

**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;
- ▶ prohibits a tow truck motor carrier or tow truck operator from sharing personal information of or referring other services to a person for whom the tow truck motor carrier or tow truck operator has performed a tow service; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-102**, as last amended by Laws of Utah 2019, Chapters 373, 428, 459, and 479

32 **41-1a-1103**, as last amended by Laws of Utah 2014, Chapter 382

33 **41-6a-102**, as last amended by Laws of Utah 2020, Chapters 84 and 354

34 **41-6a-1406**, as last amended by Laws of Utah 2019, Chapter 373

35 **53-3-106**, as last amended by Laws of Utah 2018, Chapter 417

36 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154

37 **72-9-603**, as last amended by Laws of Utah 2020, Chapter 45

38 REPEALS:

39 **41-1a-1104**, as last amended by Laws of Utah 2005, Chapter 56



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

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

43 **41-1a-102. Definitions.**

44 As used in this chapter:

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

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

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

50 (4) "All-terrain type II vehicle" means the same as that term is defined in Section  
51 **41-22-2**.

52 (5) "All-terrain type III vehicle" means the same as that term is defined in Section  
53 **41-22-2**.

54 (6) "Alternative fuel vehicle" means:

55 (a) an electric motor vehicle;

56 (b) a hybrid electric motor vehicle;

- 57 (c) a plug-in hybrid electric motor vehicle; or
- 58 (d) a motor vehicle powered exclusively by a fuel other than:
  - 59 (i) motor fuel;
  - 60 (ii) diesel fuel;
  - 61 (iii) natural gas; or
  - 62 (iv) propane.
- 63 (7) "Amateur radio operator" means a person licensed by the Federal Communications
- 64 Commission to engage in private and experimental two-way radio operation on the amateur
- 65 band radio frequencies.
- 66 (8) "Autocycle" means the same as that term is defined in Section [53-3-102](#).
- 67 (9) "Automated driving system" means the same as that term is defined in Section
- 68 [41-26-102.1](#).
- 69 (10) "Branded title" means a title certificate that is labeled:
  - 70 (a) rebuilt and restored to operation;
  - 71 (b) flooded and restored to operation; or
  - 72 (c) not restored to operation.
- 73 (11) "Camper" means a structure designed, used, and maintained primarily to be
- 74 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
- 75 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
- 76 camping.
- 77 (12) "Certificate of title" means a document issued by a jurisdiction to establish a
- 78 record of ownership between an identified owner and the described vehicle, vessel, or outboard
- 79 motor.
- 80 (13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
- 81 weighmaster.
- 82 (14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
- 83 maintained for the transportation of persons or property that operates:
  - 84 (a) as a carrier for hire, compensation, or profit; or
  - 85 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
  - 86 owner's commercial enterprise.
- 87 (15) "Commission" means the State Tax Commission.

88 (16) "Consumer price index" means the same as that term is defined in Section  
89 59-13-102.

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

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

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

97 (20) "Dynamic driving task" means the same as that term is defined in Section  
98 41-26-102.1.

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

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

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

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

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

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

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

115 (b) "Farm truck" does not include the operation of trucks by commercial processors of  
116 agricultural products.

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

118 (26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into

119 this state from another state, territory, or country other than in the ordinary course of business  
120 by or through a manufacturer or dealer, and not registered in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

149 (36) "Manufactured home" means a transportable factory built housing unit constructed

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

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

159 (38) "Mobile home" means a transportable factory built housing unit built prior to June  
160 15, 1976, in accordance with a state mobile home code which existed prior to the Federal  
161 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

165 (b) "Motor vehicle" does not include:

166 (i) an off-highway vehicle; or

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

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

169 (42) "Motorcycle" means:

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

172 (b) an autocytle.

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

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

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

181 chapter.

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

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

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

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

189 (i) to navigate a vessel; or

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

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

193 (B) an engaged automated driving system.

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

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

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

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

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

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

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

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

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

213 (d) is built on a single chassis mounted on wheels with a gross trailer area not

214 exceeding 400 square feet in the setup mode.

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

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

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

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

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

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

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

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

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

240 (60) "Recreational vehicle" means the same as that term is defined in Section  
241 [13-14-102](#).

242 (61) "Registration" means a document issued by a jurisdiction that allows operation of



243 a vehicle or vessel on the highways or waters of this state for the time period for which the  
244 registration is valid and that is evidence of compliance with the registration requirements of the  
245 jurisdiction.

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

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

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

253 (64) "Replica vehicle" means:

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

255 (b) a custom vehicle that meets the requirements under Subsection  
256 41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

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

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

273 (ii) a make or model of motor vehicle recognized by the division director as having

274 unique interest or historic value.

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

277 (i) a make of motor vehicle that is no longer manufactured;

278 (ii) a make or model of motor vehicle produced in limited or token quantities;

279 (iii) a make or model of motor vehicle produced as an experimental vehicle or one  
280 designed exclusively for educational purposes or museum display; or

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

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

286 (i) not designed or used primarily for the transportation of persons or property;

287 (ii) not designed to operate in traffic; and

288 (iii) only incidentally operated or moved over the highways.

289 (b) "Special mobile equipment" includes:

290 (i) farm tractors;

291 (ii) off-road motorized construction or maintenance equipment including backhoes,  
292 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

293 (iii) ditch-digging apparatus.

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

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

300 (73) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard  
301 motor that meets the requirements of rules made by the commission pursuant to Subsection  
302 [41-1a-1101\(5\)](#).

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

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

305 during the preceding year by power units.

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

309 (76) "Tow truck motor carrier" means the same as that term is defined in Section  
310 72-9-102.

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

312 ~~[(76)]~~ (78) "Trailer" means a vehicle without motive power designed for carrying  
313 persons or property and for being drawn by a motor vehicle and constructed so that no part of  
314 its weight rests upon the towing vehicle.

315 ~~[(77)]~~ (79) "Transferee" means a person to whom the ownership of property is  
316 conveyed by sale, gift, or any other means except by the creation of a security interest.

317 ~~[(78)]~~ (80) "Transferor" means a person who transfers the person's ownership in  
318 property by sale, gift, or any other means except by creation of a security interest.

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

323 ~~[(80)]~~ (82) "Truck tractor" means a motor vehicle designed and used primarily for  
324 drawing other vehicles and not constructed to carry a load other than a part of the weight of the  
325 vehicle and load that is drawn.

326 ~~[(81)]~~ (83) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,  
327 camper, park model recreational vehicle, manufactured home, and mobile home.

328 ~~[(82)]~~ (84) "Vessel" means the same as that term is defined in Section 73-18-2.

329 ~~[(83)]~~ (85) "Vintage vehicle" means the same as that term is defined in Section  
330 41-21-1.

331 ~~[(84)]~~ (86) "Waters of this state" means the same as that term is defined in Section  
332 73-18-2.

333 ~~[(85)]~~ (87) "Weighmaster" means a person, association of persons, or corporation  
334 permitted to weigh vehicles under this chapter.

335 Section 2. Section **41-1a-1103** is amended to read:

336 **41-1a-1103. Sale.**

337 (1) (a) ~~[H]~~ For a vehicle, vessel, or outboard motor with a model year of seven years  
338 old or older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not  
339 recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the  
340 division is unable to determine the owner or lienholder through reasonable efforts, the division  
341 shall ~~sell~~ transfer title of the vehicle, vessel, or outboard motor to the tow truck motor carrier  
342 in possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor  
343 carrier.

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

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

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

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

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

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

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

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

358 ~~[(C) complies with the requirements of Section 72-9-603:]~~

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

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

363 ~~[(b) as required in Section 45-1-101:]~~

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

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

369 ~~[(6)]~~ (2) (a) ~~[H]~~ For a vehicle, vessel, or outboard motor with a model year of seven  
370 years old or older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized  
371 under Section 41-1a-1101 and subsequently released by the division fails to take possession of  
372 the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within  
373 30 days from the date of release, the division shall renotify the owner or lienholder and ~~[setH]~~  
374 transfer title to the vehicle, vessel, or outboard motor to the tow truck motor carrier in  
375 possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor  
376 carrier, in accordance with this section, 30 days from the date of the notice.

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

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

386 **41-6a-102. Definitions.**

387 As used in this chapter:

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

390 (2) "All-terrain type I vehicle" means the same as that term is defined in Section  
391 41-22-2.

392 (3) "Authorized emergency vehicle" includes:

393 (a) fire department vehicles;

394 (b) police vehicles;

395 (c) ambulances; and

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

- 398 (4) "Autocycle" means the same as that term is defined in Section 53-3-102.
- 399 (5) (a) "Bicycle" means a wheeled vehicle:
  - 400 (i) propelled by human power by feet or hands acting upon pedals or cranks;
  - 401 (ii) with a seat or saddle designed for the use of the operator;
  - 402 (iii) designed to be operated on the ground; and
  - 403 (iv) whose wheels are not less than 14 inches in diameter.
- 404 (b) "Bicycle" includes an electric assisted bicycle.
- 405 (c) "Bicycle" does not include scooters and similar devices.
- 406 (6) (a) "Bus" means a motor vehicle:
  - 407 (i) designed for carrying more than 15 passengers and used for the transportation of
  - 408 persons; or
  - 409 (ii) designed and used for the transportation of persons for compensation.
- 410 (b) "Bus" does not include a taxicab.
- 411 (7) (a) "Circular intersection" means an intersection that has an island, generally
- 412 circular in design, located in the center of the intersection where traffic passes to the right of
- 413 the island.
  - 414 (b) "Circular intersection" includes:
    - 415 (i) roundabouts;
    - 416 (ii) rotaries; and
    - 417 (iii) traffic circles.
- 418 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
- 419 Subsection (17)(d)(i).
- 420 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
- 421 Subsection (17)(d)(ii).
- 422 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
- 423 Subsection (17)(d)(iii).
- 424 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 425 (12) "Controlled-access highway" means a highway, street, or roadway:
  - 426 (a) designed primarily for through traffic; and
  - 427 (b) to or from which owners or occupants of abutting lands and other persons have no
  - 428 legal right of access, except at points as determined by the highway authority having

429 jurisdiction over the highway, street, or roadway.

430 (13) "Crosswalk" means:

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

433 (i) (A) the curbs; or

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

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

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

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

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

442 (a) visual contact is maintained; and

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

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

445 (a) an unpaved intervening space;

446 (b) a physical barrier; or

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

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

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

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

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

452 (d) is one of the following:

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

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

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

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

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

459 (B) is not capable of providing assistance when the bicycle reaches the speed of 20

460 miles per hour; or

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

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

463 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per

464 hour; and

465 (C) is equipped with a speedometer.

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

467 with:

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

469 (ii) a system capable of steering and stopping the unit under typical operating

470 conditions;

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

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

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

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

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

476 or intended for the purpose of producing an explosion and that contains any oxidizing and

477 combustive units or other ingredients in proportions, quantities, or packing so that an ignition

478 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture

479 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are

480 capable of producing destructive effects on contiguous objects or of causing death or serious

481 bodily injury.

482 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm

483 implement, for drawing plows, mowing machines, and other implements of husbandry.

484 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,

485 as determined by a [~~tagliabue~~] Tagliabue or equivalent closed-cup test device.

486 (22) "Freeway" means a controlled-access highway that is part of the interstate system

487 as defined in Section [72-1-102](#).

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

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

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



- 491 (iii) has an unladen weight of less than 1,800 pounds;
- 492 (iv) is designed to operate at low speeds; and
- 493 (v) is designed to carry not more than six persons including the driver.

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

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

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

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

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

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

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

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

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

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

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

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

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

524 (b) channelizing devices;

525 (c) curbs;

526 (d) pavement edges; or

527 (e) other devices.

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

531 (31) "Law enforcement agency" means the same as that term is as defined in Section  
532 [53-1-102](#).

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

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

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

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

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

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

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

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

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

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

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

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

- 553 (i) designed for off-highway use; and  
554 (ii) registered as an off-highway vehicle under Section 41-22-3.  
555 (37) "Mobile home" means:  
556 (a) a trailer or semitrailer that is:  
557 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping  
558 place either permanently or temporarily; and  
559 (ii) equipped for use as a conveyance on streets and highways; or  
560 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and  
561 constructed for use as a mobile home, as defined in Subsection (37)(a), but that is instead used  
562 permanently or temporarily for:  
563 (i) the advertising, sale, display, or promotion of merchandise or services; or  
564 (ii) any other commercial purpose except the transportation of property for hire or the  
565 transportation of property for distribution by a private carrier.  
566 (38) (a) "Moped" means a motor-driven cycle having:  
567 (i) pedals to permit propulsion by human power; and  
568 (ii) a motor that:  
569 (A) produces not more than two brake horsepower; and  
570 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on  
571 level ground.  
572 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic  
573 centimeters and the moped shall have a power drive system that functions directly or  
574 automatically without clutching or shifting by the operator after the drive system is engaged.  
575 (c) "Moped" does not include:  
576 (i) an electric assisted bicycle; or  
577 (ii) a motor assisted scooter.  
578 (39) (a) "Motor assisted scooter" means a self-propelled device with:  
579 (i) at least two wheels in contact with the ground;  
580 (ii) a braking system capable of stopping the unit under typical operating conditions;  
581 (iii) an electric motor not exceeding 2,000 watts;  
582 (iv) either:  
583 (A) handlebars and a deck design for a person to stand while operating the device; or

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

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

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

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

589 (i) an electric assisted bicycle; or

590 (ii) a motor-driven cycle.

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

593 (b) "Motor vehicle" does not include:

594 (i) vehicles moved solely by human power;

595 (ii) motorized wheelchairs;

596 (iii) an electric personal assistive mobility device;

597 (iv) an electric assisted bicycle;

598 (v) a motor assisted scooter;

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

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

601 (41) "Motorcycle" means:

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

604 (b) an auticycle.

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

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

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

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

610 (i) an electric personal assistive mobility device;

611 (ii) a motor assisted scooter; or

612 (iii) an electric assisted bicycle.

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

615 (44) "Off-highway vehicle" means the same as that term is defined under Section  
616 41-22-2.

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

618 (46) "Operator" means:

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

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

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

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

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

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

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

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

633 (a) on foot; or

634 (b) in a wheelchair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

677 and

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

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

681 (62) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

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

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

703 (70) "Tow truck motor carrier" means the same as that term is defined in Section  
704 [72-9-102](#).

705 [~~(69)~~] (71) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
706 conveyances either singly or together while using any highway for the purpose of travel.

707 [~~(70)~~] (72) "Traffic signal preemption device" means an instrument or mechanism

708 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

709 ~~[(71)]~~ (73) "Traffic-control device" means a sign, signal, marking, or device not  
710 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
711 regulating, warning, or guiding traffic.

712 ~~[(72)]~~ (74) "Traffic-control signal" means a device, whether manually, electrically, or  
713 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

714 ~~[(73)]~~ (75) (a) "Trailer" means a vehicle with or without motive power designed for  
715 carrying persons or property and for being drawn by a motor vehicle and constructed so that no  
716 part of its weight rests upon the towing vehicle.

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

718 ~~[(74)]~~ (76) "Truck" means a motor vehicle designed, used, or maintained primarily for  
719 the transportation of property.

720 ~~[(75)]~~ (77) "Truck tractor" means a motor vehicle:

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

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

724 ~~[(76)]~~ (78) "Two-way left turn lane" means a lane:

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

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

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

729 ~~[(77)]~~ (79) "Urban district" means the territory contiguous to and including any street,  
730 in which structures devoted to business, industry, or dwelling houses are situated at intervals of  
731 less than 100 feet, for a distance of a quarter of a mile or more.

732 ~~[(78)]~~ (80) "Vehicle" means a device in, on, or by which a person or property is or may  
733 be transported or drawn on a highway, except a mobile carrier, as defined in Section  
734 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

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

736 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**  
737 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

738 (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under



739 Section [41-1a-1101](#), [41-6a-527](#), [41-6a-1405](#), [41-6a-1408](#), or [73-18-20.1](#) by an order of a peace  
740 officer or by an order of a person acting on behalf of a law enforcement agency or highway  
741 authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the  
742 expense of the owner.

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

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

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

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

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

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

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

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

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

757 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck  
758 operator is employed.

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

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

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

763 (iii) the vehicle identification number or vessel or outboard motor identification  
764 number;

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

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

768 (vi) the reason for removal or impoundment;

769 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or

770 outboard motor; and

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

772 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
773 State Tax Commission shall make rules to establish proper format and information required on  
774 the form described in this subsection (4).

775 ~~[(e)]~~ (e) Until the tow truck operator or tow truck motor carrier reports the removal as  
776 required under this Subsection (4), a tow truck motor carrier or impound yard may not:

777 (i) collect any fee associated with the removal; and

778 (ii) begin charging storage fees.

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

782 (i) the registered owner;

783 (ii) any lien holder; or

784 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor  
785 is currently operating under a temporary permit issued by the dealer, as described in Section  
786 41-3-302.

787 (b) The notice shall:

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

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

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

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

799 (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard  
800 motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort

801 to notify the parties described in Subsection (5)(a) of the removal and the place where the  
802 vehicle, vessel, or outboard motor is stored.

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

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

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

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

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

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

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

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

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

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

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

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

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

831 ~~[(e)]~~ (d) The administrative impound fee assessed under Subsection ~~[(6)(a)(iv)]~~

832 (6)(b)(iv) shall be waived or refunded by the State Tax Commission if the registered owner,  
833 lien holder, or owner's agent presents written evidence to the State Tax Commission that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

872 (A) be reasonable and fair; and

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

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

875 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**  
876 **-- Uses as provided by appropriation -- Nonlapsing.**

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

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

880 (a) all money received under this chapter;

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

883 (c) beginning on January 1, 2013, money received in accordance with Section  
884 [41-1a-1201](#); and

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

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

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

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

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

894 (6) All money received under Subsection 41-6a-1406(6)(b)(c)(ii) shall be  
895 appropriated by the Legislature from this account to the department to implement the  
896 provisions of Section 53-1-117.

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

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

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

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

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

909 (11) The department shall report to the Department of Health, on or before December  
910 31, the amount the department expects to collect under Subsection 53-3-105(25) in the next  
911 fiscal year.

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

913 **63I-1-241. Repeal dates, Title 41.**

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

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

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

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

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

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

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

924 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which create the Off-highway Vehicle

925 Advisory Council, are repealed July 1, 2027.

926 (6) Subsection [41-22-8\(3\)](#), related to the Spinal Cord and Brain Injury Rehabilitation  
927 Fund, is repealed January 1, 2025.

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

929 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**  
930 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

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

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

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

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

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

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

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

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

948 (b) within two business days of performing the tow truck service under Subsection  
949 (1)(a), send a certified letter to the last-known address of each party described in Subsection  
950 [41-6a-1406\(5\)\(a\)](#) with an interest in the vehicle, vessel, or outboard motor obtained from the  
951 Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the  
952 current address, notifying the party of the:

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

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

- 956 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 957 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 958 (v) a description, including its identification number and license number or other  
959 identification number issued by a state agency; and
- 960 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 961 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was  
962 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding  
963 Towing established by the department in Subsection (16)(e).

964 (2) Until the tow truck operator or tow truck motor carrier reports the removal as  
965 required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or impound  
966 yard may not:

- 967 (a) collect any fee associated with the removal; or
- 968 (b) begin charging storage fees.

969 (3) (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck  
970 motor carrier may not perform a tow truck service at the request or direction of a private  
971 property owner or the property owner's agent unless:

972 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the  
973 tow truck service; or

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

- 975 (A) Subsection (4)(b)(ii); and
- 976 (B) Subsection (7) or (8).

977 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or  
978 outboard motor:

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

- 980 (A) a designated fire lane;
- 981 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking  
982 stall or space; or

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

984 (ii) from a location where it is reasonably apparent that the location is not open to  
985 parking;

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



987 (A) a permanent gate, door, or similar feature allowing the vehicle to access the  
988 facility; or

989 (B) a parking attendant;

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

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

992 (vi) pursuant to a legal repossession.

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

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

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

999 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written  
1000 notice in accordance with Subsection (9).

1001 (b) (i) Any agreement between a private property owner and tow truck motor carrier  
1002 authorizing the tow truck motor carrier to patrol and monitor the property under Subsection  
1003 (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a  
1004 vehicle, vessel, or outboard motor from the property.

1005 (ii) In addition to the signage described in Subsection (7) or (8), a private property  
1006 owner who allows public parking shall erect appropriate signage on the property indicating  
1007 clear instructions for parking at the property.

1008 (iii) Where a single parking area includes abutting parcels of property owned by two or  
1009 more private property owners who enforce different parking restrictions under Subsection (7)  
1010 or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8),  
1011 erect signage as required by this section:

1012 (A) at each entrance to the property owner's parcel from another property owner's  
1013 parcel; and

1014 (B) if there is no clearly defined entrance between one property owner's parcel and  
1015 another property owner's parcel, at intervals of 40 feet or less along the line dividing the  
1016 property owner's parcel from the other property owner's parcel.

1017 (iv) Where there is no clearly defined entrance to a parking area from a highway, the

1018 property owner shall erect signage as required by this section at intervals of 40 feet or less  
1019 along any portion of a property line where a vehicle, vessel, or outboard motor may enter the  
1020 parking area.

1021 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner  
1022 from, subject to the provisions of this section, instituting and enforcing regulations for parking  
1023 at the property.

1024 (6) In addition to any other powers provided by law, a political subdivision or state  
1025 agency may:

1026 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on  
1027 property that is:

1028 (i) owned by the political subdivision or state agency;

1029 (ii) located outside of the public right-of-way; and

1030 (iii) open to public parking; and

1031 (b) request or direct a tow truck service in order to abate a public nuisance on private  
1032 property over which the political subdivision or state agency has jurisdiction.

1033 (7) For private property where parking is enforced under Subsection (4)(a)(i), the  
1034 property owner shall ensure that each entrance to the property has the following signs located  
1035 on the property and clearly visible to the driver of a vehicle entering the property:

1036 (a) a top sign that is 24 inches tall by 18 inches wide and has:

1037 (i) a blue, reflective background with a 1/2 inch white border;

1038 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is  
1039 Patrolled";

1040 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire  
1041 tow truck, a tow hook, and an entire vehicle being towed; and

1042 (iv) two-inch, white letters at the bottom of the sign with the capitalized words  
1043 "Towing Enforced"; and

1044 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white,  
1045 reflective border, and has:

1046 (i) a top half that is red background with white, reflective letters indicating:

1047 (A) who is authorized to park or restricted from parking at the property; and

1048 (B) any type of vehicle prohibited from parking at the property; and

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

1080 (9) (a) For private property without signage meeting the requirements of Subsection (7)  
1081 or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or  
1082 outboard motor from the private property 24 hours after the property owner or the property  
1083 owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance  
1084 with this Subsection (9).

1085 (b) The written notice described in Subsection (9)(a) shall:

1086 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or  
1087 outboard motor;

1088 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or  
1089 outboard motor will be towed from the property if it is not removed within 24 hours after the  
1090 time indicated in Subsection (9)(b)(i);

1091 (iii) be at least four inches tall and four inches wide; and

1092 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on  
1093 the driver's side window of the vehicle, vessel, or outboard motor.

1094 (c) A property owner may authorize a tow truck motor carrier to act as the property  
1095 owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a  
1096 vehicle, vessel, or outboard motor.

1097 (10) The department shall publish on the department Internet website the signage  
1098 requirements and written notice requirements and illustrated or photographed examples of the  
1099 signage and written notice requirements described in Subsections (7) through (9).

1100 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises  
1101 from the towing of a vehicle, vessel, or outboard motor from private property that the property  
1102 had signage meeting the requirements of:

1103 (a) Subsection (4)(b)(ii); and

1104 (b) Subsection (7) or (8).

1105 (12) The party described in Subsection [41-6a-1406\(5\)\(a\)](#) with an interest in a vehicle,  
1106 vessel, or outboard motor lawfully removed is only responsible for paying:

1107 (a) the tow truck service and storage fees set in accordance with Subsection (16); and

1108 (b) the administrative impound fee set in Section [41-6a-1406](#), if applicable.

1109 (13) (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or  
1110 outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard

1111 motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.

1112 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,  
1113 vessel, or outboard motor and items described in Subsection (13)(a) in an approved state  
1114 impound yard until a party described in Subsection 41-6a-1406(5)(a) with an interest in the  
1115 vehicle, vessel, or outboard motor:

1116 (i) pays the fees described in Subsection (12); and

1117 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

1118 (14) (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party  
1119 described in Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard  
1120 motor does not, within 30 days after notice has been sent under Subsection (1)(b):

1121 (i) pay the fees described in Subsection (12); and

1122 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

1123 (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or  
1124 outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

1125 (15) (a) A tow truck motor carrier or impound yard shall clearly and conspicuously  
1126 post and disclose all its current fees, rates, and acceptable forms of payment for tow truck  
1127 service and storage of a vehicle in accordance with rules established under Subsection (16).

1128 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept  
1129 payment by cash and debit or credit card for a tow truck service under Subsection (1) or any  
1130 service rendered, performed, or supplied in connection with a tow truck service under  
1131 Subsection (1).

1132 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1133 the department shall:

1134 (a) subject to the restriction in Subsection (17), set maximum rates that:

1135 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,  
1136 or outboard motor that are transported in response to:

1137 (A) a peace officer dispatch call;

1138 (B) a motor vehicle division call; and

1139 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor  
1140 has not consented to the removal; [and]

1141 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor

1142 stored as a result of one of the conditions listed under Subsection (16)(a)(i); and  
1143 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or  
1144 outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);  
1145 (b) establish authorized towing certification requirements, not in conflict with federal  
1146 law, related to incident safety, clean-up, and hazardous material handling;  
1147 (c) specify the form and content of the posting and disclosure of fees and rates charged  
1148 and acceptable forms of payment by a tow truck motor carrier or impound yard;  
1149 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may  
1150 charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of  
1151 the removal to each party described in Subsection 41-6a-1406(5)(a) with an interest in the  
1152 vehicle, vessel, or outboard motor as required in Subsection (1)(b); [~~and~~]  
1153 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains  
1154 specific information regarding:  
1155 (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;  
1156 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow  
1157 truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or  
1158 request where the owner of the vehicle, vessel, or outboard motor has not consented to the  
1159 removal; and  
1160 (iii) identifies the maximum rates that an impound yard may charge for the storage of  
1161 vehicle, vessel, or outboard motor that is transported in response to a call or request where the  
1162 owner of the vehicle, vessel, or outboard motor has not consented to the removal[-]; and  
1163 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).  
1164 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,  
1165 vessel, or outboard motor if:  
1166 (a) the vehicle, vessel, or outboard motor is being held as evidence; and  
1167 (b) the vehicle, vessel, or outboard motor is not being released to a party described in  
1168 Subsection 41-6a-1406(5)(a), even if the party satisfies the requirements to release the vehicle,  
1169 vessel, or outboard motor under Section 41-6a-1406.  
1170 (18) (a) (i) A tow truck motor carrier may charge a rate up to the maximum rate set by  
1171 the department in rules made under Subsection (16).  
1172 (ii) In addition to the maximum rates established under Subsection (16) and when

1173 receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an  
1174 impound yard may charge a credit card processing fee of 3% of the transaction total.

1175 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a  
1176 higher level than required in rules made pursuant to Subsection (16).

1177 (19) (a) When a tow truck motor carrier or impound lot is in possession of a vehicle,  
1178 vessel, or outboard motor as a result of a tow service that was performed without the consent of  
1179 the owner, and that was not ordered by a peace officer or a person acting on behalf of a law  
1180 enforcement agency, the tow truck motor carrier or impound yard shall make personnel  
1181 available:

1182 [~~(a)~~] (i) by phone 24 hours a day, seven days a week; and

1183 [~~(b)~~] (ii) to release the impounded vehicle, vessel, or outboard motor to the owner  
1184 within one hour of when the owner calls the tow truck motor carrier or impound yard.

1185 (b) (i) If an owner of a vehicle, vessel, or outboard motor requests a release of the  
1186 vehicle, vessel, or outboard motor outside of normal business hours, the tow truck motor  
1187 carrier may charge an after-hours release fee.

1188 (ii) For purposes of this Subsection (19), "outside of normal business hours" means:

1189 (A) any time before 8 a.m.;

1190 (B) any time after 5 p.m.;

1191 (C) on a Saturday or Sunday; or

1192 (D) on a state or federal holiday.

1193 (20) A tow truck motor carrier or a tow truck operator may not:

1194 (a) share contact or other personal information of an owner of a vehicle, vessel, or  
1195 outboard motor for which the tow truck motor carrier or tow truck operator has performed a  
1196 tow service; or

1197 (b) receive payment for referring a person for whom the tow truck motor carrier or tow  
1198 truck operator has performed a tow service to another service, including:

1199 (i) a lawyer referral service;

1200 (ii) a medical provider;

1201 (iii) a funding agency;

1202 (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii); or

1203 (v) a marketer for any other service.

1204 Section 8. **Repealer.**  
1205 This bill repeals:  
1206 Section **41-1a-1104, Disposition of proceeds from sale.**  
1207 Section 9. **Effective date.**  
1208 This bill takes effect on October 15, 2022.