

**TOWING REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor: Michael K. McKell

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**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
  - 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:**

None

**Utah Code Sections Affected:**

AMENDS:



- 28 [41-6a-210](#), as last amended by Laws of Utah 2018, Chapter 133
- 29 [41-6a-505](#), as last amended by Laws of Utah 2023, Chapters 328, 415
- 30 [41-6a-1406](#), as last amended by Laws of Utah 2023, Chapter 335
- 31 [53-3-106](#), as last amended by Laws of Utah 2023, Chapter 328
- 32 [63I-1-241](#), as last amended by Laws of Utah 2023, Chapters 33, 212, 219, and 335
- 33 [72-9-603](#), as last amended by Laws of Utah 2022, Chapter 92
- 34 [72-9-604](#), as last amended by Laws of Utah 2023, Chapter 219

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

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

38 **41-6a-210. Failure to respond to officer's signal to stop -- Fleeing -- Causing**  
 39 **property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle**  
 40 **-- Penalties.**

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

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

45 (ii) attempt to flee or elude a law enforcement officer by vehicle or other means.

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

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

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

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

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

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

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

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

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

63 **41-6a-505. Sentencing requirements for driving under the influence of alcohol,**  
64 **drugs, or a combination of both violations.**

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

71 (a) the court shall:

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

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

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

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

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

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

82 (vi) order probation for the individual in accordance with Section [41-6a-507](#);

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

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

88 (viii) (A) order the individual to pay the towing and storage fees described in Section  
89 [72-9-603](#); or

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

93 (ix) unless the court determines and states on the record that an ignition interlock  
94 system is not necessary for the safety of the community and in the best interest of justice, order  
95 the installation of an ignition interlock system as described in 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 imposed  
104 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 sentence  
107 described in Subsection (2)(a).

108 (3) As part of any sentence for any first conviction of Section [41-6a-502](#) not described  
109 in 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 not less  
113 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 Section

121 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 the individual  
124 sentenced to reimburse the party; or

125 (vii) (A) order the individual to pay the towing and storage fees described in Section  
126 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 the individual  
129 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 Section  
135 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 imposed  
139 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 jail  
142 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  
144 10 years of the current conviction under Section 41-6a-502 or the commission of the offense  
145 upon which the current conviction is based and where there is admissible evidence that the  
146 individual had a blood or breath alcohol level of .16 or higher, had a blood or breath alcohol  
147 level of .05 or higher in addition to any measurable controlled substance, or had a combination  
148 of two or more controlled substances in the individual's body that were not recommended in  
149 accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or  
150 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 confinement of  
154 not fewer than 60 consecutive days through the use of electronic monitoring that includes a  
155 substance abuse testing instrument in accordance with Section [41-6a-506](#); or
- 156 (C) impose a jail sentence of not less than 10 days in addition to ordering the  
157 individual to obtain substance abuse treatment, if the court finds that substance abuse treatment  
158 is more likely to reduce recidivism and is in the interests of public safety;
- 159 (ii) order the individual to participate in a screening;
- 160 (iii) order the individual to participate in an assessment, if it is found appropriate by a  
161 screening under Subsection (5)(a)(ii);
- 162 (iv) order the individual to participate in an educational series if the court does not  
163 order substance abuse treatment as described under Subsection (5)(b);
- 164 (v) impose a fine of not less than \$800;
- 165 (vi) order probation for the individual in accordance with Section [41-6a-507](#);
- 166 (vii) order the installation of an ignition interlock system as described in Section  
167 [41-6a-518](#);
- 168 (viii) (A) order the individual to pay the administrative impound fee described in  
169 Section [41-6a-1406](#); or
- 170 (B) if the administrative impound fee was paid by a party described in Subsection  
171 [~~41-6a-1406(5)(a)~~] [41-6a-1406\(6\)\(a\)](#), other than the individual sentenced, order the individual  
172 sentenced to reimburse the party; or
- 173 (ix) (A) order the individual to pay the towing and storage fees described in Section  
174 [72-9-603](#); or
- 175 (B) if the towing and storage fees were paid by a party described in Subsection  
176 [~~41-6a-1406(5)(a)~~] [41-6a-1406\(6\)\(a\)](#), other than the individual sentenced, order the individual  
177 sentenced to reimburse the party; and
- 178 (b) the court may:
  - 179 (i) order the individual to obtain substance abuse treatment if the substance abuse  
180 treatment program determines that substance abuse treatment is appropriate;
  - 181 (ii) order the individual to participate in a 24/7 sobriety program as defined in Section  
182 [41-6a-515.5](#) if the individual is 21 years old or older; or

183 (iii) order a combination of Subsections (5)(b)(i) and (ii).

184 (6) (a) If an individual described in Subsection (5) is participating in a 24/7 sobriety  
185 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed  
186 under Subsection (5)(a) after the individual has served a minimum of:

187 (i) five days of the jail sentence for a second offense; or

188 (ii) 10 days of the jail sentence for a third or subsequent offense.

189 (b) If an individual described in Subsection (6)(a) fails to successfully complete all of  
190 the requirements of the 24/7 sobriety program, the court shall impose the suspended jail  
191 sentence described in Subsection (6)(a).

192 (7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within  
193 10 years of the current conviction under Section 41-6a-502 or the commission of the offense  
194 upon which the current conviction is based and that does not qualify under Subsection (5):

195 (a) the court shall:

196 (i) (A) impose a jail sentence of not less than 10 days; or

197 (B) impose a jail sentence of not less than 5 days in addition to home confinement of  
198 not fewer than 30 consecutive days through the use of electronic monitoring that includes a  
199 substance abuse testing instrument in accordance with Section 41-6a-506;

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

201 (iii) order the individual to participate in an assessment, if it is found appropriate by a  
202 screening under Subsection (7)(a)(ii);

203 (iv) order the individual to participate in an educational series if the court does not  
204 order substance abuse treatment as described under Subsection (7)(b);

205 (v) impose a fine of not less than \$800;

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

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

209 (B) if the administrative impound fee was paid by a party described in Subsection  
210 ~~41-6a-1406(5)(a)~~ 41-6a-1406(6)(a), other than the individual sentenced, order the individual  
211 sentenced to reimburse the party; or

212 (viii) (A) order the individual to pay the towing and storage fees described in Section  
213 72-9-603; or

214 (B) if the towing and storage fees were paid by a party described in Subsection  
215 [~~41-6a-1406(5)(a)~~] [41-6a-1406\(6\)\(a\)](#), other than the individual sentenced, order the individual  
216 sentenced to reimburse the party; and

217 (b) the court may:

218 (i) order the individual to obtain substance abuse treatment if the substance abuse  
219 treatment program determines that substance abuse treatment is appropriate;

220 (ii) order the individual to participate in a 24/7 sobriety program as defined in Section  
221 [41-6a-515.5](#) if the individual is 21 years old or older; or

222 (iii) order a combination of Subsections (7)(b)(i) and (ii).

223 (8) (a) If an individual described in Subsection (7) is participating in a 24/7 sobriety  
224 program as defined in Section [41-6a-515.5](#), the court may suspend the jail sentence imposed  
225 under Subsection (7)(a) after the individual has served a minimum of:

226 (i) five days of the jail sentence for a second offense; or

227 (ii) 10 days of the jail sentence for a third or subsequent offense.

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

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

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

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

240 (c) home confinement of not fewer than 120 consecutive days through the use of  
241 electronic monitoring that includes a substance abuse testing instrument in accordance with  
242 Section [41-6a-506](#); and

243 (d) supervised probation.

244 (10) (a) For Subsection (9) or Subsection [41-6a-502\(2\)\(c\)\(i\)](#), the court:



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

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

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

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

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

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

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

260 (d) supervised probation.

261 (12) (a) (i) Except as described in Subsection (12)(a)(ii), a court may not suspend the  
262 requirements of this section.

263 (ii) A court may suspend requirements as described in Subsection (2), (4), (6), or (8).

264 (b) A court, with stipulation of both parties and approval from the judge, may convert a  
265 jail sentence required in this section to electronic home confinement.

266 (c) A court may order a jail sentence imposed as a condition of misdemeanor probation  
267 under this section to be served in multiple two-day increments at weekly intervals if the court  
268 determines that separate jail increments are necessary to ensure the defendant can serve the  
269 statutorily required jail term and maintain employment.

270 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is  
271 admissible evidence that the individual had a blood or breath alcohol level of .16 or higher, the  
272 court shall order the following, or describe on record why the order or orders are not  
273 appropriate:

274 (a) treatment as described under Subsection (1)(b), (3)(b), (5)(b), or (7)(b); and

275 (b) one or more of the following:

276 (i) the installation of an ignition interlock system as a condition of probation for the  
277 individual in accordance with Section 41-6a-518;

278 (ii) the imposition of an ankle attached continuous transdermal alcohol monitoring  
279 device or remote alcohol monitor as a condition of probation for the individual; or

280 (iii) the imposition of home confinement through the use of electronic monitoring in  
281 accordance with Section 41-6a-506.

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

283 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**  
284 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

285 (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under  
286 Section 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order  
287 of a peace officer or by an order of a person acting on behalf of a law enforcement agency or  
288 highway authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall  
289 be at the expense of the owner.

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

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

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

295 (b) by the department under Subsection ~~[(10)]~~ (11).

296 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel, or  
297 outboard motor that is ~~[(i) removed or]~~ impounded as described in Subsection (1) ~~[(i)].~~

298 ~~[(ii) removed or impounded by any law enforcement or government entity.]~~

299 (b) Before noon on the next business day after the date of the removal of the vehicle,  
300 vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division  
301 by:

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

303 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck  
304 operator is employed.

305 (c) The report shall be in a form specified by the Motor Vehicle Division and shall  
306 include:

- 307 (i) the operator's name, if known;
- 308 (ii) a description of the vehicle, vessel, or outboard motor;
- 309 (iii) the vehicle identification number or vessel or outboard motor identification  
310 number;
- 311 (iv) the case number designated by the peace officer, law enforcement agency number,  
312 or government entity;
- 313 [~~(iv)~~] (v) the license number, temporary permit number, or other identification number  
314 issued by a state agency;
- 315 [~~(v)~~] (vi) the date, time, and place of impoundment;
- 316 [~~(vi)~~] (vii) the reason for removal or impoundment;
- 317 [~~(vii)~~] (viii) the name of the tow truck motor carrier who removed the vehicle, vessel,  
318 or outboard motor; and
- 319 [~~(viii)~~] (ix) the place where the vehicle, vessel, or outboard motor is stored.
- 320 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
321 the State Tax Commission shall make rules to establish proper format and information required  
322 on the form described in this Subsection (4).
- 323 (ii) The State Tax Commission shall ensure that the form described in this Subsection  
324 (4) is provided in at least triplicate, to ensure each relevant party is provided a copy of the  
325 completed form.
- 326 (e) Until the tow truck operator or tow truck motor carrier reports the removal as  
327 required under this Subsection (4), a tow truck motor carrier or impound yard may not:
- 328 (i) collect any fee associated with the removal; and
- 329 (ii) begin charging storage fees.
- 330 (5) (a) A report described in this Subsection (5) is required for any vehicle, vessel, or  
331 outboard motor that is removed or towed, except for:
- 332 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in  
333 Subsection (1); or
- 334 (ii) a vehicle, vessel, or outboard motor for which a tow performed in accordance with  
335 Section [72-9-603](#).
- 336 (b) Before noon on the next business day after the date of the removal of the vehicle,  
337 vessel, or outboard motor, a report shall be sent to the Motor Vehicle Division by the tow truck

338 operator or tow truck motor carrier.

339 (c) The report described in this Subsection (5) shall include:

340 (i) the name, badge number, signature, and law enforcement agency number of the  
341 relevant peace officer;

342 (ii) subject to Subsection (5)(d), the vehicle identification number and the license  
343 number, temporary permit number, or other identification number issued by a state agency;

344 (iii) the law enforcement agency case number relevant to the vehicle, vessel, or  
345 outboard motor;

346 (iv) the date and time of the removal of the vehicle, vessel, or outboard motor; and

347 (v) the reason for the removal of the vehicle, vessel, or outboard motor.

348 (d) If either the vehicle identification number or the license number, temporary permit  
349 number, or other identification number issued by a state agency is not available, the report shall  
350 include:

351 (i) as much information as is available from both the vehicle identification number and  
352 the license plate number of the vehicle, vessel, or outboard motor; and

353 (ii) a description of the vehicle, vessel, or outboard motor, including the color, make,  
354 model, and model year of the vehicle, vessel, or outboard motor.

355 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
356 State Tax Commission may make rules to establish proper format and information required on  
357 the form described in this Subsection (5).

358 (f) Until the tow truck operator or tow truck motor carrier reports the removal as  
359 required under this Subsection (5), a tow truck motor carrier may not:

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

361 (ii) begin charging storage fees.

362 (g) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
363 the State Tax Commission may make rules to establish proper format and information required  
364 on the form described in this Subsection (5).

365 (ii) The State Tax Commission shall ensure that the form described in this Subsection  
366 (5) is provided in at least triplicate, to ensure each relevant party is provided a copy of the  
367 completed form.

368 ~~[(5)]~~ (6) (a) Except as provided in Subsection ~~[(5)(e)]~~ (6)(e) and upon receipt of [the

369 ~~report]~~ a report described in Subsection (4), the Motor Vehicle Division shall give notice, in  
370 the manner described in Section 41-1a-114, to the following parties with an interest in the  
371 vehicle, vessel, or outboard motor, as applicable:

372 (i) the registered owner;

373 (ii) any lien holder; or

374 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor  
375 is currently operating under a temporary permit issued by the dealer, as described in Section  
376 41-3-302.

377 (b) The notice shall:

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

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

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

385 (iv) inform the parties described in Subsection [~~(5)(a)~~] (6)(a) of the division's intent to  
386 sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or  
387 impoundment under this section, one of the parties fails to make a claim for release of the  
388 vehicle, vessel, or outboard motor.

389 (c) Except as provided in Subsection [~~(5)(e)~~] (6)(e) and if the vehicle, vessel, or  
390 outboard motor is not registered in this state, the Motor Vehicle Division shall make a  
391 reasonable effort to notify the parties described in Subsection [~~(5)(a)~~] (6)(a) of the removal and  
392 the place where the vehicle, vessel, or outboard motor is stored.

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

395 (e) The Motor Vehicle Division is not required to give notice under this Subsection  
396 [~~(5)~~] (6) if a report was received by a tow truck operator or tow truck motor carrier reporting a  
397 tow truck service in accordance with Subsection 72-9-603(1)(a)(i).

398 [~~(6)~~] (7) (a) The vehicle, vessel, or outboard motor removed to a state impound yard as  
399 described in Subsection (2) shall be released after a party described in Subsection [~~(5)(a)~~]

400 (6)(a):

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

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

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

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

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

410 (b) (i) Twenty-nine dollars of the administrative impound fee assessed under  
411 Subsection [~~(6)(a)(iv)~~] (7)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;

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

415 (iii) \$20 of the administrative impound fee assessed under Subsection [~~(6)(a)(iv)~~]  
416 (7)(a)(iv) shall be deposited into the Neuro-Rehabilitation Fund created in Section [26B-1-319](#);  
417 and

418 (iv) the remainder of the administrative impound fee assessed under Subsection  
419 [~~(6)(a)(iv)~~] (7)(a)(iv) shall be deposited into the General Fund.

420 (c) The administrative impound fee assessed under Subsection [~~(6)(a)(iv)~~] (7)(a)(iv)  
421 shall be waived or refunded by the State Tax Commission if the registered owner, lien holder,  
422 or owner's agent presents written evidence to the State Tax Commission that:

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

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

429 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept  
430 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)

431 or any service rendered, performed, or supplied in connection with a removal or impoundment  
432 under Subsection (1).

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

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

436 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in  
437 Subsection ~~[(5)(a)]~~ (6)(a), even if the party satisfies the requirements to release the vehicle,  
438 vessel, or outboard motor under this Subsection ~~[(6)]~~ (7).

439 ~~[(7)]~~ (8) (a) For an impounded vehicle, vessel, or outboard motor not claimed by a  
440 party described in Subsection ~~[(5)(a)]~~ (6)(a) within the time prescribed by Section [41-1a-1103](#),  
441 the Motor Vehicle Division shall issue a certificate of sale for the impounded vehicle, vessel,  
442 or outboard motor as described in Section [41-1a-1103](#).

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

445 ~~[(8)]~~ (9) A party described in Subsection ~~[(5)(a)]~~ (6)(a) that pays all fees and charges  
446 incurred in the impoundment of the owner's vehicle, vessel, or outboard motor has a cause of  
447 action for all the fees and charges, together with damages, court costs, and attorney fees,  
448 against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal  
449 or impoundment.

450 ~~[(9)]~~ (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle,  
451 vessel, or outboard motor.

452 ~~[(10)]~~ (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
453 Act, the department shall make rules setting the performance standards for towing companies  
454 to be used by the department.

455 ~~[(11)]~~ (12) (a) The Motor Vehicle Division may specify that a report required under  
456 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and  
457 retrieval of the information.

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

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

461 (A) be reasonable and fair; and

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

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

464 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**  
465 **-- Uses as provided by appropriation -- Nonlapsing.**

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

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

469 (a) all money received under this chapter;

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

472 (c) beginning on January 1, 2013, money received in accordance with Section  
473 [41-1a-1201](#); and

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

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

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

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

479 (5) The amount in excess of \$45 of the fees collected under Subsection [53-3-105\(25\)](#)  
480 shall be appropriated by the Legislature from this account to the department to implement the  
481 provisions of Section [53-1-117](#), except that of the amount in excess of \$45, \$100 shall be  
482 deposited into the State Laboratory Drug Testing Account created in Section [26B-1-304](#).

483 (6) All money received under Subsection [~~[41-6a-1406\(6\)\(c\)\(ii\)](#)~~] [41-6a-1406\(7\)\(c\)\(ii\)](#)  
484 shall be appropriated by the Legislature from this account to the department to implement the  
485 provisions of Section [53-1-117](#).

486 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000  
487 annually from the account to the state medical examiner appointed under Section [26B-8-202](#)  
488 for use in carrying out duties related to highway crash deaths under Subsection [26B-8-205\(1\)](#).

489 (8) The division shall remit the fees collected under Subsection [53-3-105\(31\)](#) to the  
490 Bureau of Criminal Identification to cover the costs for the services the Bureau of Criminal  
491 Identification provides under Section [53-3-205.5](#).

492 (9) (a) Beginning on January 1, 2013, the Legislature shall appropriate all money



493 received in the account under Section 41-1a-1201 to the Utah Highway Patrol Division for  
494 field operations.

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

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

498 (11) The department shall report to the Department of Health and Human Services, on  
499 or before December 31, the amount the department expects to collect under Subsection  
500 53-3-105(25) in the next fiscal year.

501 Section 5. Section 63I-1-241 is amended to read:

502 **63I-1-241. Repeal dates: Title 41.**

503 (1) Subsection 41-1a-1201(8), related to the Neuro-Rehabilitation Fund, is repealed  
504 January 1, 2025.

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

507 (3) The following subsections addressing lane filtering are repealed on July 1, 2027:

508 (a) the subsection in Section 41-6a-102 that defines "lane filtering";

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

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

511 (4) Subsection [~~41-6a-1406(6)(b)(iii)~~] 41-6a-1406(7)(b)(iii), related to the  
512 Neuro-Rehabilitation Fund, is repealed January 1, 2025.

513 (5) Subsections 41-22-2(1) and 41-22-10(1), which authorize an advisory council that  
514 includes in the advisory council's duties addressing off-highway vehicle issues, are repealed  
515 July 1, 2027.

516 (6) Subsection 41-22-8(3), related to the Neuro-Rehabilitation Fund, is repealed  
517 January 1, 2025.

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

519 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**  
520 **vehicle title restrictions -- Rules for maximum rates and certification.**

521 (1) Except for a tow truck service that was ordered by a peace officer, a person acting  
522 on behalf of a law enforcement agency, or a highway authority, after performing a tow truck  
523 service that is being done without the vehicle, vessel, or outboard motor owner's knowledge,

524 the tow truck operator or the tow truck motor carrier shall:

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

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

529 (i) provide relevant information to the impound vehicle service system database  
530 administered by the Motor Vehicle Division, including:

531 (A) the date and time of the removal of the vehicle, vessel, or outboard motor;

532 (B) a description of the vehicle, vessel, or outboard motor; and

533 (C) the vehicle identification number or vessel or outboard motor identification  
534 number; and

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

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

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

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

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

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

544 (b) within two business days of performing the tow truck service under Subsection  
545 (1)(a), send a certified letter to the last-known address of each party described in Subsection  
546 [~~41-6a-1406(5)(a)] 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor  
547 obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's  
548 address, to the current address, notifying the party of the:~~

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

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

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

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

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

555 identification number issued by a state agency; and

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

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

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

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

560 (2) Until the tow truck operator or tow truck motor carrier reports the [~~removal as~~]

561 information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or

562 impound yard may not:

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

564 (b) begin charging storage fees.

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

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

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

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

569 tow truck service; or

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

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

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

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

574 outboard motor:

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

576 (A) a designated fire lane;

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

578 stall or space; or

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

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

581 parking;

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

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

584 facility; or

585 (B) a parking attendant;

586 (iv) from a location that materially interferes with access to private property;  
587 (v) from the property of a detached single-family dwelling or duplex; or  
588 (vi) pursuant to a legal repossession.

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

591 (i) authorizing a tow truck motor carrier to patrol and monitor the property and enforce  
592 parking restrictions on behalf of the property owner in accordance with Subsection (7);  
593 (ii) enforcing parking restrictions as needed by requesting a tow from a tow truck  
594 motor carrier on a case-by-case basis in accordance with Subsection (8); or  
595 (iii) requesting a tow from a tow truck motor carrier after providing 24-hour written  
596 notice in accordance with Subsection (9).

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

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

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

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

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

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

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

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

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

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

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

626 (iii) open to public parking; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

651 (i) patrol and monitor the property;

652 (ii) perform a tow truck service without the written or verbal request of the property

653 owner or the property owner's agent; or

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

655 (b) the property owner shall ensure that each entrance to the property has a clearly

656 visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch

657 white, reflective border, and has:

658 (i) at the top of the sign, a blue background with a white, reflective towing logo that is

659 at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an

660 entire vehicle being towed;

661 (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue

662 background with white, reflective letters at least two inches tall with the capitalized words

663 "Towing Enforced";

664 (iii) in the middle of the sign, a red background with white, reflective letters at least

665 one inch tall indicating:

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

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

668 (iv) at the bottom of the sign, a white, reflective background with red letters at least

669 one inch tall indicating:

670 (A) either:

671 (I) the name and telephone number of the property owner or the property owner's agent

672 who is authorized to request a tow truck service; or

673 (II) the name and telephone number of the tow truck motor carrier that provides tow

674 truck services for the property; and

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

676 (9) (a) For private property without signage meeting the requirements of Subsection (7)

677 or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or

678 outboard motor from the private property 24 hours after the property owner or the property

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

710 impound yard until a party described in Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a) with  
711 an interest in the vehicle, vessel, or outboard motor:

- 712 (i) pays the fees described in Subsection (12); and
- 713 (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

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

- 718 (i) pay the fees described in Subsection (12); and
- 719 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

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

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

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

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

731 (a) subject to the restriction in Subsection (17), set maximum rates that:  
732 (i) a tow truck motor carrier may charge for the tow truck service of a vehicle, vessel,  
733 or outboard motor that are transported in response to:

- 734 (A) a peace officer dispatch call;
- 735 (B) a motor vehicle division call; and
- 736 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor  
737 has not consented to the removal;

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

740 (iii) an impound yard may charge for the after-hours release of a vehicle, vessel, or



741 outboard motor stored as a result of one of the conditions described in Subsection (16)(a)(i);

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

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

746 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may  
747 charge for reporting the [~~removal as~~] information required under Subsection (1)(a)(i) and  
748 providing notice of the removal to each party described in Subsection [~~41-6a-1406(5)(a)~~]  
749 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in  
750 Subsection (1)(b);

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

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

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

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

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

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

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

765 (b) the vehicle, vessel, or outboard motor is not being released to a party described in  
766 Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), even if the party satisfies the requirements to  
767 release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

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

770 (ii) In addition to the maximum rates established under Subsection (16) and when  
771 receiving payment by credit card, a tow truck operator, a tow truck motor carrier, or an

772 impound yard may charge a credit card processing fee of 3% of the transaction total.

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

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

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

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

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

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

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

789 (i) a lawyer referral service;

790 (ii) a medical provider;

791 (iii) a funding agency;

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

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

794 (vi) a third party vendor.

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

796 **72-9-604. Preemption of local authorities -- Tow trucks.**

797 (1) As used in this section:

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

802 (i) pay the relevant fees; and

- 803 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.
- 804 (b) "Towing entity" means:
- 805 (i) a political subdivision of this state;
- 806 (ii) a state agency;
- 807 (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation
- 808 Act; or
- 809 (iv) a special service district created under Title 17D, Chapter 1, Special Service
- 810 District Act.
- 811 (2) (a) Notwithstanding any other provision of law, a political subdivision of this state
- 812 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor
- 813 carrier, tow truck operator, or tow truck that conflicts with:
- 814 (i) any provision of this part;
- 815 (ii) Section [41-6a-1401](#);
- 816 (iii) Section [41-6a-1407](#); or
- 817 (iv) rules made by the department under this part.
- 818 (b) A county or municipal legislative governing body may not charge a fee for the
- 819 storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:
- 820 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- 821 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
- 822 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
- 823 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
- 824 [41-6a-1406](#).
- 825 (3) A tow truck motor carrier that has a county or municipal business license for a
- 826 place of business located within that county or municipality may not be required to obtain
- 827 another business license in order to perform a tow truck service in another county or
- 828 municipality if there is not a business location in the other county or municipality.
- 829 (4) A county or municipal legislative or governing body may not require a tow truck
- 830 motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing
- 831 certificate by the department, as described in Section [72-9-602](#), to obtain an additional towing
- 832 certificate.
- 833 (5) A county or municipal legislative body may require an annual tow truck safety

834 inspection in addition to the inspections required under Sections [53-8-205](#) and [72-9-602](#) if:

835 (a) no fee is charged for the inspection; and

836 (b) the inspection complies with federal motor carrier safety regulations.

837 (6) (a) A tow truck shall be subject to only one annual safety inspection under

838 Subsection (5)(b).

839 (b) A county or municipality that requires the additional annual safety inspection shall  
840 accept the same inspection performed by another county or municipality.

841 (7) (a) (i) If a towing entity uses a towing dispatch vendor described in Section  
842 [53-1-106.2](#), the towing entity may charge a fee to cover costs associated with the use of a  
843 dispatch vendor as described in Section [53-1-106.2](#).

844 (ii) Except as provided in Subsection (8), a fee described in Subsection (7)(a)(i) may  
845 not exceed the actual costs of the dispatch vendor contracted to provide the dispatch service.

846 (b) (i) Except as provided in Subsection (7)(b)(ii), if a towing entity does not use a  
847 towing dispatch vendor described in Section [53-1-106.2](#), the towing entity may not charge a fee  
848 to cover costs associated with providing towing dispatch and rotation service.

849 (ii) A special service district created under Title 17D, Chapter 1, Special Service  
850 District Act, that charges a dispatch fee on or before January 1, 2023, may continue to charge a  
851 fee related to dispatch costs.

852 (iii) Except as provided in Subsection (8), a fee described in Subsection (7)(b)(ii) may  
853 not exceed an amount reasonably reflective to the actual costs of providing the towing dispatch  
854 and rotation service.

855 (c) A towing entity may not charge a fee described in Subsection (7)(a)(i) or (7)(b)(ii)  
856 unless the relevant governing body of the towing entity has approved the fee amount.

857 (d) In addition to fees set by the department in rules made in accordance with  
858 Subsection [72-9-603](#)(16), a tow truck operator or a tow truck motor carrier may pass through a  
859 fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed  
860 vehicles, vessels, or outboard motors.

861 (8) (a) In addition to the fees described in Subsection (7), a tow truck operator or tow  
862 truck motor carrier may charge an additional fee to absorb unrecovered costs of abandoned  
863 vehicles related to the fees described in Subsections (7)(a)(i) and (7)(b)(ii).

864 (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow

865 truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed  
866 an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).

867 (c) (i) Beginning January 1, 2025, and annually thereafter, the towing entity shall,  
868 based on data provided by the State Tax Commission, determine the percentage of vehicles,  
869 vessels, or outboard motors that were abandoned during the previous year by:

870 (A) determining the total number of vehicles, vessels, or outboard motors that were  
871 towed as part of a towing entity's towing rotation during the previous calendar year that were  
872 also abandoned; and

873 (B) dividing the number described in Subsection (8)(c)(i)(A) by the total number of  
874 vehicles, vessels, or outboard motors that were towed as part of the towing entity's towing  
875 rotation during the previous calendar year.

876 (ii) No later than March 31, 2025, and each year thereafter, the towing entity shall  
877 publish:

878 (A) the relevant fee amount described in Subsection (7)(a)(i) or (7)(b)(ii); and

879 (B) the percentage described in Subsection (8)(c)(i).

880 (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow  
881 truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the  
882 percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in  
883 Subsection (7)(a)(i) or (7)(b)(ii).

884 (d) A tow truck operator or tow truck motor carrier shall list on a separate line on the  
885 towing invoice any fee described in this Subsection (8).

886 (9) A towing entity may not require a tow truck operator who has received an  
887 authorized towing certificate from the department to submit additional criminal background  
888 check information for inclusion of the tow truck motor carrier on a rotation.

889 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow  
890 truck operator that responds may not respond to the location in a tow truck that is owned by a  
891 tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.

892 **Section 8. Effective date.**

893 This bill takes effect on May 1, 2024.