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TOWING REQUIREMENTS
2024 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn
Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions related to notice required for impound tows and tows that are not impound tows.

Highlighted Provisions:

This bill:

- ▶ allows a law enforcement officer to impound a vehicle if the operator:
 - operates the vehicle in willful or wanton disregard of the signal of a law enforcement officer so as to interfere with or endanger the operation of any vehicle or person; or
 - knowingly or intentionally attempts to flee or elude a law enforcement officer by vehicle or other means;
- ▶ clarifies what type of notice is required when a vehicle is impounded;
- ▶ clarifies what type of notice is required for the removal of a vehicle that is not an impound; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 41-6a-210**, as last amended by Laws of Utah 2018, Chapter 133
- 41-6a-505**, as last amended by Laws of Utah 2023, Chapters 328, 415
- 41-6a-1406**, as last amended by Laws of Utah 2023, Chapter 335
- 53-3-106**, as last amended by Laws of Utah 2023, Chapter 328

28 **63I-1-241**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, and 335

29 **72-9-603**, as last amended by Laws of Utah 2022, Chapter 92

30 **72-9-604**, as last amended by Laws of Utah 2023, Chapter 219

31

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

33 Section 1. Section **41-6a-210** is amended to read:

34 **41-6a-210 . Failure to respond to officer's signal to stop -- Fleeing -- Causing**
 35 **property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle**
 36 **-- Penalties.**

37 (1) (a) An operator who receives a visual or audible signal from a law enforcement
 38 officer to bring the vehicle to a stop may not:

39 (i) operate the vehicle in willful or wanton disregard of the signal so as to interfere
 40 with or endanger the operation of any vehicle or person; or

41 (ii) knowingly or intentionally attempt to flee or elude a law enforcement officer by
 42 vehicle or other means.

43 (b) (i) A person who violates Subsection (1)(a) is guilty of a felony of the third
 44 degree.

45 (ii) The court shall, as part of any sentence under this Subsection (1), impose a fine of
 46 not less than \$1,000.

47 (c) A law enforcement officer may impound a vehicle of a person who violates
 48 Subsection (1)(a).

49 (2) (a) An operator who violates Subsection (1) and while so doing causes death or
 50 serious bodily injury to another person, under circumstances not amounting to
 51 murder or aggravated murder, is guilty of a felony of the second degree.

52 (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of
 53 not less than \$5,000.

54 (3) (a) In addition to the penalty provided under this section or any other section, a
 55 person who violates Subsection (1)(a) or (2)(a) shall have the person's driver license
 56 revoked under Subsection 53-3-220(1)(a)(ix) for a period of one year.

57 (b) (i) The court shall forward the report of the conviction to the division.

58 (ii) If the person is the holder of a driver license from another jurisdiction, the
 59 division shall notify the appropriate officials in the licensing state.

60 Section 2. Section **41-6a-505** is amended to read:

61 **41-6a-505 . Sentencing requirements for driving under the influence of alcohol,**

62 **drugs, or a combination of both violations.**

63 (1) As part of any sentence for a first conviction of Section 41-6a-502 where there is
64 admissible evidence that the individual had a blood or breath alcohol level of .16 or
65 higher, had a blood or breath alcohol level of .05 or higher in addition to any measurable
66 controlled substance, or had a combination of two or more controlled substances in the
67 individual's body that were not recommended in accordance with Title 26B, Chapter 4,
68 Part 2, Cannabinoid Research and Medical Cannabis, or prescribed:

69 (a) the court shall:

70 (i) (A) impose a jail sentence of not less than five days; or

71 (B) impose a jail sentence of not less than two days in addition to home
72 confinement of not fewer than 30 consecutive days through the use of
73 electronic monitoring that includes a substance abuse testing instrument in
74 accordance with Section 41-6a-506;

75 (ii) order the individual to participate in a screening;

76 (iii) order the individual to participate in an assessment, if it is found appropriate by a
77 screening under Subsection (1)(a)(ii);

78 (iv) order the individual to participate in an educational series if the court does not
79 order substance abuse treatment as described under Subsection (1)(b);

80 (v) impose a fine of not less than \$700;

81 (vi) order probation for the individual in accordance with Section 41-6a-507;

82 (vii) (A) order the individual to pay the administrative impound fee described in
83 Section 41-6a-1406; or

84 (B) if the administrative impound fee was paid by a party described in Subsection [
85 ~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order
86 the individual sentenced to reimburse the party;

87 (viii) (A) order the individual to pay the towing and storage fees described in
88 Section 72-9-603; or

89 (B) if the towing and storage fees were paid by a party described in Subsection [
90 ~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order
91 the individual sentenced to reimburse the party; or

92 (ix) unless the court determines and states on the record that an ignition interlock
93 system is not necessary for the safety of the community and in the best interest of
94 justice, order the installation of an ignition interlock system as described in
95 Section 41-6a-518; and

- 96 (b) the court may:
- 97 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 98 treatment program determines that substance abuse treatment is appropriate;
- 99 (ii) order the individual to participate in a 24/7 sobriety program as defined in Section
- 100 41-6a-515.5 if the individual is 21 years old or older; or
- 101 (iii) order a combination of Subsections (1)(b)(i) and (ii).
- 102 (2) (a) If an individual described in Subsection (1) is participating in a 24/7 sobriety
- 103 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 104 imposed under Subsection (1)(a).
- 105 (b) If an individual described in Subsection (1) fails to successfully complete all of the
- 106 requirements of the 24/7 sobriety program, the court shall impose the suspended jail
- 107 sentence described in Subsection (2)(a).
- 108 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described in
- 109 Subsection (1):
- 110 (a) the court shall:
- 111 (i) (A) impose a jail sentence of not less than two days; or
- 112 (B) require the individual to work in a compensatory-service work program for
- 113 not less than 48 hours;
- 114 (ii) order the individual to participate in a screening;
- 115 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 116 screening under Subsection (3)(a)(ii);
- 117 (iv) order the individual to participate in an educational series if the court does not
- 118 order substance abuse treatment as described under Subsection (3)(b);
- 119 (v) impose a fine of not less than \$700;
- 120 (vi) (A) order the individual to pay the administrative impound fee described in
- 121 Section 41-6a-1406; or
- 122 (B) if the administrative impound fee was paid by a party described in Subsection [
- 123 41-6a-1406(5)(a)] 41-6a-1406(6)(a), other than the individual sentenced, order
- 124 the individual sentenced to reimburse the party; or
- 125 (vii) (A) order the individual to pay the towing and storage fees described in
- 126 Section 72-9-603; or
- 127 (B) if the towing and storage fees were paid by a party described in Subsection [
- 128 41-6a-1406(5)(a)] 41-6a-1406(6)(a), other than the individual sentenced, order
- 129 the individual sentenced to reimburse the party; and

- 130 (b) the court may:
- 131 (i) order the individual to obtain substance abuse treatment if the substance abuse
132 treatment program determines that substance abuse treatment is appropriate;
- 133 (ii) order probation for the individual in accordance with Section 41-6a-507;
- 134 (iii) order the individual to participate in a 24/7 sobriety program as defined in
135 Section 41-6a-515.5 if the individual is 21 years old or older; or
- 136 (iv) order a combination of Subsections (3)(b)(i) through (iii).
- 137 (4) (a) If an individual described in Subsection (3) is participating in a 24/7 sobriety
138 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
139 imposed under Subsection (3)(a).
- 140 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of
141 the requirements of the 24/7 sobriety program, the court shall impose the suspended
142 jail sentence described in Subsection (4)(a).
- 143 (5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
144 years of the current conviction under Section 41-6a-502 or the commission of the
145 offense upon which the current conviction is based and where there is admissible
146 evidence that the individual had a blood or breath alcohol level of .16 or higher, had a
147 blood or breath alcohol level of .05 or higher in addition to any measurable controlled
148 substance, or had a combination of two or more controlled substances in the individual's
149 body that were not recommended in accordance with Title 26B, Chapter 4, Part 2,
150 Cannabinoid Research and Medical Cannabis, or prescribed:
- 151 (a) the court shall:
- 152 (i) (A) impose a jail sentence of not less than 20 days;
- 153 (B) impose a jail sentence of not less than 10 days in addition to home
154 confinement of not fewer than 60 consecutive days through the use of
155 electronic monitoring that includes a substance abuse testing instrument in
156 accordance with Section 41-6a-506; or
- 157 (C) impose a jail sentence of not less than 10 days in addition to ordering the
158 individual to obtain substance abuse treatment, if the court finds that substance
159 abuse treatment is more likely to reduce recidivism and is in the interests of
160 public safety;
- 161 (ii) order the individual to participate in a screening;
- 162 (iii) order the individual to participate in an assessment, if it is found appropriate by a
163 screening under Subsection (5)(a)(ii);

- 164 (iv) order the individual to participate in an educational series if the court does not
165 order substance abuse treatment as described under Subsection (5)(b);
- 166 (v) impose a fine of not less than \$800;
- 167 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 168 (vii) order the installation of an ignition interlock system as described in Section
169 41-6a-518;
- 170 (viii) (A) order the individual to pay the administrative impound fee described in
171 Section 41-6a-1406; or
- 172 (B) if the administrative impound fee was paid by a party described in Subsection [
173 ~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order
174 the individual sentenced to reimburse the party; or
- 175 (ix) (A) order the individual to pay the towing and storage fees described in
176 Section 72-9-603; or
- 177 (B) if the towing and storage fees were paid by a party described in Subsection [
178 ~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order
179 the individual sentenced to reimburse the party; and
- 180 (b) the court may:
- 181 (i) order the individual to obtain substance abuse treatment if the substance abuse
182 treatment program determines that substance abuse treatment is appropriate;
- 183 (ii) order the individual to participate in a 24/7 sobriety program as defined in Section
184 41-6a-515.5 if the individual is 21 years old or older; or
- 185 (iii) order a combination of Subsections (5)(b)(i) and (ii).
- 186 (6) (a) If an individual described in Subsection (5) is participating in a 24/7 sobriety
187 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
188 imposed under Subsection (5)(a) after the individual has served a minimum of:
- 189 (i) five days of the jail sentence for a second offense; or
- 190 (ii) 10 days of the jail sentence for a third or subsequent offense.
- 191 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of
192 the requirements of the 24/7 sobriety program, the court shall impose the suspended
193 jail sentence described in Subsection (6)(a).
- 194 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10
195 years of the current conviction under Section 41-6a-502 or the commission of the
196 offense upon which the current conviction is based and that does not qualify under
197 Subsection (5):

- 198 (a) the court shall:
- 199 (i) (A) impose a jail sentence of not less than 10 days; or
- 200 (B) impose a jail sentence of not less than 5 days in addition to home confinement
- 201 of not fewer than 30 consecutive days through the use of electronic monitoring
- 202 that includes a substance abuse testing instrument in accordance with Section
- 203 41-6a-506;
- 204 (ii) order the individual to participate in a screening;
- 205 (iii) order the individual to participate in an assessment, if it is found appropriate by a
- 206 screening under Subsection (7)(a)(ii);
- 207 (iv) order the individual to participate in an educational series if the court does not
- 208 order substance abuse treatment as described under Subsection (7)(b);
- 209 (v) impose a fine of not less than \$800;
- 210 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 211 (vii) (A) order the individual to pay the administrative impound fee described in
- 212 Section 41-6a-1406; or
- 213 (B) if the administrative impound fee was paid by a party described in Subsection [
- 214 ~~41-6a-1406(5)(a)~~ 41-6a-1406(6)(a), other than the individual sentenced, order
- 215 the individual sentenced to reimburse the party; or
- 216 (viii) (A) order the individual to pay the towing and storage fees described in
- 217 Section 72-9-603; or
- 218 (B) if the towing and storage fees were paid by a party described in Subsection [
- 219 ~~41-6a-1406(5)(a)~~ 41-6a-1406(6)(a), other than the individual sentenced, order
- 220 the individual sentenced to reimburse the party; and
- 221 (b) the court may:
- 222 (i) order the individual to obtain substance abuse treatment if the substance abuse
- 223 treatment program determines that substance abuse treatment is appropriate;
- 224 (ii) order the individual to participate in a 24/7 sobriety program as defined in Section
- 225 41-6a-515.5 if the individual is 21 years old or older; or
- 226 (iii) order a combination of Subsections (7)(b)(i) and (ii).
- 227 (8) (a) If an individual described in Subsection (7) is participating in a 24/7 sobriety
- 228 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence
- 229 imposed under Subsection (7)(a) after the individual has served a minimum of:
- 230 (i) five days of the jail sentence for a second offense; or
- 231 (ii) 10 days of the jail sentence for a third or subsequent offense.

232 (b) If an individual described in Subsection (8)(a) fails to successfully complete all of
233 the requirements of the 24/7 sobriety program, the court shall impose the suspended
234 jail sentence described in Subsection (8)(a).

235 (9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
236 sentence and places the defendant on probation where there is admissible evidence that
237 the individual had a blood or breath alcohol level of .16 or higher, had a blood or breath
238 alcohol level of .05 in addition to any measurable controlled substance, or had a
239 combination of two or more controlled substances in the person's body that were not
240 recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research
241 Medical Cannabis, or prescribed, the court shall impose:

242 (a) a fine of not less than \$1,500;

243 (b) a jail sentence of not less than 120 days;

244 (c) home confinement of not fewer than 120 consecutive days through the use of
245 electronic monitoring that includes a substance abuse testing instrument in
246 accordance with Section 41-6a-506; and

247 (d) supervised probation.

248 (10) (a) For Subsection (9) or Subsection 41-6a-502(2)(c)(i), the court:

249 (i) shall impose an order requiring the individual to obtain a screening and
250 assessment for alcohol and substance abuse, and treatment as appropriate; and

251 (ii) may impose an order requiring the individual to participate in a 24/7 sobriety
252 program as defined in Section 41-6a-515.5 if the individual is 21 years old or
253 older.

254 (b) If an individual described in Subsection (10)(a)(ii) fails to successfully complete all
255 of the requirements of the 24/7 sobriety program, the court shall impose the
256 suspended prison sentence described in Subsection (9).

257 (11) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison
258 sentence and places the defendant on probation with a sentence not described in
259 Subsection (9), the court shall impose:

260 (a) a fine of not less than \$1,500;

261 (b) a jail sentence of not less than 60 days;

262 (c) home confinement of not fewer than 60 consecutive days through the use of
263 electronic monitoring that includes a substance abuse testing instrument in
264 accordance with Section 41-6a-506; and

265 (d) supervised probation.

- 266 (12) (a) (i) Except as described in Subsection (12)(a)(ii), a court may not suspend the
 267 requirements of this section.
- 268 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).
- 269 (b) A court, with stipulation of both parties and approval from the judge, may convert a
 270 jail sentence required in this section to electronic home confinement.
- 271 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation
 272 under this section to be served in multiple two-day increments at weekly intervals if
 273 the court determines that separate jail increments are necessary to ensure the
 274 defendant can serve the statutorily required jail term and maintain employment.
- 275 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible
 276 evidence that the individual had a blood or breath alcohol level of .16 or higher, the
 277 court shall order the following, or describe on record why the order or orders are not
 278 appropriate:
- 279 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and
 280 (b) one or more of the following:
- 281 (i) the installation of an ignition interlock system as a condition of probation for the
 282 individual in accordance with Section 41-6a-518;
- 283 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring
 284 device or remote alcohol monitor as a condition of probation for the individual; or
 285 (iii) the imposition of home confinement through the use of electronic monitoring in
 286 accordance with Section 41-6a-506.

287 Section 3. Section **41-6a-1406** is amended to read:

288 **41-6a-1406 . Removal and impoundment of vehicles -- Reporting and notification**
 289 **requirements -- Administrative impound fee -- Refunds -- Possessory lien --**
 290 **Rulemaking.**

- 291 (1) If a vehicle, vessel, or outboard motor is [~~removed or~~]impounded as provided under
 292 Section 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by
 293 an order of a peace officer or by an order of a person acting on behalf of a law
 294 enforcement agency or highway authority, the [~~removal or~~] impoundment of the vehicle,
 295 vessel, or outboard motor shall be at the expense of the owner.
- 296 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be [~~removed or~~]
 297 impounded to a state impound yard.
- 298 (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be
 299 removed by a tow truck motor carrier that meets standards established:

- 300 (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
 301 (b) by the department under Subsection ~~[(10)]~~ (11).
- 302 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel, or
 303 outboard motor that is ~~[(i) removed or]~~ impounded as described in Subsection (1)~~;~~
 304 ~~or]~~ .
 305 ~~[(ii) removed or impounded by any law enforcement or government entity.]~~
- 306 (b) Before noon on the next business day after the date of the removal of the vehicle,
 307 vessel, or outboard motor, a report of the ~~[removal]~~ impoundment shall be sent to the
 308 Motor Vehicle Division, in an electronic format approved by the Motor Vehicle
 309 Division, by:
 310 (i) the peace officer or agency by whom the peace officer is employed; and
 311 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
 312 operator is employed.
- 313 (c) The report shall be in a form specified by the Motor Vehicle Division and shall
 314 include:
 315 (i) the operator's name, if known;
 316 (ii) a description of the vehicle, vessel, or outboard motor;
 317 (iii) the vehicle identification number or vessel or outboard motor identification
 318 number;
 319 (iv) the case number designated by the peace officer, law enforcement agency
 320 number, or government entity;
 321 ~~[(iv)]~~ (v) the license number, temporary permit number, or other identification
 322 number issued by a state agency;
 323 ~~[(v)]~~ (vi) the date, time, and place of impoundment;
 324 ~~[(vi)]~~ (vii) the reason for removal or impoundment;
 325 ~~[(vii)]~~ (viii) the name of the tow truck motor carrier who removed the vehicle, vessel,
 326 or outboard motor; and
 327 ~~[(viii)]~~ (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 328 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 329 Act, the State Tax Commission shall make rules to establish proper format and
 330 information required on the form described in this Subsection (4).
 331 (ii) The State Tax Commission shall ensure that the form described in this Subsection
 332 (4) is provided in an electronic format.
- 333 (e) Until the tow truck operator or tow truck motor carrier reports the removal as

- 334 required under this Subsection (4), a tow truck motor carrier or impound yard may
335 not:
- 336 (i) collect any fee associated with the removal; and
337 (ii) begin charging storage fees.
- 338 (5) (a) A report described in this Subsection (5) is required for any vehicle, vessel, or
339 outboard motor that is removed, except for:
- 340 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in
341 Subsection (1); or
- 342 (ii) a vehicle, vessel, or outboard motor for which a removal is performed in
343 accordance with Section 72-9-603.
- 344 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer
345 shall provide documentation to the tow truck operator or tow truck motor carrier that
346 includes:
- 347 (i) the name and badge number of the peace officer;
348 (ii) the name and originating agency identifier of the law enforcement agency; and
349 (iii) the case number designated by the law enforcement officer or law enforcement
350 agency.
- 351 (c) For a removal described in Subsection (5)(a), before noon on the next business day
352 following the date of the removal of the vehicle, vessel, or outboard motor, the tow
353 truck operator or tow truck motor carrier shall send to the Motor Vehicle Division in
354 an electronic format approved by the Motor Vehicle Division:
- 355 (i) the report described in Subsection (4); or
356 (ii) the report described in Subsection (5)(d).
- 357 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck
358 motor carrier does not provide the report described in Subsection (4), the tow truck
359 operator or tow truck motor carrier shall provide a report to the Motor Vehicle
360 Division that includes:
- 361 (i) the name and badge number of the relevant peace officer;
362 (ii) the name and originating agency identifier of the law enforcement agency;
363 (iii) the law enforcement agency case number;
364 (iv) subject to Subsection (5)(e), the vehicle identification number and the license
365 number, temporary permit number, or other identification number issued by a
366 state agency;
- 367 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and

- 368 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- 369 (e) If either the vehicle identification number or the license number, temporary permit
 370 number, or other identification number issued by a state agency is not available, the
 371 report shall include:
- 372 (i) as much information as is available from both the vehicle identification number
 373 and the license plate number of the vehicle, vessel, or outboard motor; and
- 374 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make,
 375 model, and model year of the vehicle, vessel, or outboard motor.
- 376 (f) Until the tow truck operator or tow truck motor carrier reports the removal as
 377 required under this Subsection (5), a tow truck motor carrier may not:
- 378 (i) collect any fee associated with the removal; or
- 379 (ii) begin charging storage fees.
- 380 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be
 381 removed to:
- 382 (i) a state impound yard; or
- 383 (ii) a location that has been requested by the registered owner at the time of removal,
 384 if payment is made to the tow truck motor carrier or tow truck operator at the time
 385 of removal.
- 386 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 387 State Tax Commission may make rules to establish proper format and information
 388 required on the form described in Subsection (5)(e), including submission in an
 389 electronic format.
- 390 ~~[(5)]~~ (6) (a) Except as provided in Subsection ~~[(5)(e)]~~ (6)(d) and upon receipt of ~~[the~~
 391 report] a report described in Subsection (4) or (5), the Motor Vehicle Division shall
 392 give notice, in the manner described in Section 41-1a-114, to the following parties
 393 with an interest in the vehicle, vessel, or outboard motor, as applicable:
- 394 (i) the registered owner;
- 395 (ii) any lien holder; or
- 396 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard
 397 motor is currently operating under a temporary permit issued by the dealer, as
 398 described in Section 41-3-302.
- 399 (b) The notice shall:
- 400 (i) state the date, time, and place of removal, the name, if applicable, of the person
 401 operating the vehicle, vessel, or outboard motor at the time of removal, the reason

- 402 for removal, and the place where the vehicle, vessel, or outboard motor is stored;
- 403 (ii) state that the registered owner is responsible for payment of towing, impound,
404 and storage fees charged against the vehicle, vessel, or outboard motor;
- 405 (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard
406 motor is released; and
- 407 (iv) inform the parties described in Subsection [~~(5)(a)~~] (6)(a) of the division's intent to
408 sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the
409 removal or impoundment under this section, one of the parties fails to make a
410 claim for release of the vehicle, vessel, or outboard motor.
- 411 (c) Except as provided in Subsection [~~(5)(e)~~] (6)(d) and if the vehicle, vessel, or outboard
412 motor is not registered in this state, the Motor Vehicle Division shall make a
413 reasonable effort to notify the parties described in Subsection [~~(5)(a)~~] (6)(a) of the
414 removal and the place where the vehicle, vessel, or outboard motor is stored.
- 415 [~~(d) The Motor Vehicle Division shall forward a copy of the notice to the place where
416 the vehicle, vessel, or outboard motor is stored.~~]
- 417 [~~(e)~~] (d) The Motor Vehicle Division is not required to give notice under this Subsection [
418 ~~(5)~~] (6) if a report was received by a tow truck operator or tow truck motor carrier
419 reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- 420 [~~(6)~~] (7) (a) The vehicle, vessel, or outboard motor impounded or removed to a state
421 impound yard as described in this section shall be released after a party described in
422 Subsection [~~(5)(a)~~] (6)(a):
- 423 (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of
424 the State Tax Commission;
- 425 (ii) presents identification sufficient to prove ownership of the impounded or
426 removed vehicle, vessel, or outboard motor;
- 427 (iii) completes the registration, if needed, and pays the appropriate fees;
- 428 (iv) if the impoundment was made under Section 41-6a-527, pays an administrative
429 impound fee of \$400; and
- 430 (v) pays all towing and storage fees to the place where the vehicle, vessel, or
431 outboard motor is stored.
- 432 (b) (i) Twenty-nine dollars of the administrative impound fee assessed under
433 Subsection [~~(6)(a)(iv)~~] (7)(a)(iv) shall be dedicated credits to the Motor Vehicle
434 Division;
- 435 (ii) \$147 of the administrative impound fee assessed under Subsection [~~(6)(a)(iv)~~]

- 436 (7)(a)(iv) shall be deposited into the Department of Public Safety Restricted
 437 Account created in Section 53-3-106;
- 438 (iii) \$20 of the administrative impound fee assessed under Subsection [~~(6)(a)(iv)~~]
 439 (7)(a)(iv) shall be deposited into the Neuro-Rehabilitation Fund created in Section
 440 26B-1-319; and
- 441 (iv) the remainder of the administrative impound fee assessed under Subsection [
 442 ~~(6)(a)(iv)~~] (7)(a)(iv) shall be deposited into the General Fund.
- 443 (c) The administrative impound fee assessed under Subsection [~~(6)(a)(iv)~~] (7)(a)(iv) shall
 444 be waived or refunded by the State Tax Commission if the registered owner, lien
 445 holder, or owner's agent presents written evidence to the State Tax Commission that:
- 446 (i) the Driver License Division determined that the arrested person's driver license
 447 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as
 448 shown by a letter or other report from the Driver License Division presented
 449 within 180 days after the day on which the Driver License Division mailed the
 450 final notification; or
- 451 (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the
 452 stolen vehicle report presented within 180 days after the day of the impoundment.
- 453 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
 454 payment by cash and debit or credit card for a removal or impoundment under
 455 Subsection (1) or any service rendered, performed, or supplied in connection with a
 456 removal or impoundment under Subsection (1).
- 457 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
 458 impounded vehicle, vessel, or outboard motor if:
- 459 (i) the vehicle, vessel, or outboard motor is being held as evidence; and
- 460 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
 461 Subsection [~~(5)(a)~~] (6)(a), even if the party satisfies the requirements to release the
 462 vehicle, vessel, or outboard motor under this Subsection [~~(6)~~] (7).
- 463 [~~(7)~~] (8) (a) For an impounded or a removed vehicle, vessel, or outboard motor not
 464 claimed by a party described in Subsection [~~(5)(a)~~] (6)(a) within the time prescribed
 465 by Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for
 466 the impounded or removed vehicle, vessel, or outboard motor as described in Section
 467 41-1a-1103.
- 468 (b) The date of impoundment or removal is considered the date of seizure for computing
 469 the time period provided under Section 41-1a-1103.

470 [(8)] (9) A party described in Subsection [(5)(a)] (6)(a) that pays all fees and charges
 471 incurred in the impoundment or removal of the owner's vehicle, vessel, or outboard
 472 motor has a cause of action for all the fees and charges, together with damages, court
 473 costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor
 474 whose actions caused the removal or impoundment.

475 [(9)] (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle,
 476 vessel, or outboard motor.

477 [(10)] (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 478 the department shall make rules setting the performance standards for towing companies
 479 to be used by the department.

480 [(11)] (12) (a) The Motor Vehicle Division may specify that a report required under
 481 Subsection (4) be submitted in electronic form utilizing a database for submission,
 482 storage, and retrieval of the information.

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

486 (ii) The fees under this Subsection [(11)(b)] (12)(b) shall:

487 (A) be reasonable and fair; and

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

489 Section 4. Section **53-3-106** is amended to read:

490 **53-3-106 . Disposition of revenues under this chapter -- Restricted account**
 491 **created -- Uses as provided by appropriation -- Nonlapsing.**

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

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

495 (a) all money received under this chapter;

496 (b) administrative fees received according to the fee schedule authorized under this
 497 chapter and Section 63J-1-504;

498 (c) beginning on January 1, 2013, money received in accordance with Section
 499 41-1a-1201; and

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

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

502 (b) All interest earned on account money shall be deposited into the account.

503 (4) The expenses of the department in carrying out this chapter shall be provided for by

- 504 legislative appropriation from this account.
- 505 (5) The amount in excess of \$45 of the fees collected under Subsection 53-3-105(25) shall
506 be appropriated by the Legislature from this account to the department to implement the
507 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$100 shall
508 be deposited into the State Laboratory Drug Testing Account created in Section
509 26B-1-304.
- 510 (6) All money received under Subsection [~~41-6a-1406(6)(e)(ii)~~] 41-6a-1406(7)(b)(ii) shall
511 be appropriated by the Legislature from this account to the department to implement the
512 provisions of Section 53-1-117.
- 513 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000 annually
514 from the account to the state medical examiner appointed under Section 26B-8-202 for
515 use in carrying out duties related to highway crash deaths under Subsection 26B-8-205
516 (1).
- 517 (8) The division shall remit the fees collected under Subsection 53-3-105(31) to the Bureau
518 of Criminal Identification to cover the costs for the services the Bureau of Criminal
519 Identification provides under Section 53-3-205.5.
- 520 (9) (a) Beginning on January 1, 2013, the Legislature shall appropriate all money
521 received in the account under Section 41-1a-1201 to the Utah Highway Patrol
522 Division for field operations.
- 523 (b) The Legislature may appropriate additional money from the account to the Utah
524 Highway Patrol Division for law enforcement purposes.
- 525 (10) Appropriations to the department from the account are nonlapsing.
- 526 (11) The department shall report to the Department of Health and Human Services, on or
527 before December 31, the amount the department expects to collect under Subsection
528 53-3-105(25) in the next fiscal year.
- 529 Section 5. Section **63I-1-241** is amended to read:
- 530 **63I-1-241 . Repeal dates: Title 41.**
- 531 (1) Subsection 41-1a-1201(8), related to the Neuro-Rehabilitation Fund, is repealed January
532 1, 2025.
- 533 (2) Section 41-3-106, which creates an advisory board related to motor vehicle business
534 regulation, is repealed July 1, 2024.
- 535 (3) The following subsections addressing lane filtering are repealed on July 1, 2027:
- 536 (a) the subsection in Section 41-6a-102 that defines "lane filtering";
- 537 (b) Subsection 41-6a-704(5); and

- 538 (c) Subsection 41-6a-710(1)(c).
 539 (4) Subsection [~~41-6a-1406(6)(b)(iii)~~] 41-6a-1406(7)(b)(iii), related to the
 540 Neuro-Rehabilitation Fund, is repealed January 1, 2025.
 541 (5) Subsections 41-22-2(1) and 41-22-10(1), which authorize an advisory council that
 542 includes in the advisory council's duties addressing off-highway vehicle issues, are
 543 repealed July 1, 2027.
 544 (6) Subsection 41-22-8(3), related to the Neuro-Rehabilitation Fund, is repealed January 1,
 545 2025.

546 Section 6. Section **72-9-603** is amended to read:

547 **72-9-603 . Towing notice requirements -- Cost responsibilities -- Abandoned**
 548 **vehicle title restrictions -- Rules for maximum rates and certification.**

- 549 (1) Except for a tow truck service that was ordered by a peace officer, a person acting on
 550 behalf of a law enforcement agency, or a highway authority, after performing a tow
 551 truck service that is being done without the vehicle, vessel, or outboard motor owner's
 552 knowledge, the tow truck operator or the tow truck motor carrier shall:
- 553 (a) immediately upon arriving at the place of storage or impound of the vehicle, vessel,
 554 or outboard motor:
- 555 [~~(i) send a report of the removal to the Motor Vehicle Division that complies with~~
 556 ~~the requirements of Subsection 41-6a-1406(4); and]~~
- 557 (i) provide relevant information to the impound vehicle service system database
 558 administered by the Motor Vehicle Division, including:
- 559 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;
 560 (B) a description of the vehicle, vessel, or outboard motor; and
 561 (C) the vehicle identification number or vessel or outboard motor identification
 562 number; and
- 563 (ii) contact the law enforcement agency having jurisdiction over the area where the
 564 vehicle, vessel, or outboard motor was picked up and notify the agency of the:
- 565 (A) location of the vehicle, vessel, or outboard motor;
 566 (B) date, time, and location from which the vehicle, vessel, or outboard motor was
 567 removed;
 568 (C) reasons for the removal of the vehicle, vessel, or outboard motor;
 569 (D) person who requested the removal of the vehicle, vessel, or outboard motor;
 570 and
 571 (E) description, including the identification number, license number, or other

- 572 identification number issued by a state agency, of the vehicle, vessel, or
 573 outboard motor;
- 574 (b) within two business days of performing the tow truck service under Subsection
 575 (1)(a), send a certified letter to the last-known address of each party described in
 576 Subsection ~~[41-6a-1406(5)(a)]~~ 41-6a-1406(6)(a) with an interest in the vehicle, vessel,
 577 or outboard motor obtained from the Motor Vehicle Division or, if the person has
 578 actual knowledge of the party's address, to the current address, notifying the party of
 579 the:
- 580 (i) location of the vehicle, vessel, or outboard motor;
- 581 (ii) date, time, and location from which the vehicle, vessel, or outboard motor was
 582 removed;
- 583 (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- 584 (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- 585 (v) a description, including its identification number and license number or other
 586 identification number issued by a state agency; and
- 587 (vi) costs and procedures to retrieve the vehicle, vessel, or outboard motor; and
- 588 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was
 589 removed, provide the owner with a copy of the Utah Consumer Bill of Rights
 590 Regarding Towing established by the department in Subsection (16)(e).
- 591 (2) Until the tow truck operator or tow truck motor carrier reports the ~~[removal-as]~~
 592 information required under Subsection (1)(a), a tow truck operator, tow truck motor
 593 carrier, or impound yard may not:
- 594 (a) collect any fee associated with the removal; or
- 595 (b) begin charging storage fees.
- 596 (3) (a) Except as provided in Subsection (3)(b) or (9), a tow truck operator or tow truck
 597 motor carrier may not perform a tow truck service at the request or direction of a
 598 private property owner or the property owner's agent unless:
- 599 (i) the owner or a lien holder of the vehicle, vessel, or outboard motor consents to the
 600 tow truck service; or
- 601 (ii) the property owner erects signage that meets the requirements of:
- 602 (A) Subsection (4)(b)(ii); and
- 603 (B) Subsection (7) or (8).
- 604 (b) Subsections (7) through (9) do not apply to the removal of a vehicle, vessel, or
 605 outboard motor:

- 606 (i) from a location where parking is prohibited by law, including:
607 (A) a designated fire lane;
608 (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked
609 parking stall or space; or
610 (C) a marked parking stall or space legally designated for disabled persons;
611 (ii) from a location where it is reasonably apparent that the location is not open to
612 parking;
613 (iii) from a location where all public access points are controlled by:
614 (A) a permanent gate, door, or similar feature allowing the vehicle to access the
615 facility; or
616 (B) a parking attendant;
617 (iv) from a location that materially interferes with access to private property;
618 (v) from the property of a detached single-family dwelling or duplex; or
619 (vi) pursuant to a legal repossession.
- 620 (4) (a) A private property owner may, subject to the requirements of a local ordinance,
621 enforce parking restrictions by:
622 (i) authorizing a tow truck motor carrier to patrol and monitor the property and
623 enforce parking restrictions on behalf of the property owner in accordance with
624 Subsection (7);
625 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck
626 motor carrier on a case-by-case basis in accordance with Subsection (8); or
627 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written
628 notice in accordance with Subsection (9).
- 629 (b) (i) Any agreement between a private property owner and tow truck motor carrier
630 authorizing the tow truck motor carrier to patrol and monitor the property under
631 Subsection (4)(a)(i) shall include specific terms and conditions for the tow truck
632 motor carrier to remove a vehicle, vessel, or outboard motor from the property.
633 (ii) In addition to the signage described in Subsection (7) or (8), a private property
634 owner who allows public parking shall erect appropriate signage on the property
635 indicating clear instructions for parking at the property.
636 (iii) Where a single parking area includes abutting parcels of property owned by two
637 or more private property owners who enforce different parking restrictions under
638 Subsection (7) or (8), each property owner shall, in addition to the requirements
639 under Subsection (7) or (8), erect signage as required by this section:

- 640 (A) at each entrance to the property owner's parcel from another property owner's
641 parcel; and
- 642 (B) if there is no clearly defined entrance between one property owner's parcel and
643 another property owner's parcel, at intervals of 40 feet or less along the line
644 dividing the property owner's parcel from the other property owner's parcel.
- 645 (iv) Where there is no clearly defined entrance to a parking area from a highway, the
646 property owner shall erect signage as required by this section at intervals of 40
647 feet or less along any portion of a property line where a vehicle, vessel, or
648 outboard motor may enter the parking area.
- 649 (5) Nothing in Subsection (3) or (4) restricts the ability of a private property owner from,
650 subject to the provisions of this section, instituting and enforcing regulations for parking
651 at the property.
- 652 (6) In addition to any other powers provided by law, a political subdivision or state agency
653 may:
- 654 (a) enforce parking restrictions in accordance with Subsections (7) through (9) on
655 property that is:
- 656 (i) owned by the political subdivision or state agency;
- 657 (ii) located outside of the public right-of-way; and
- 658 (iii) open to public parking; and
- 659 (b) request or direct a tow truck service in order to abate a public nuisance on private
660 property over which the political subdivision or state agency has jurisdiction.
- 661 (7) For private property where parking is enforced under Subsection (4)(a)(i), the property
662 owner shall ensure that each entrance to the property has the following signs located on
663 the property and clearly visible to the driver of a vehicle entering the property:
- 664 (a) a top sign that is 24 inches tall by 18 inches wide and has:
- 665 (i) a blue, reflective background with a 1/2 inch white border;
- 666 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is
667 Patrolled";
- 668 (iii) a white towing logo that is six inches tall and 16 inches wide that depicts an
669 entire tow truck, a tow hook, and an entire vehicle being towed; and
- 670 (iv) two-inch, white letters at the bottom of the sign with the capitalized words
671 "Towing Enforced"; and
- 672 (b) a bottom sign that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective
673 border, and has:

- 674 (i) a top half that is red background with white, reflective letters indicating:
675 (A) who is authorized to park or restricted from parking at the property; and
676 (B) any type of vehicle prohibited from parking at the property; and
677 (ii) a bottom half that has a white, reflective background with red letters indicating:
678 (A) the name and telephone number of the tow truck motor carrier that the
679 property owner has authorized to patrol the property; and
680 (B) the Internet web address "tow.utah.gov".
- 681 (8) For private property where parking is enforced under Subsection (4)(a)(ii):
682 (a) a tow truck motor carrier may not:
683 (i) patrol and monitor the property;
684 (ii) perform a tow truck service without the written or verbal request of the property
685 owner or the property owner's agent; or
686 (iii) act as the property owner's agent to request a tow truck service; and
687 (b) the property owner shall ensure that each entrance to the property has a clearly
688 visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2
689 inch white, reflective border, and has:
690 (i) at the top of the sign, a blue background with a white, reflective towing logo that
691 is at least four inches tall and 16 inches wide that depicts an entire tow truck, a
692 tow hook, and an entire vehicle being towed;
693 (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue
694 background with white, reflective letters at least two inches tall with the
695 capitalized words "Towing Enforced";
696 (iii) in the middle of the sign, a red background with white, reflective letters at least
697 one inch tall indicating:
698 (A) who is authorized to park or restricted from parking at the property; and
699 (B) any type of vehicle prohibited from parking at the property; and
700 (iv) at the bottom of the sign, a white, reflective background with red letters at least
701 one inch tall indicating:
702 (A) either:
703 (I) the name and telephone number of the property owner or the property
704 owner's agent who is authorized to request a tow truck service; or
705 (II) the name and telephone number of the tow truck motor carrier that
706 provides tow truck services for the property; and
707 (B) the Internet web address "tow.utah.gov".

- 708 (9) (a) For private property without signage meeting the requirements of Subsection (7)
709 or (8), the property owner may request a tow truck motor carrier to remove a vehicle,
710 vessel, or outboard motor from the private property 24 hours after the property owner
711 or the property owner's agent affixes a written notice to the vehicle, vessel, or
712 outboard motor in accordance with this Subsection (9).
- 713 (b) The written notice described in Subsection (9)(a) shall:
- 714 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or
715 outboard motor;
- 716 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel,
717 or outboard motor will be towed from the property if it is not removed within 24
718 hours after the time indicated in Subsection (9)(b)(i);
- 719 (iii) be at least four inches tall and four inches wide; and
- 720 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on
721 the driver's side window of the vehicle, vessel, or outboard motor.
- 722 (c) A property owner may authorize a tow truck motor carrier to act as the property
723 owner's agent for purposes of affixing the written notice described in Subsection
724 (9)(a) to a vehicle, vessel, or outboard motor.
- 725 (10) The department shall publish on the department Internet website the signage
726 requirements and written notice requirements and illustrated or photographed examples
727 of the signage and written notice requirements described in Subsections (7) through (9).
- 728 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises from
729 the towing of a vehicle, vessel, or outboard motor from private property that the property
730 had signage meeting the requirements of:
- 731 (a) Subsection (4)(b)(ii); and
- 732 (b) Subsection (7) or (8).
- 733 (12) The party described in Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a) with an interest
734 in a vehicle, vessel, or outboard motor lawfully removed is only responsible for paying:
- 735 (a) the tow truck service and storage fees set in accordance with Subsection (16); and
736 (b) the administrative impound fee set in Section 41-6a-1406, if applicable.
- 737 (13) (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or
738 outboard motor and any nonlife essential items contained in the vehicle, vessel, or
739 outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor
740 until paid.
- 741 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,

- 742 vessel, or outboard motor and items described in Subsection (13)(a) in an approved
743 state impound yard until a party described in Subsection [~~41-6a-1406(5)(a)~~]
744 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor:
- 745 (i) pays the fees described in Subsection (12); and
 - 746 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.
- 747 (14) (a) A vehicle, vessel, or outboard motor shall be considered abandoned if a party
748 described in Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a) with an interest in the
749 vehicle, vessel, or outboard motor does not, within 30 days after notice has been sent
750 under Subsection (1)(b):
- 751 (i) pay the fees described in Subsection (12); and
 - 752 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
- 753 (b) A person may not request a transfer of title to an abandoned vehicle, vessel, or
754 outboard motor until at least 30 days after notice has been sent under Subsection
755 (1)(b).
- 756 (15) (a) A tow truck motor carrier or impound yard shall clearly and conspicuously post
757 and disclose all its current fees, rates, and acceptable forms of payment for tow truck
758 service and storage of a vehicle in accordance with rules established under
759 Subsection (16).
- 760 (b) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
761 payment by cash and debit or credit card for a tow truck service under Subsection (1)
762 or any service rendered, performed, or supplied in connection with a tow truck
763 service under Subsection (1).
- 764 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
765 department shall:
- 766 (a) subject to the restriction in Subsection (17), set maximum rates that:
 - 767 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,
768 or outboard motor that are transported in response to:
 - 769 (A) a peace officer dispatch call;
 - 770 (B) a motor vehicle division call; and
 - 771 (C) any other call or request where the owner of the vehicle, vessel, or outboard
772 motor has not consented to the removal;
 - 773 (ii) an impound yard may charge for the storage of a vehicle, vessel, or outboard
774 motor stored as a result of one of the conditions listed under Subsection (16)(a)(i);
775 and

- 776 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or
 777 outboard motor stored as a result of one of the conditions described in Subsection
 778 (16)(a)(i);
- 779 (b) establish authorized towing certification requirements, not in conflict with federal
 780 law, related to incident safety, clean-up, and hazardous material handling;
- 781 (c) specify the form and content of the posting and disclosure of fees and rates charged
 782 and acceptable forms of payment by a tow truck motor carrier or impound yard;
- 783 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
 784 charge for reporting the ~~[removal as]~~ information required under Subsection (1)(a)(i)
 785 and providing notice of the removal to each party described in Subsection [
 786 ~~41-6a-1406(5)(a)] 41-6a-1406(6)(a)~~ with an interest in the vehicle, vessel, or outboard
 787 motor as required in Subsection (1)(b);
- 788 (e) establish a Utah Consumer Bill of Rights Regarding Towing form that contains
 789 specific information regarding:
- 790 (i) a vehicle owner's rights and responsibilities if the owner's vehicle is towed;
- 791 (ii) identifies the maximum rates that a tow truck motor carrier may charge for the
 792 tow truck service of a vehicle, vessel, or outboard motor that is transported in
 793 response to a call or request where the owner of the vehicle, vessel, or outboard
 794 motor has not consented to the removal; and
- 795 (iii) identifies the maximum rates that an impound yard may charge for the storage of
 796 vehicle, vessel, or outboard motor that is transported in response to a call or
 797 request where the owner of the vehicle, vessel, or outboard motor has not
 798 consented to the removal; and
- 799 (f) set a maximum rate for an after-hours fee allowed under Subsection (19)(b).
- 800 (17) An impound yard may not charge a fee for the storage of an impounded vehicle,
 801 vessel, or outboard motor if:
- 802 (a) the vehicle, vessel, or outboard motor is being held as evidence; and
- 803 (b) the vehicle, vessel, or outboard motor is not being released to a party described in
 804 Subsection [~~41-6a-1406(5)(a)] 41-6a-1406(6)(a)~~, even if the party satisfies the
 805 requirements to release the vehicle, vessel, or outboard motor under Section
 806 41-6a-1406.
- 807 (18) (a) (i) A tow truck motor carrier may charge a rate up to the maximum rate set
 808 by the department in rules made under Subsection (16).
- 809 (ii) In addition to the maximum rates established under Subsection (16) and when

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

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

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

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

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

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

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

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

829 (i) a lawyer referral service;

830 (ii) a medical provider;

831 (iii) a funding agency;

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

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

834 (vi) a third party vendor.

835 Section 7. Section **72-9-604** is amended to read:

836 **72-9-604 . Preemption of local authorities -- Tow trucks.**

837 (1) As used in this section:

838 (a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party described
839 in Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a) with an interest in the vehicle,
840 vessel, or outboard motor does not, within 30 days after notice that the vehicle,
841 vessel, or outboard motor was towed by a towing entity:

842 (i) pay the relevant fees; and

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

- 844 (b) "Towing entity" means:
- 845 (i) a political subdivision of this state;
- 846 (ii) a state agency;
- 847 (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation
- 848 Act; or
- 849 (iv) a special service district created under Title 17D, Chapter 1, Special Service
- 850 District Act.
- 851 (2) (a) Notwithstanding any other provision of law, a political subdivision of this state
- 852 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow
- 853 truck motor carrier, tow truck operator, or tow truck that conflicts with:
- 854 (i) any provision of this part;
- 855 (ii) Section 41-6a-1401;
- 856 (iii) Section 41-6a-1407; or
- 857 (iv) rules made by the department under this part.
- 858 (b) A county or municipal legislative governing body may not charge a fee for the
- 859 storage of an impounded vehicle, vessel, or outboard motor if the county or
- 860 municipality:
- 861 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- 862 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
- 863 holder, or the owner's agent even if the registered owner, lien holder, or the
- 864 owner's agent satisfies the requirements to release the vehicle, vessel, or outboard
- 865 motor under Section 41-6a-1406.
- 866 (3) A tow truck motor carrier that has a county or municipal business license for a place of
- 867 business located within that county or municipality may not be required to obtain
- 868 another business license in order to perform a tow truck service in another county or
- 869 municipality if there is not a business location in the other county or municipality.
- 870 (4) A county or municipal legislative or governing body may not require a tow truck motor
- 871 carrier, tow truck, or tow truck operator that has been issued a current, authorized
- 872 towing certificate by the department, as described in Section 72-9-602, to obtain an
- 873 additional towing certificate.
- 874 (5) A county or municipal legislative body may require an annual tow truck safety
- 875 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602
- 876 if:
- 877 (a) no fee is charged for the inspection; and

- 878 (b) the inspection complies with federal motor carrier safety regulations.
- 879 (6) (a) A tow truck shall be subject to only one annual safety inspection under
880 Subsection (5)(b).
- 881 (b) A county or municipality that requires the additional annual safety inspection shall
882 accept the same inspection performed by another county or municipality.
- 883 (7) (a) (i) If a towing entity uses a towing dispatch vendor described in Section
884 53-1-106.2, the towing entity may charge a fee to cover costs associated with the
885 use of a dispatch vendor as described in Section 53-1-106.2.
- 886 (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may
887 not exceed the actual costs of the dispatch vendor contracted to provide the
888 dispatch service.
- 889 (b) (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a
890 towing dispatch vendor described in Section 53-1-106.2, the towing entity may
891 not charge a fee to cover costs associated with providing towing dispatch and
892 rotation service.
- 893 (ii) A special service district created under Title 17D, Chapter 1, Special Service
894 District Act, that charges a dispatch fee on or before January 1, 2023, may
895 continue to charge a fee related to dispatch costs.
- 896 (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii)
897 may not exceed an amount reasonably reflective to the actual costs of providing
898 the towing dispatch and rotation service.
- 899 (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)
900 unless the relevant governing body of the towing entity has approved the fee amount.
- 901 (d) In addition to fees set by the department in rules made in accordance with Subsection
902 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a
903 fee described in this Subsection (7) to owners, lien holders, or insurance providers of
904 towed vehicles, vessels, or outboard motors.
- 905 (8) (a) In addition to the fees described in Subsection (7), a tow truck operator or tow
906 truck motor carrier may charge an additional fee to absorb unrecovered costs of
907 abandoned vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).
- 908 (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow
909 truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not
910 to exceed an amount greater than 25% of the relevant fee described in Subsection
911 (7)(a)(i) or (7)(b)(ii).

- 912 (c) (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,
913 based on data provided by the State Tax Commission, determine the percentage of
914 vehicles, vessels, or outboard motors that were abandoned during the previous
915 year by:
- 916 (A) determining the total number of vehicles, vessels, or outboard motors that
917 were towed as part of a towing entity's towing rotation during the previous
918 calendar year that were also abandoned; and
 - 919 (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number
920 of vehicles, vessels, or outboard motors that were towed as part of the towing
921 entity's towing rotation during the previous calendar year.
- 922 (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall
923 publish:
- 924 (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and
 - 925 (B) the percentage described in Subsection (8)(c)(i).
- 926 (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a
927 tow truck motor carrier may charge a fee authorized in Subsection (8)(a) in an
928 amount equal to the percentage described in Subsection (8)(c)(i) multiplied by the
929 relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii).
- 930 (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the
931 towing invoice any fee described in this Subsection (8).
- 932 (9) A towing entity may not require a tow truck operator who has received an authorized
933 towing certificate from the department to submit additional criminal background check
934 information for inclusion of the tow truck motor carrier on a rotation.
- 935 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
936 operator that responds may not respond to the location in a tow truck that is owned by a
937 tow truck motor carrier that is different than the tow truck motor carrier that was
938 dispatched.

939 **Section 8. Effective date.**

940 This bill takes effect on July 1, 2024.