

Senator Michael K. McKell proposes the following substitute bill:

TOWING AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Joel Ferry

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;
- ▶ amends provisions related to the sale or transfer of a vehicle, vessel, or outboard motor that has been impounded that has not been claimed or recovered by the owner or lienholder;
- ▶ 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.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-1a-102**, as last amended by Laws of Utah 2019, Chapters 373, 428, 459, and 479

33 **41-1a-1103**, as last amended by Laws of Utah 2014, Chapter 382

34 **41-1a-1104**, as last amended by Laws of Utah 2005, Chapter 56

35 **41-6a-102**, as last amended by Laws of Utah 2020, Chapters 84 and 354

36 **41-6a-1406**, as last amended by Laws of Utah 2019, Chapter 373

37 **53-3-106**, as last amended by Laws of Utah 2018, Chapter 417

38 **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154

39 **72-9-603**, as last amended by Laws of Utah 2020, Chapter 45



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 auticycle.

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) To determine the model year of a vehicle, vessel, or outboard motor as
338 described in this section, the division shall use the model year assigned to a vehicle, vessel, or
339 outboard motor based on the vehicle identification number.

340 (b) To determine the age of a vehicle, vessel, or outboard motor as described in this
341 section, the division shall use the date of the impoundment of the vehicle, vessel, or outboard
342 motor.

343 (2) (a) [~~H~~] For a vehicle, vessel, or outboard motor with a model year of eight years old
344 or older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
345 recover the vehicle, vessel, or outboard motor within 30 days from the date of [~~seizure,~~] the
346 original notice described in Section 41-6a-1406, or if the division is unable to determine the
347 owner or lienholder through reasonable efforts, the division shall [~~sell~~] issue a certificate of
348 sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of
349 the vehicle, vessel, or outboard motor upon request by the tow truck motor carrier.

350 (b) For a vehicle, vessel, or outboard motor with a model year of eight years old or
351 older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
352 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
353 vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days
354 from the date of release, the division shall:

355 (i) 20 days from the date of original notice described in Section 41-6a-1406, renotify
356 the owner or lienholder; and

357 (ii) 30 days from the date of the original notice described in Section 41-6a-1406, issue
358 a certificate of sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in
359 possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor
360 carrier, in accordance with this section.

361 (3) For a vehicle, vessel, or outboard motor with a model year seven years old or
362 newer, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
363 recover the vehicle, vessel, or outboard motor within 60 days from the date of the original
364 notice described in Section 41-6a-1406, or if the division is unable to determine the owner or
365 lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard
366 motor as described in Subsection (4).

367 ~~[(2)]~~ (4) The sale of a vehicle, vessel, or outboard motor described in Subsection (3)
368 shall:

369 (a) be held in the form of a public auction at the place of storage; and

370 (b) at the discretion of the division, be conducted by:

371 (i) an authorized representative of the division; or

372 (ii) a public garage, impound lot, or impound yard that:

373 (A) is authorized by the division;

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

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

376 ~~[(3)]~~ (5) At least five days prior to the date set for sale described in Subsection (4), the
377 division shall publish a notice of sale setting forth the date, time, and place of sale and a
378 description of the vehicle, vessel, or outboard motor to be sold:

379 (a) on the division's website; and

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

381 ~~[(4)]~~ (6) At the time of sale described in Subsection (4) the division or other person
382 authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying
383 all rights, title, and interest in the vehicle, vessel, or outboard motor.

384 ~~[(5)]~~ (7) The proceeds from the sale of a vehicle, vessel, or outboard motor under ~~[this~~
385 ~~section]~~ Subsection (4) shall be distributed as provided under Section [41-1a-1104](#).

386 ~~[(6)]~~ ~~If the owner or lienholder of a vehicle, vessel, or outboard motor seized under~~
387 ~~Section [41-1a-1101](#) and subsequently released by the division fails to take possession of the~~
388 ~~vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30~~
389 ~~days from the date of release, the division shall renotify the owner or lienholder and sell the~~
390 ~~vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of the~~
391 ~~notice.]~~

392 (8) For a vehicle, vessel, or outboard motor with a model year seven years old or
393 newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
394 [41-1a-1101](#) and subsequently released by the division fails to take possession of the vehicle,
395 vessel, or outboard motor and satisfy the amount due to the place of storage within 60 days
396 from the date of release, the division shall:

397 (a) 45 days from date of the original notice described in Section [41-6a-1406](#), renotify

398 the owner or lienholder; and

399 (b) 60 days from the date of the original notice described in Section 41-6a-1406, sell
400 the vehicle, vessel, or outboard motor as described in Subsection (4).

401 Section 3. Section **41-1a-1104** is amended to read:

402 **41-1a-1104. Disposition of proceeds from sale.**

403 (1) If, for purposes of this part and Section **41-1a-1301**, the ownership of a vehicle,
404 vessel, or outboard motor seized cannot be determined, the excess of the proceeds of any sale
405 described in Subsection **41-1a-1103(4)**, over the fees for registration or transfer and penalties
406 and costs, shall be deposited with the state treasurer in a suspense account.

407 (2) (a) If the owner or the owner's heirs or assigns file a claim for the excess of the
408 proceeds within one year of date of sale of the vehicle, vessel, or outboard motor, the excess of
409 the proceeds shall be refunded to the claimant.

410 (b) If a claim is not filed in accordance with Subsection (2)(a), then the money shall be
411 deposited in the General Fund.

412 Section 4. Section **41-6a-102** is amended to read:

413 **41-6a-102. Definitions.**

414 As used in this chapter:

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

417 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
418 **41-22-2**.

419 (3) "Authorized emergency vehicle" includes:

420 (a) fire department vehicles;

421 (b) police vehicles;

422 (c) ambulances; and

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

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

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

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

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

- 429 (iii) designed to be operated on the ground; and
- 430 (iv) whose wheels are not less than 14 inches in diameter.
- 431 (b) "Bicycle" includes an electric assisted bicycle.
- 432 (c) "Bicycle" does not include scooters and similar devices.
- 433 (6) (a) "Bus" means a motor vehicle:
- 434 (i) designed for carrying more than 15 passengers and used for the transportation of
- 435 persons; or
- 436 (ii) designed and used for the transportation of persons for compensation.
- 437 (b) "Bus" does not include a taxicab.
- 438 (7) (a) "Circular intersection" means an intersection that has an island, generally
- 439 circular in design, located in the center of the intersection where traffic passes to the right of
- 440 the island.
- 441 (b) "Circular intersection" includes:
- 442 (i) roundabouts;
- 443 (ii) rotaries; and
- 444 (iii) traffic circles.
- 445 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
- 446 Subsection (17)(d)(i).
- 447 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
- 448 Subsection (17)(d)(ii).
- 449 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
- 450 Subsection (17)(d)(iii).
- 451 (11) "Commissioner" means the commissioner of the Department of Public Safety.
- 452 (12) "Controlled-access highway" means a highway, street, or roadway:
- 453 (a) designed primarily for through traffic; and
- 454 (b) to or from which owners or occupants of abutting lands and other persons have no
- 455 legal right of access, except at points as determined by the highway authority having
- 456 jurisdiction over the highway, street, or roadway.
- 457 (13) "Crosswalk" means:
- 458 (a) that part of a roadway at an intersection included within the connections of the
- 459 lateral lines of the sidewalks on opposite sides of the highway measured from:

- 460 (i) (A) the curbs; or
- 461 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 462 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
- 463 included within the extension of the lateral lines of the existing sidewalk at right angles to the
- 464 centerline; or
- 465 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
- 466 pedestrian crossing by lines or other markings on the surface.
- 467 (14) "Department" means the Department of Public Safety.
- 468 (15) "Direct supervision" means oversight at a distance within which:
- 469 (a) visual contact is maintained; and
- 470 (b) advice and assistance can be given and received.
- 471 (16) "Divided highway" means a highway divided into two or more roadways by:
- 472 (a) an unpaved intervening space;
- 473 (b) a physical barrier; or
- 474 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 475 (17) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 476 (a) has a power output of not more than 750 watts;
- 477 (b) has fully operable pedals on permanently affixed cranks;
- 478 (c) is fully operable as a bicycle without the use of the electric motor; and
- 479 (d) is one of the following:
- 480 (i) an electric assisted bicycle equipped with a motor or electronics that:
- 481 (A) provides assistance only when the rider is pedaling; and
- 482 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
- 483 hour;
- 484 (ii) an electric assisted bicycle equipped with a motor or electronics that:
- 485 (A) may be used exclusively to propel the bicycle; and
- 486 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
- 487 miles per hour; or
- 488 (iii) an electric assisted bicycle equipped with a motor or electronics that:
- 489 (A) provides assistance only when the rider is pedaling;
- 490 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per

491 hour; and

492 (C) is equipped with a speedometer.

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

494 with:

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

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

497 conditions;

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

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

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

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

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

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

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

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

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

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

508 bodily injury.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 522 (i) a low-speed vehicle or an off-highway vehicle;
- 523 (ii) a motorized wheelchair;
- 524 (iii) an electric personal assistive mobility device;
- 525 (iv) an electric assisted bicycle;
- 526 (v) a motor assisted scooter;
- 527 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 528 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 529 (24) "Gore area" means the area delineated by two solid white lines that is between a
- 530 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
- 531 including similar areas between merging or splitting highways.
- 532 (25) "Gross weight" means the weight of a vehicle without a load plus the weight of
- 533 any load on the vehicle.
- 534 (26) "Highway" means the entire width between property lines of every way or place of
- 535 any nature when any part of it is open to the use of the public as a matter of right for vehicular
- 536 travel.
- 537 (27) "Highway authority" means the same as that term is defined in Section [72-1-102](#).
- 538 (28) (a) "Intersection" means the area embraced within the prolongation or connection
- 539 of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or
- 540 more highways that join one another.
- 541 (b) Where a highway includes two roadways 30 feet or more apart:
- 542 (i) every crossing of each roadway of the divided highway by an intersecting highway
- 543 is a separate intersection; and
- 544 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
- 545 every crossing of two roadways of the highways is a separate intersection.
- 546 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 547 (29) "Island" means an area between traffic lanes or at an intersection for control of
- 548 vehicle movements or for pedestrian refuge designated by:
- 549 (a) pavement markings, which may include an area designated by two solid yellow
- 550 lines surrounding the perimeter of the area;
- 551 (b) channelizing devices;
- 552 (c) curbs;

553 (d) pavement edges; or

554 (e) other devices.

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

558 (31) "Law enforcement agency" means the same as that term is as defined in Section
559 [53-1-102](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

582 (37) "Mobile home" means:

583 (a) a trailer or semitrailer that is:

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

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

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

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

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

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

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

595 (ii) a motor that:

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

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

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

602 (c) "Moped" does not include:

603 (i) an electric assisted bicycle; or

604 (ii) a motor assisted scooter.

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

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

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

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

609 (iv) either:

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

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

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

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

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

616 (i) an electric assisted bicycle; or

617 (ii) a motor-driven cycle.

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

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

621 (i) vehicles moved solely by human power;

622 (ii) motorized wheelchairs;

623 (iii) an electric personal assistive mobility device;

624 (iv) an electric assisted bicycle;

625 (v) a motor assisted scooter;

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

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

628 (41) "Motorcycle" means:

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

631 (b) an auticycle.

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

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

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

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

637 (i) an electric personal assistive mobility device;

638 (ii) a motor assisted scooter; or

639 (iii) an electric assisted bicycle.

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

642 (44) "Off-highway vehicle" means the same as that term is defined under Section
643 [41-22-2](#).

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

645 (46) "Operator" means:

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

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

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

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

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

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

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

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

660 (a) on foot; or

661 (b) in a wheelchair.

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

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

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

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

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

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

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

677 rails.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

708 (62) "Shoulder area" means:

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

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

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

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

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

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

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

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

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

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

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

730 (70) "Tow truck motor carrier" means the same as that term is defined in Section
731 [72-9-102](#).

732 [~~(69)~~] (71) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
733 conveyances either singly or together while using any highway for the purpose of travel.

734 [~~(70)~~] (72) "Traffic signal preemption device" means an instrument or mechanism
735 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

736 [~~(71)~~] (73) "Traffic-control device" means a sign, signal, marking, or device not
737 inconsistent with this chapter placed or erected by a highway authority for the purpose of
738 regulating, warning, or guiding traffic.

739 [~~(72)~~] (74) "Traffic-control signal" means a device, whether manually, electrically, or
740 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

741 [~~(73)~~] (75) (a) "Trailer" means a vehicle with or without motive power designed for
742 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
743 part of its weight rests upon the towing vehicle.

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

745 [~~(74)~~] (76) "Truck" means a motor vehicle designed, used, or maintained primarily for
746 the transportation of property.

747 [~~(75)~~] (77) "Truck tractor" means a motor vehicle:

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

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

751 [~~(76)~~] (78) "Two-way left turn lane" means a lane:

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

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

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

756 [~~(77)~~] (79) "Urban district" means the territory contiguous to and including any street,
757 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
758 less than 100 feet, for a distance of a quarter of a mile or more.

759 [~~(78)~~] (80) "Vehicle" means a device in, on, or by which a person or property is or may
760 be transported or drawn on a highway, except a mobile carrier, as defined in Section
761 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

762 Section 5. Section **41-6a-1406** is amended to read:

763 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
764 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

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

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

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

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

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

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

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

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

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

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

784 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
785 operator is employed.

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

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

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

790 (iii) the vehicle identification number or vessel or outboard motor identification
791 number;

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

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

795 (vi) the reason for removal or impoundment;

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

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

799 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
800 State Tax Commission shall make rules to establish proper format and information required on

801 the form described in this subsection (4).

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

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

805 (ii) begin charging storage fees.

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

809 (i) the registered owner;

810 (ii) any lien holder; or

811 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor
812 is currently operating under a temporary permit issued by the dealer, as described in Section
813 41-3-302.

814 (b) The notice shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

848 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
849 be deposited [in] into the Department of Public Safety Restricted Account created in Section
850 53-3-106;

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

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

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

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

862 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the

863 stolen vehicle report presented within 180 days after the day of the impoundment.

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

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

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

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

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

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

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

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

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

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

893 (b) (i) Unless otherwise provided by statute, the Motor Vehicle Division or the

894 administrator of the database may adopt a schedule of fees assessed for utilizing the database.

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

896 (A) be reasonable and fair; and

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

898 Section 6. Section **53-3-106** is amended to read:

899 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
900 **-- Uses as provided by appropriation -- Nonlapsing.**

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

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

904 (a) all money received under this chapter;

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

907 (c) beginning on January 1, 2013, money received in accordance with Section
908 [41-1a-1201](#); and

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

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

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

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

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

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

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

924 (8) The division shall remit the fees collected under Subsection [53-3-105\(31\)](#) to the

925 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal
926 Identification provides under Section 53-3-205.5.

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

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

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

933 (11) The department shall report to the Department of Health, on or before December
934 31, the amount the department expects to collect under Subsection 53-3-105(25) in the next
935 fiscal year.

936 Section 7. Section 63I-1-241 is amended to read:

937 **63I-1-241. Repeal dates, Title 41.**

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

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

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

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

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

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

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

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

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

952 Section 8. Section 72-9-603 is amended to read:

953 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
954 **vehicle title restrictions -- Rules for maximum rates and certification.**

955 (1) Except for a tow truck service that was ordered by a peace officer, a person acting

956 on behalf of a law enforcement agency, or a highway authority, after performing a tow truck
957 service that is being done without the vehicle, vessel, or outboard motor owner's knowledge,
958 the tow truck operator or the tow truck motor carrier shall:

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

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

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

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

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

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

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

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

972 (b) within two business days of performing the tow truck service under Subsection
973 (1)(a), send a certified letter to the last-known address of each party described in Subsection
974 [41-6a-1406\(5\)\(a\)](#) with an interest in the vehicle, vessel, or outboard motor obtained from the
975 Motor Vehicle Division or, if the person has actual knowledge of the party's address, to the
976 current address, notifying the party of the:

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

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

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

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

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

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

985 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was
986 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding

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

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

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

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

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

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

- 999 (A) Subsection (4)(b)(ii); and
- 1000 (B) Subsection (7) or (8).

1001 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or
1002 outboard motor:

1003 (i) from a location where parking is prohibited by law, including:

1004 (A) a designated fire lane;

1005 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking
1006 stall or space; or

1007 (C) a marked parking stall or space legally designated for disabled persons;

1008 (ii) from a location where it is reasonably apparent that the location is not open to
1009 parking;

1010 (iii) from a location where all public access points are controlled by:

1011 (A) a permanent gate, door, or similar feature allowing the vehicle to access the
1012 facility; or

1013 (B) a parking attendant;

1014 (iv) from a location that materially interferes with access to private property;

1015 (v) from the property of a detached single-family dwelling or duplex; or

1016 (vi) pursuant to a legal repossession.

1017 (4) (a) A private property owner may, subject to the requirements of a local ordinance,

1018 enforce parking restrictions by:

1019 (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce
1020 parking restrictions on behalf of the property owner in accordance with Subsection (7);

1021 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck
1022 motor carrier on a case-by-case basis in accordance with Subsection (8); or

1023 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written
1024 notice in accordance with Subsection (9).

1025 (b) (i) Any agreement between a private property owner and tow truck motor carrier
1026 authorizing the tow truck motor carrier to patrol and monitor the property under Subsection
1027 (4)(a)(i) shall include specific terms and conditions for the tow truck motor carrier to remove a
1028 vehicle, vessel, or outboard motor from the property.

1029 (ii) In addition to the signage described in Subsection (7) or (8), a private property
1030 owner who allows public parking shall erect appropriate signage on the property indicating
1031 clear instructions for parking at the property.

1032 (iii) Where a single parking area includes abutting parcels of property owned by two or
1033 more private property owners who enforce different parking restrictions under Subsection (7)
1034 or (8), each property owner shall, in addition to the requirements under Subsection (7) or (8),
1035 erect signage as required by this section:

1036 (A) at each entrance to the property owner's parcel from another property owner's
1037 parcel; and

1038 (B) if there is no clearly defined entrance between one property owner's parcel and
1039 another property owner's parcel, at intervals of 40 feet or less along the line dividing the
1040 property owner's parcel from the other property owner's parcel.

1041 (iv) Where there is no clearly defined entrance to a parking area from a highway, the
1042 property owner shall erect signage as required by this section at intervals of 40 feet or less
1043 along any portion of a property line where a vehicle, vessel, or outboard motor may enter the
1044 parking area.

1045 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner
1046 from, subject to the provisions of this section, instituting and enforcing regulations for parking
1047 at the property.

1048 (6) In addition to any other powers provided by law, a political subdivision or state

1049 agency may:

1050 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on

1051 property that is:

1052 (i) owned by the political subdivision or state agency;

1053 (ii) located outside of the public right-of-way; and

1054 (iii) open to public parking; and

1055 (b) request or direct a tow truck service in order to abate a public nuisance on private
1056 property over which the political subdivision or state agency has jurisdiction.

1057 (7) For private property where parking is enforced under Subsection (4)(a)(i), the
1058 property owner shall ensure that each entrance to the property has the following signs located
1059 on the property and clearly visible to the driver of a vehicle entering the property:

1060 (a) a top sign that is 24 inches tall by 18 inches wide and has:

1061 (i) a blue, reflective background with a 1/2 inch white border;

1062 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is
1063 Patrolled";

1064 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an entire
1065 tow truck, a tow hook, and an entire vehicle being towed; and

1066 (iv) two-inch, white letters at the bottom of the sign with the capitalized words
1067 "Towing Enforced"; and

1068 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white,
1069 reflective border, and has:

1070 (i) a top half that is red background with white, reflective letters indicating:

1071 (A) who is authorized to park or restricted from parking at the property; and

1072 (B) any type of vehicle prohibited from parking at the property; and

1073 (ii) a bottom half that has a white, reflective background with red letters indicating:

1074 (A) the name and telephone number of the tow truck motor carrier that the property
1075 owner has authorized to patrol the property; and

1076 (B) the Internet web address "tow.utah.gov".

1077 (8) For private property where parking is enforced under Subsection (4)(a)(ii):

1078 (a) a tow truck motor carrier may not:

1079 (i) patrol and monitor the property;

1080 (ii) perform a tow truck service without the written or verbal request of the property
1081 owner or the property owner's agent; or

1082 (iii) act as the property owner's agent to request a tow truck service; and

1083 (b) the property owner shall ensure that each entrance to the property has a clearly
1084 visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch
1085 white, reflective border, and has:

1086 (i) at the top of the sign, a blue background with a white, reflective towing logo that is
1087 at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an
1088 entire vehicle being towed;

1089 (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue
1090 background with white, reflective letters at least two inches tall with the capitalized words
1091 "Towing Enforced";

1092 (iii) in the middle of the sign, a red background with white, reflective letters at least
1093 one inch tall indicating:

1094 (A) who is authorized to park or restricted from parking at the property; and

1095 (B) any type of vehicle prohibited from parking at the property; and

1096 (iv) at the bottom of the sign, a white, reflective background with red letters at least
1097 one inch tall indicating:

1098 (A) either:

1099 (I) the name and telephone number of the property owner or the property owner's agent
1100 who is authorized to request a tow truck service; or

1101 (II) the name and telephone number of the tow truck motor carrier that provides tow
1102 truck services for the property; and

1103 (B) the Internet web address "tow.utah.gov".

1104 (9) (a) For private property without signage meeting the requirements of Subsection (7)
1105 or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or
1106 outboard motor from the private property 24 hours after the property owner or the property
1107 owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance
1108 with this Subsection (9).

1109 (b) The written notice described in Subsection (9)(a) shall:

1110 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or

1111 outboard motor;

1112 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or
1113 outboard motor will be towed from the property if it is not removed within 24 hours after the
1114 time indicated in Subsection (9)(b)(i);

1115 (iii) be at least four inches tall and four inches wide; and

1116 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on
1117 the driver's side window of the vehicle, vessel, or outboard motor.

1118 (c) A property owner may authorize a tow truck motor carrier to act as the property
1119 owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a
1120 vehicle, vessel, or outboard motor.

1121 (10) The department shall publish on the department Internet website the signage
1122 requirements and written notice requirements and illustrated or photographed examples of the
1123 signage and written notice requirements described in Subsections (7) through (9).

1124 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises
1125 from the towing of a vehicle, vessel, or outboard motor from private property that the property
1126 had signage meeting the requirements of:

1127 (a) Subsection (4)(b)(ii); and

1128 (b) Subsection (7) or (8).

1129 (12) The party described in Subsection 41-6a-1406(5)(a) with an interest in a vehicle,
1130 vessel, or outboard motor lawfully removed is only responsible for paying:

1131 (a) the tow truck service and storage fees set in accordance with Subsection (16); and

1132 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.

1133 (13) (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or
1134 outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard
1135 motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.

1136 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,
1137 vessel, or outboard motor and items described in Subsection (13)(a) in an approved state
1138 impound yard until a party described in Subsection 41-6a-1406(5)(a) with an interest in the
1139 vehicle, vessel, or outboard motor:

1140 (i) pays the fees described in Subsection (12); and

1141 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

1142 (14) (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party
1143 described in Subsection 41-6a-1406(5)(a) with an interest in the vehicle, vessel, or outboard
1144 motor does not, within 30 days after notice has been sent under Subsection (1)(b):

1145 (i) pay the fees described in Subsection (12); and

1146 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

1147 (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or
1148 outboard motor until at least 30 days after notice has been sent under Subsection (1)(b).

1149 (15) (a) A tow truck motor carrier or impound yard shall clearly and conspicuously
1150 post and disclose all its current fees, rates, and acceptable forms of payment for tow truck
1151 service and storage of a vehicle in accordance with rules established under Subsection (16).

1152 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
1153 payment by cash and debit or credit card for a tow truck service under Subsection (1) or any
1154 service rendered, performed, or supplied in connection with a tow truck service under
1155 Subsection (1).

1156 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1157 the department shall:

1158 (a) subject to the restriction in Subsection (17), set maximum rates that:

1159 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,
1160 or outboard motor that are transported in response to:

1161 (A) a peace officer dispatch call;

1162 (B) a motor vehicle division call; and

1163 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor
1164 has not consented to the removal; ~~and~~

1165 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard motor
1166 stored as a result of one of the conditions listed under Subsection (16)(a)(i); and

1167 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or
1168 outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);

1169 (b) establish authorized towing certification requirements, not in conflict with federal
1170 law, related to incident safety, clean-up, and hazardous material handling;

1171 (c) specify the form and content of the posting and disclosure of fees and rates charged
1172 and acceptable forms of payment by a tow truck motor carrier or impound yard;

1173 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
1174 charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of
1175 the removal to each party described in Subsection 41-6a-1406(5)(a) with an interest in the
1176 vehicle, vessel, or outboard motor as required in Subsection (1)(b); ~~and~~

1177 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
1178 specific information regarding:

1179 (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;

1180 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the tow
1181 truck service of a vehicle, vessel, or outboard motor that is transported in response to a call or
1182 request where the owner of the vehicle, vessel, or outboard motor has not consented to the
1183 removal; and

1184 (iii) identifies the maximum rates that an impound yard may charge for the storage of
1185 vehicle, vessel, or outboard motor that is transported in response to a call or request where the
1186 owner of the vehicle, vessel, or outboard motor has not consented to the removal[-]; and

1187 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).

1188 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,
1189 vessel, or outboard motor if:

1190 (a) the vehicle, vessel, or outboard motor is being held as evidence; and

1191 (b) the vehicle, vessel, or outboard motor is not being released to a party described in
1192 Subsection 41-6a-1406(5)(a), even if the party satisfies the requirements to release the vehicle,
1193 vessel, or outboard motor under Section 41-6a-1406.

1194 (18) (a) (i) A tow truck motor carrier may charge a rate up to the maximum rate set by
1195 the department in rules made under Subsection (16).

1196 (ii) In addition to the maximum rates established under Subsection (16) and when
1197 receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an
1198 impound yard may charge a credit card processing fee of 3% of the transaction total.

1199 (b) A tow truck motor carrier may not be required to maintain insurance coverage at a
1200 higher level than required in rules made pursuant to Subsection (16).

1201 (19) When a tow truck motor carrier or impound lot is in possession of a vehicle,
1202 vessel, or outboard motor as a result of a tow service that was performed without the consent of
1203 the owner, and that was not ordered by a peace officer or a person acting on behalf of a law

1204 enforcement agency, the tow truck motor carrier or impound yard shall make personnel
1205 available:

1206 (a) by phone 24 hours a day, seven days a week; and

1207 (b) to release the impounded vehicle, vessel, or outboard motor to the owner within
1208 one hour of when the owner calls the tow truck motor carrier or impound yard.

1209 (20) A tow truck motor carrier or a tow truck operator may not:

1210 (a) share contact or other personal information of an owner of a vehicle, vessel, or
1211 outboard motor for which the tow truck motor carrier or tow truck operator has performed a
1212 tow service; or

1213 (b) receive payment for referring a person for whom the tow truck motor carrier or tow
1214 truck operator has performed a tow service to another service, including:

1215 (i) a lawyer referral service;

1216 (ii) a medical provider;

1217 (iii) a funding agency;

1218 (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);

1219 (v) a marketer for any other service; or

1220 (vi) a third party vendor.

1221 Section 9. **Effective date.**

1222 This bill takes effect on October 15, 2022.