fees described in Subsection (12); and

1119 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

1120 (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or  
1121 outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

1122 (15) (a) A tow truck motor carrier or impound yard shall clearly and conspicuously  
1123 post and disclose all its current fees, rates, and acceptable forms of payment for tow truck  
1124 service and storage of a vehicle in accordance with rules established under Subsection (16).

1125 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept  
1126 payment by cash and debit or credit card for a tow truck service under Subsection (1) or any  
1127 service rendered, performed, or supplied in connection with a tow truck service under  
1128 Subsection (1).

1129 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1130 the department shall:

1131 (a) subject to the restriction in Subsection (17), set maximum rates that:

1132 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,  
1133 or outboard motor that are transported in response to:

1134 (A) a peace officer dispatch call;

1135 (B) a motor vehicle division call; and

1136 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor  
1137 has not consented to the removal; and

1138 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor  
1139 stored as a result of one of the conditions listed under Subsection (16)(a)(i);

1140 (b) establish authorized towing certification requirements, not in conflict with federal  
1141 law, related to incident safety, clean-up, and hazardous material handling;

1142 (c) specify the form and content of the posting and disclosure of fees and rates charged  
1143 and acceptable forms of payment by a tow truck motor carrier or impound yard;

1144 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may  
1145 charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of  
1146 the removal to each party described in Subsection 41-6a-1406(5)(a) with an interest in the  
1147 vehicle, vessel, or outboard motor as required in Subsection (1)(b); and

1148 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains  
1149 specific information regarding:

1150 (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;

1151 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow  
1152 truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or  
1153 request where the owner of the vehicle, vessel, or outboard motor has not consented to the  
1154 removal; and

1155 (iii) identifies the maximum rates that an impound yard may charge for the storage of  
1156 vehicle, vessel, or outboard motor that is transported in response to a call or request where the  
1157 owner of the vehicle, vessel, or outboard motor has not consented to the removal.

1158 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,  
1159 vessel, or outboard motor if:

1160 (a) the vehicle, vessel, or outboard motor is being held as evidence; and

1161 (b) the vehicle, vessel, or outboard motor is not being released to a party described in  
1162 Subsection 41-6a-1406(5)(a), even if the party satisfies the requirements to release the vehicle,  
1163 vessel, or outboard motor under Section 41-6a-1406.

1164 (18) (a) (i) A tow truck motor carrier may charge a rate up to the maximum rate set by  
1165 the department in rules made under Subsection (16).

1166 (ii) In addition to the maximum rates established under Subsection (16) and when  
1167 receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an  
1168 impound yard may charge a credit card processing fee of 3% of the transaction total.

1169 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a  
1170 higher level than required in rules made pursuant to Subsection (16).

1171 (19) (a) When a tow truck motor carrier or impound lot is in possession of a vehicle,  
1172 vessel, or outboard motor as a result of a tow service that was performed without the consent of

1173 the owner, and that was not ordered by a peace officer or a person acting on behalf of a law  
1174 enforcement agency, the tow truck motor carrier or impound yard shall make personnel  
1175 available:

1176 ~~[(a)]~~ (i) by phone 24 hours a day, seven days a week; and

1177 ~~[(b)]~~ (ii) to release the impounded vehicle, vessel, or outboard motor to the owner  
1178 within one hour of when the owner calls the tow truck motor carrier or impound yard.

1179 (b) (i) If an owner of a vehicle, vessel, or outboard motor requests a release of the  
1180 vehicle, vessel, or outboard motor outside of normal business hours, the tow truck motor  
1181 carrier may charge an after-hours release fee.

1182 (ii) For purposes of this Subsection (19), "outside of normal business hours" means:

1183 (A) any time before 8 a.m.;

1184 (B) any time after 5 p.m.;

1185 (C) on a Saturday or Sunday; or

1186 (D) on a state or federal holiday.

1187 **Section 8. Repealer.**

1188 This bill repeals:

1189 Section **41-1a-1104, Disposition of proceeds from sale.**

1190 Section 9. **Effective date.**

1191 This bill takes effect on October 15, 2022.