

**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;
- ▶ 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:**

None

**Other Special Clauses:**



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-1a-102**, as last amended by Laws of Utah 2019, Chapters 373, 428, 459, and 479

30 **41-1a-1103**, as last amended by Laws of Utah 2014, Chapter 382

31 **41-6a-102**, as last amended by Laws of Utah 2020, Chapters 84 and 354

32 **41-6a-1406**, as last amended by Laws of Utah 2019, Chapter 373

33 **53-3-106**, as last amended by Laws of Utah 2018, Chapter 417

34 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154

35 **72-9-603**, as last amended by Laws of Utah 2020, Chapter 45

36 REPEALS:

37 **41-1a-1104**, as last amended by Laws of Utah 2005, Chapter 56



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

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

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

42 As used in this chapter:

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

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

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

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

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

52 (6) "Alternative fuel vehicle" means:

53 (a) an electric motor vehicle;

54 (b) a hybrid electric motor vehicle;

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

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

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

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

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

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

95 (20) "Dynamic driving task" means the same as that term is defined in Section  
96 41-26-102.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

147 (36) "Manufactured home" means a transportable factory built housing unit constructed  
148 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards  
149 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body

150 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more  
151 square feet, and which is built on a permanent chassis and designed to be used as a dwelling  
152 with or without a permanent foundation when connected to the required utilities, and includes  
153 the plumbing, heating, air-conditioning, and electrical systems.

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

157 (38) "Mobile home" means a transportable factory built housing unit built prior to June  
158 15, 1976, in accordance with a state mobile home code which existed prior to the Federal  
159 Manufactured Housing and Safety Standards Act (HUD Code).

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

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

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

164 (i) an off-highway vehicle; or

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

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

167 (42) "Motorcycle" means:

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

170 (b) an auticycle.

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

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

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

180 (45) "Odometer" means a device for measuring and recording the actual distance a

181 vehicle travels while in operation, but does not include any auxiliary odometer designed to be  
182 periodically reset.

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

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

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

187 (i) to navigate a vessel; or

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

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

191 (B) an engaged automated driving system.

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

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

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

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

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

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

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

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

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

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

212 exceeding 400 square feet in the setup mode.

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

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

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

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

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

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

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

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

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

238 (60) "Recreational vehicle" means the same as that term is defined in Section  
239 [13-14-102](#).

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



243 jurisdiction.

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

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

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

251 (64) "Replica vehicle" means:

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

253 (b) a custom vehicle that meets the requirements under Subsection  
254 41-6a-1507(1)(a)(i)(B).

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

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

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

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

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

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

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

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

273 (b) In making a determination under Subsection (70)(a), the division director shall give

274 special consideration to:

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

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

- 284 (i) not designed or used primarily for the transportation of persons or property;
  - 285 (ii) not designed to operate in traffic; and
  - 286 (iii) only incidentally operated or moved over the highways.
- 287 (b) "Special mobile equipment" includes:
- 288 (i) farm tractors;
  - 289 (ii) off-road motorized construction or maintenance equipment including backhoes,  
290 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
  - 291 (iii) ditch-digging apparatus.

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

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

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

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

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

304 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means

305 the number of miles that those vehicles were towed on the highways of all jurisdictions during  
306 the preceding year.

307 (76) "Tow truck motor carrier" means the same as that term is defined in Section  
308 72-9-102.

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

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

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

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

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

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

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

326 ~~[(82)]~~ (84) "Vessel" means the same as that term is defined in Section 73-18-2.

327 ~~[(83)]~~ (85) "Vintage vehicle" means the same as that term is defined in Section  
328 41-21-1.

329 ~~[(84)]~~ (86) "Waters of this state" means the same as that term is defined in Section  
330 73-18-2.

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

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

334 **41-1a-1103. Sale.**

335 (1) (a) ~~[H]~~ For a vehicle, vessel, or outboard motor with a model year of seven years

336 old or older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not  
337 recover the vehicle, vessel, or outboard motor within 30 days from the date of [seizure;] the  
338 original notice described in Section 41-6a-1406, or if the division is unable to determine the  
339 owner or lienholder through reasonable efforts, the division shall [set] transfer title of the  
340 vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the vehicle,  
341 vessel, or outboard motor upon request by the tow truck motor carrier.

342 (b) For a vehicle, vessel, or outboard motor with a model year under seven years old, if  
343 the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the  
344 vehicle, vessel, or outboard motor within 55 days from the date of the original notice described  
345 in Section 41-6a-1406, or if the division is unable to determine the owner or lienholder through  
346 reasonable efforts, the division shall transfer title of the vehicle, vessel, or outboard motor to  
347 the tow truck motor carrier in possession of the vehicle, vessel, or outboard motor upon request  
348 by the tow truck motor carrier.

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

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

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

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

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

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

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

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

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

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

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

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

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

367 [(6)] (2) (a) [H] For a vehicle, vessel, or outboard motor with a model year of seven  
 368 years old or older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized  
 369 under Section 41-1a-1101 and subsequently released by the division fails to take possession of  
 370 the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within  
 371 30 days from the date of release, the division shall renotify the owner or lienholder and [setH]  
 372 transfer title to the vehicle, vessel, or outboard motor to the tow truck motor carrier in  
 373 possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor  
 374 carrier, in accordance with this section, 30 days from the date of the original notice described in  
 375 Section 41-6a-1406.

376 (b) For a vehicle, vessel, or outboard motor with a model year under seven years old, if  
 377 the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section  
 378 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,  
 379 vessel, or outboard motor and satisfy the amount due to the place of storage within 55 days  
 380 from the date of release, the division shall renotify the owner or lienholder and transfer title to  
 381 the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the  
 382 vehicle, vessel, or outboard motor upon request by the tow truck motor carrier, in accordance  
 383 with this section, 55 days from the date of the original notice described in Section 41-6a-1406.

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

385 **41-6a-102. Definitions.**

386 As used in this chapter:

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

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

391 (3) "Authorized emergency vehicle" includes:

392 (a) fire department vehicles;

393 (b) police vehicles;

394 (c) ambulances; and

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

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

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

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

- 460 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 461 (A) provides assistance only when the rider is pedaling;
- 462 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
- 463 hour; and
- 464 (C) is equipped with a speedometer.
- 465 (18) (a) "Electric personal assistive mobility device" means a self-balancing device
- 466 with:
- 467 (i) two nontandem wheels in contact with the ground;
- 468 (ii) a system capable of steering and stopping the unit under typical operating
- 469 conditions;
- 470 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 471 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 472 (v) a deck design for a person to stand while operating the device.
- 473 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 474 (19) "Explosives" means a chemical compound or mechanical mixture commonly used
- 475 or intended for the purpose of producing an explosion and that contains any oxidizing and
- 476 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
- 477 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
- 478 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
- 479 capable of producing destructive effects on contiguous objects or of causing death or serious
- 480 bodily injury.
- 481 (20) "Farm tractor" means a motor vehicle designed and used primarily as a farm
- 482 implement, for drawing plows, mowing machines, and other implements of husbandry.
- 483 (21) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
- 484 as determined by a [~~tagliabue~~] Tagliabue or equivalent closed-cup test device.
- 485 (22) "Freeway" means a controlled-access highway that is part of the interstate system
- 486 as defined in Section [72-1-102](#).
- 487 (23) (a) "Golf cart" means a device that:
- 488 (i) is designed for transportation by players on a golf course;
- 489 (ii) has not less than three wheels in contact with the ground;
- 490 (iii) has an unladen weight of less than 1,800 pounds;



- 491 (iv) is designed to operate at low speeds; and
- 492 (v) is designed to carry not more than six persons including the driver.
- 493 (b) "Golf cart" does not include:
- 494 (i) a low-speed vehicle or an off-highway vehicle;
- 495 (ii) a motorized wheelchair;
- 496 (iii) an electric personal assistive mobility device;
- 497 (iv) an electric assisted bicycle;
- 498 (v) a motor assisted scooter;
- 499 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 500 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 501 (24) "Gore area" means the area delineated by two solid white lines that is between a
- 502 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
- 503 including similar areas between merging or splitting highways.
- 504 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of
- 505 any load on the vehicle.
- 506 (26) "Highway" means the entire width between property lines of every way or place of
- 507 any nature when any part of it is open to the use of the public as a matter of right for vehicular
- 508 travel.
- 509 (27) "Highway authority" means the same as that term is defined in Section [72-1-102](#).
- 510 (28) (a) "Intersection" means the area embraced within the prolongation or connection
- 511 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or
- 512 more highways that join one another.
- 513 (b) Where a highway includes two roadways 30 feet or more apart:
- 514 (i) every crossing of each roadway of the divided highway by an intersecting highway
- 515 is a separate intersection; and
- 516 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
- 517 every crossing of two roadways of the highways is a separate intersection.
- 518 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 519 (29) "Island" means an area between traffic lanes or at an intersection for control of
- 520 vehicle movements or for pedestrian refuge designated by:
- 521 (a) pavement markings, which may include an area designated by two solid yellow

522 lines surrounding the perimeter of the area;

523 (b) channelizing devices;

524 (c) curbs;

525 (d) pavement edges; or

526 (e) other devices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

584 the device;

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

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

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

588 (i) an electric assisted bicycle; or

589 (ii) a motor-driven cycle.

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

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

593 (i) vehicles moved solely by human power;

594 (ii) motorized wheelchairs;

595 (iii) an electric personal assistive mobility device;

596 (iv) an electric assisted bicycle;

597 (v) a motor assisted scooter;

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

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

600 (41) "Motorcycle" means:

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

603 (b) an auticycle.

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

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

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

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

609 (i) an electric personal assistive mobility device;

610 (ii) a motor assisted scooter; or

611 (iii) an electric assisted bicycle.

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

614 (44) "Off-highway vehicle" means the same as that term is defined under Section

615 41-22-2.

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

617 (46) "Operator" means:

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

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

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

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

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

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

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

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

632 (a) on foot; or

633 (b) in a wheelchair.

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

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

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

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

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

645 (53) "Private road or driveway" means every way or place in private ownership and

646 used for vehicular travel by the owner and those having express or implied permission from the  
647 owner, but not by other persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

676 and

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

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

680 (62) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

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

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

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

704 [~~(69)~~] (71) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other  
705 conveyances either singly or together while using any highway for the purpose of travel.

706 [~~(70)~~] (72) "Traffic signal preemption device" means an instrument or mechanism  
707 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

708            [~~(71)~~] (73) "Traffic-control device" means a sign, signal, marking, or device not  
709 inconsistent with this chapter placed or erected by a highway authority for the purpose of  
710 regulating, warning, or guiding traffic.

711            [~~(72)~~] (74) "Traffic-control signal" means a device, whether manually, electrically, or  
712 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

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

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

717            [~~(74)~~] (76) "Truck" means a motor vehicle designed, used, or maintained primarily for  
718 the transportation of property.

719            [~~(75)~~] (77) "Truck tractor" means a motor vehicle:

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

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

723            [~~(76)~~] (78) "Two-way left turn lane" means a lane:

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

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

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

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

731            [~~(78)~~] (80) "Vehicle" means a device in, on, or by which a person or property is or may  
732 be transported or drawn on a highway, except a mobile carrier, as defined in Section  
733 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

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

735            **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**  
736 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

737            (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under  
738 Section [41-1a-1101](#), [41-6a-527](#), [41-6a-1405](#), [41-6a-1408](#), or [73-18-20.1](#) by an order of a peace



739 officer or by an order of a person acting on behalf of a law enforcement agency or highway  
740 authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the  
741 expense of the owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

767 (vi) the reason for removal or impoundment;

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

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

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

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

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

777 (ii) begin charging storage fees.

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

781 (i) the registered owner;

782 (ii) any lien holder; or

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

786 (b) The notice shall:

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

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

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

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

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

801 vehicle, vessel, or outboard motor is stored.

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

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

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

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

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

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

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

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

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

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

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

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

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

830 (i) the Driver License Division determined that the arrested person's driver license  
831 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter

832 or other report from the Driver License Division presented within 180 days after the day on  
833 which the Driver License Division mailed the final notification; or

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

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

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

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

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

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

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

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

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

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

862 (11) (a) The Motor Vehicle Division may specify that a report required under

863 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and  
864 retrieval of the information.

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

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

868 (A) be reasonable and fair; and

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

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

871 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**  
872 **-- Uses as provided by appropriation -- Nonlapsing.**

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

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

876 (a) all money received under this chapter;

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

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

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

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

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

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

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

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

893 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000

894 annually from the account to the state medical examiner appointed under Section 26-4-4 for  
895 use in carrying out duties related to highway crash deaths under Subsection 26-4-7(1).

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

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

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

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

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

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

909 **63I-1-241. Repeal dates, Title 41.**

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

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

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

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

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

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

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

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

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

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

925           **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**  
926 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

954           (v) a description, including its identification number and license number or other  
955 identification number issued by a state agency; and

956 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and  
957 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was  
958 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding  
959 Towing established by the department in Subsection (16)(e).

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

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

964 (b) begin charging storage fees.

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

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

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

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

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

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

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

976 (A) a designated fire lane;

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

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

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

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

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

985 (B) a parking attendant;

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



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

988 (vi) pursuant to a legal repossession.

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

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

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

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

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

1001 (ii) In addition to the signage described in Subsection (7) or (8), a private property  
1002 owner who allows public parking shall erect appropriate signage on the property indicating  
1003 clear instructions for parking at the property.

1004 (iii) Where a single parking area includes abutting parcels of property owned by two or  
1005 more private property owners who enforce different parking restrictions under Subsection (7)  
1006 or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8),  
1007 erect signage as required by this section:

1008 (A) at each entrance to the property owner's parcel from another property owner's  
1009 parcel; and

1010 (B) if there is no clearly defined entrance between one property owner's parcel and  
1011 another property owner's parcel, at intervals of 40 feet or less along the line dividing the  
1012 property owner's parcel from the other property owner's parcel.

1013 (iv) Where there is no clearly defined entrance to a parking area from a highway, the  
1014 property owner shall erect signage as required by this section at intervals of 40 feet or less  
1015 along any portion of a property line where a vehicle, vessel, or outboard motor may enter the  
1016 parking area.

1017 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner

1018 from, subject to the provisions of this section, instituting and enforcing regulations for parking  
1019 at the property.

1020 (6) In addition to any other powers provided by law, a political subdivision or state  
1021 agency may:

1022 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on  
1023 property that is:

1024 (i) owned by the political subdivision or state agency;

1025 (ii) located outside of the public right-of-way; and

1026 (iii) open to public parking; and

1027 (b) request or direct a tow truck service in order to abate a public nuisance on private  
1028 property over which the political subdivision or state agency has jurisdiction.

1029 (7) For private property where parking is enforced under Subsection (4)(a)(i), the  
1030 property owner shall ensure that each entrance to the property has the following signs located  
1031 on the property and clearly visible to the driver of a vehicle entering the property:

1032 (a) a top sign that is 24 inches tall by 18 inches wide and has:

1033 (i) a blue, reflective background with a 1/2 inch white border;

1034 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is  
1035 Patrolled";

1036 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire  
1037 tow truck, a tow hook, and an entire vehicle being towed; and

1038 (iv) two-inch, white letters at the bottom of the sign with the capitalized words  
1039 "Towing Enforced"; and

1040 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white,  
1041 reflective border, and has:

1042 (i) a top half that is red background with white, reflective letters indicating:

1043 (A) who is authorized to park or restricted from parking at the property; and

1044 (B) any type of vehicle prohibited from parking at the property; and

1045 (ii) a bottom half that has a white, reflective background with red letters indicating:

1046 (A) the name and telephone number of the tow truck motor carrier that the property  
1047 owner has authorized to patrol the property; and

1048 (B) the Internet web address "tow.utah.gov".

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

1080 with this Subsection (9).

1081 (b) The written notice described in Subsection (9)(a) shall:

1082 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or  
1083 outboard motor;

1084 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or  
1085 outboard motor will be towed from the property if it is not removed within 24 hours after the  
1086 time indicated in Subsection (9)(b)(i);

1087 (iii) be at least four inches tall and four inches wide; and

1088 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on  
1089 the driver's side window of the vehicle, vessel, or outboard motor.

1090 (c) A property owner may authorize a tow truck motor carrier to act as the property  
1091 owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a  
1092 vehicle, vessel, or outboard motor.

1093 (10) The department shall publish on the department Internet website the signage  
1094 requirements and written notice requirements and illustrated or photographed examples of the  
1095 signage and written notice requirements described in Subsections (7) through (9).

1096 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises  
1097 from the towing of a vehicle, vessel, or outboard motor from private property that the property  
1098 had signage meeting the requirements of:

1099 (a) Subsection (4)(b)(ii); and

1100 (b) Subsection (7) or (8).

1101 (12) The party described in Subsection 41-6a-1406(5)(a) with an interest in a vehicle,  
1102 vessel, or outboard motor lawfully removed is only responsible for paying:

1103 (a) the tow truck service and storage fees set in accordance with Subsection (16); and

1104 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

1105 (13) (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or  
1106 outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard  
1107 motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.

1108 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,  
1109 vessel, or outboard motor and items described in Subsection (13)(a) in an approved state  
1110 impound yard until a party described in Subsection 41-6a-1406(5)(a) with an interest in the

1111 vehicle, vessel, or outboard motor:

1112 (i) pays the fees described in Subsection (12); and

1113 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

1114 (14) (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party  
1115 described in Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard  
1116 motor does not, within 30 days after notice has been sent under Subsection (1)(b):

1117 (i) pay the fees described in Subsection (12); and

1118 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

1119 (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or  
1120 outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

1121 (15) (a) A tow truck motor carrier or impound yard shall clearly and conspicuously  
1122 post and disclose all its current fees, rates, and acceptable forms of payment for tow truck  
1123 service and storage of a vehicle in accordance with rules established under Subsection (16).

1124 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept  
1125 payment by cash and debit or credit card for a tow truck service under Subsection (1) or any  
1126 service rendered, performed, or supplied in connection with a tow truck service under  
1127 Subsection (1).

1128 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1129 the department shall:

1130 (a) subject to the restriction in Subsection (17), set maximum rates that:

1131 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,  
1132 or outboard motor that are transported in response to:

1133 (A) a peace officer dispatch call;

1134 (B) a motor vehicle division call; and

1135 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor  
1136 has not consented to the removal; [~~and~~]

1137 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor  
1138 stored as a result of one of the conditions listed under Subsection (16)(a)(i); and

1139 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or  
1140 outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);

1141 (b) establish authorized towing certification requirements, not in conflict with federal

1142 law, related to incident safety, clean-up, and hazardous material handling;

1143 (c) specify the form and content of the posting and disclosure of fees and rates charged  
1144 and acceptable forms of payment by a tow truck motor carrier or impound yard;

1145 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may  
1146 charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of  
1147 the removal to each party described in Subsection 41-6a-1406(5)(a) with an interest in the  
1148 vehicle, vessel, or outboard motor as required in Subsection (1)(b); ~~and~~

1149 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains  
1150 specific information regarding:

1151 (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;

1152 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow  
1153 truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or  
1154 request where the owner of the vehicle, vessel, or outboard motor has not consented to the  
1155 removal; and

1156 (iii) identifies the maximum rates that an impound yard may charge for the storage of  
1157 vehicle, vessel, or outboard motor that is transported in response to a call or request where the  
1158 owner of the vehicle, vessel, or outboard motor has not consented to the removal~~[-]; and~~

1159 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).

1160 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,  
1161 vessel, or outboard motor if:

1162 (a) the vehicle, vessel, or outboard motor is being held as evidence; and

1163 (b) the vehicle, vessel, or outboard motor is not being released to a party described in  
1164 Subsection 41-6a-1406(5)(a), even if the party satisfies the requirements to release the vehicle,  
1165 vessel, or outboard motor under Section 41-6a-1406.

1166 (18) (a) (i) A tow truck motor carrier may charge a rate up to the maximum rate set by  
1167 the department in rules made under Subsection (16).

1168 (ii) In addition to the maximum rates established under Subsection (16) and when  
1169 receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an  
1170 impound yard may charge a credit card processing fee of 3% of the transaction total.

1171 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a  
1172 higher level than required in rules made pursuant to Subsection (16).

1173           (19) (a) When a tow truck motor carrier or impound lot is in possession of a vehicle,  
1174 vessel, or outboard motor as a result of a tow service that was performed without the consent of  
1175 the owner, and that was not ordered by a peace officer or a person acting on behalf of a law  
1176 enforcement agency, the tow truck motor carrier or impound yard shall make personnel  
1177 available:

1178           ~~[(a)]~~ (i) by phone 24 hours a day, seven days a week; and

1179           ~~[(b)]~~ (ii) to release the impounded vehicle, vessel, or outboard motor to the owner  
1180 within one hour of when the owner calls the tow truck motor carrier or impound yard.

1181           (b) (i) If an owner of a vehicle, vessel, or outboard motor requests a release of the  
1182 vehicle, vessel, or outboard motor outside of normal business hours, the tow truck motor  
1183 carrier may charge an after-hours release fee.

1184           (ii) For purposes of this Subsection (19), "outside of normal business hours" means:

1185           (A) any time before 8 a.m.;

1186           (B) any time after 5 p.m.;

1187           (C) on a Saturday or Sunday; or

1188           (D) on a state or federal holiday.

1189           (20) A tow truck motor carrier or a tow truck operator may not:

1190           (a) share contact or other personal information of an owner of a vehicle, vessel, or  
1191 outboard motor for which the tow truck motor carrier or tow truck operator has performed a  
1192 tow service; or

1193           (b) receive payment for referring a person for whom the tow truck motor carrier or tow  
1194 truck operator has performed a tow service to another service, including:

1195           (i) a lawyer referral service;

1196           (ii) a medical provider;

1197           (iii) a funding agency;

1198           (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii); or

1199           (v) a marketer for any other service.

1200           Section 8. **Repealer.**

1201           This bill repeals:

1202           Section **41-1a-1104, Disposition of proceeds from sale.**

1203           Section 9. **Effective date.**

1204

This bill takes effect on October 15, 2022.