

**Representative Matthew H. Gwynn** proposes the following substitute bill:

**TOWING REQUIREMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor: \_\_\_\_\_

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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
  - 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:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-6a-210**, as last amended by Laws of Utah 2018, Chapter 133

30 **41-6a-505**, as last amended by Laws of Utah 2023, Chapters 328, 415

31 **41-6a-1406**, as last amended by Laws of Utah 2023, Chapter 335

32 **53-3-106**, as last amended by Laws of Utah 2023, Chapter 328

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

34 **72-9-603**, as last amended by Laws of Utah 2022, Chapter 92

35 **72-9-604**, as last amended by Laws of Utah 2023, Chapter 219



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

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

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

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

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

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

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

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

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

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

56 (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of

57 not less than \$5,000.

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

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

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

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

65 **41-6a-505. Sentencing requirements for driving under the influence of alcohol,**  
66 **drugs, or a combination of both violations.**

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

73 (a) the court shall:

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

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

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

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

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

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

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

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

87 (B) if the administrative impound fee was paid by a party described in Subsection

88 [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order the individual  
89 sentenced to reimburse the party;

90 (viii) (A) order the individual to pay the towing and storage fees described in Section  
91 72-9-603; or

92 (B) if the towing and storage fees were paid by a party described in Subsection  
93 [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order the individual  
94 sentenced to reimburse the party; or

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

98 (b) the court may:

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

101 (ii) order the individual to participate in a 24/7 sobriety program as defined in Section  
102 41-6a-515.5 if the individual is 21 years old or older; or

103 (iii) order a combination of Subsections (1)(b)(i) and (ii).

104 (2) (a) If an individual described in Subsection (1) is participating in a 24/7 sobriety  
105 program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed  
106 under Subsection (1)(a).

107 (b) If an individual described in Subsection (1) fails to successfully complete all of the  
108 requirements of the 24/7 sobriety program, the court shall impose the suspended jail sentence  
109 described in Subsection (2)(a).

110 (3) As part of any sentence for any first conviction of Section 41-6a-502 not described  
111 in Subsection (1):

112 (a) the court shall:

113 (i) (A) impose a jail sentence of not less than two days; or

114 (B) require the individual to work in a compensatory-service work program for not less  
115 than 48 hours;

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

117 (iii) order the individual to participate in an assessment, if it is found appropriate by a  
118 screening under Subsection (3)(a)(ii);

119 (iv) order the individual to participate in an educational series if the court does not  
120 order substance abuse treatment as described under Subsection (3)(b);

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

122 (vi) (A) order the individual to pay the administrative impound fee described in Section  
123 [41-6a-1406](#); or

124 (B) if the administrative impound fee was paid by a party described in Subsection  
125 [~~41-6a-1406(5)(a)~~] [41-6a-1406\(6\)\(a\)](#), other than the individual sentenced, order the individual  
126 sentenced to reimburse the party; or

127 (vii) (A) order the individual to pay the towing and storage fees described in Section  
128 [72-9-603](#); or

129 (B) if the towing and storage fees were paid by a party described in Subsection  
130 [~~41-6a-1406(5)(a)~~] [41-6a-1406\(6\)\(a\)](#), other than the individual sentenced, order the individual  
131 sentenced to reimburse the party; and

132 (b) the court may:

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

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

136 (iii) order the individual to participate in a 24/7 sobriety program as defined in Section  
137 [41-6a-515.5](#) if the individual is 21 years old or older; or

138 (iv) order a combination of Subsections (3)(b)(i) through (iii).

139 (4) (a) If an individual described in Subsection (3) is participating in a 24/7 sobriety  
140 program as defined in Section [41-6a-515.5](#), the court may suspend the jail sentence imposed  
141 under Subsection (3)(a).

142 (b) If an individual described in Subsection (4)(a) fails to successfully complete all of  
143 the requirements of the 24/7 sobriety program, the court shall impose the suspended jail  
144 sentence described in Subsection (4)(a).

145 (5) If an individual has a prior conviction as defined in Section [41-6a-501](#) that is within  
146 10 years of the current conviction under Section [41-6a-502](#) or the commission of the offense  
147 upon which the current conviction is based and where there is admissible evidence that the  
148 individual had a blood or breath alcohol level of .16 or higher, had a blood or breath alcohol  
149 level of .05 or higher in addition to any measurable controlled substance, or had a combination

150 of two or more controlled substances in the individual's body that were not recommended in  
151 accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or  
152 prescribed:

153 (a) the court shall:

154 (i) (A) impose a jail sentence of not less than 20 days;

155 (B) impose a jail sentence of not less than 10 days in addition to home confinement of  
156 not fewer than 60 consecutive days through the use of electronic monitoring that includes a  
157 substance abuse testing instrument in accordance with Section [41-6a-506](#); or

158 (C) impose a jail sentence of not less than 10 days in addition to ordering the  
159 individual to obtain substance abuse treatment, if the court finds that substance abuse treatment  
160 is more likely to reduce recidivism and is in the interests of 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 the individual  
174 sentenced to reimburse the party; or

175 (ix) (A) order the individual to pay the towing and storage fees described in Section  
176 [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 the individual  
179 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 imposed  
188 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 jail  
193 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  
195 10 years of the current conviction under Section 41-6a-502 or the commission of the offense  
196 upon which the current conviction is based and that does not qualify under Subsection (5):
- 197 (a) the court shall:
- 198 (i) (A) impose a jail sentence of not less than 10 days; or  
199 (B) impose a jail sentence of not less than 5 days in addition to home confinement of  
200 not fewer than 30 consecutive days through the use of electronic monitoring that includes a  
201 substance abuse testing instrument in accordance with Section 41-6a-506;
- 202 (ii) order the individual to participate in a screening;
- 203 (iii) order the individual to participate in an assessment, if it is found appropriate by a  
204 screening under Subsection (7)(a)(ii);
- 205 (iv) order the individual to participate in an educational series if the court does not  
206 order substance abuse treatment as described under Subsection (7)(b);
- 207 (v) impose a fine of not less than \$800;
- 208 (vi) order probation for the individual in accordance with Section 41-6a-507;
- 209 (vii) (A) order the individual to pay the administrative impound fee described in  
210 Section 41-6a-1406; or  
211 (B) if the administrative impound fee was paid by a party described in Subsection

212 [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order the individual  
213 sentenced to reimburse the party; or

214 (viii) (A) order the individual to pay the towing and storage fees described in Section  
215 72-9-603; or

216 (B) if the towing and storage fees were paid by a party described in Subsection  
217 [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), other than the individual sentenced, order the individual  
218 sentenced to reimburse the party; and

219 (b) the court may:

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

222 (ii) order the individual to participate in a 24/7 sobriety program as defined in Section  
223 41-6a-515.5 if the individual is 21 years old or older; or

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

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

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

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

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

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

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

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

242 (c) home confinement of not fewer than 120 consecutive days through the use of



243 electronic monitoring that includes a substance abuse testing instrument in accordance with  
244 Section 41-6a-506; and

245 (d) supervised probation.

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

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

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

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

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

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

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

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

262 (d) supervised probation.

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

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

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

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

272 (13) If an individual is convicted of a violation of Section 41-6a-502 and there is  
273 admissible evidence that the individual had a blood or breath alcohol level of .16 or higher, the

274 court shall order the following, or describe on record why the order or orders are not  
275 appropriate:

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

277 (b) one or more of the following:

278 (i) the installation of an ignition interlock system as a condition of probation for the  
279 individual in accordance with Section [41-6a-518](#);

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

282 (iii) the imposition of home confinement through the use of electronic monitoring in  
283 accordance with Section [41-6a-506](#).

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

285 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**  
286 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

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

292 (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be ~~[removed or]~~  
293 impounded to a state impound yard.

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

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

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

298 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel, or  
299 outboard motor that is~~[:]~~

300 ~~[(i) removed or]~~ impounded as described in Subsection (1)~~[: or]~~.

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

302 (b) Before noon on the next business day after the date of the removal of the vehicle,  
303 vessel, or outboard motor, a report of the ~~[removal]~~ impoundment shall be sent in an electronic  
304 format to the Motor Vehicle Division by:

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

336 Subsection (1); or

337 (ii) a vehicle, vessel, or outboard motor for which a tow performed in accordance with  
338 Section 72-9-603.

339 (b) Before noon on the next business day following the date of the tow of the vehicle,  
340 vessel, or outboard motor, the tow truck operator or tow truck motor carrier shall send a report  
341 to the Motor Vehicle Division in an electronic format approved by the Motor Vehicle Division.

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

343 (A) the name, badge number, signature, and law enforcement agency number of the  
344 relevant peace officer;

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

347 (C) the law enforcement agency case number relevant to the vehicle, vessel, or  
348 outboard motor;

349 (D) the date and time of the tow of the vehicle, vessel, or outboard motor; and

350 (E) the reason for the tow of the vehicle, vessel, or outboard motor.

351 (ii) A tow truck operator or tow truck motor carrier may satisfy the reporting  
352 requirement under this Subsection (5) by submitting the report described in Subsection (4).

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

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

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

360 (e) Until the tow truck operator or tow truck motor carrier reports the tow as required  
361 under this Subsection (5), a tow truck motor carrier may not:

362 (i) collect any fee associated with the tow; or

363 (ii) begin charging storage fees.

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

367 (ii) To ensure that each relevant party is provided a copy of the completed form  
368 required under this Subsection (5), the State Tax Commission shall ensure that the form  
369 described in this Subsection (5) is provided in at least triplicate and may be submitted  
370 electronically.

371 ~~[(5)]~~ (6) (a) Except as provided in Subsection ~~[(5)(e)]~~ (6)(e) and upon receipt of ~~[the~~  
372 ~~report]~~ a report described in Subsection (4), the Motor Vehicle Division shall give notice, in  
373 the manner described in Section 41-1a-114, to the following parties with an interest in the  
374 vehicle, vessel, or outboard motor, as applicable:

375 (i) the registered owner;

376 (ii) any lien holder; or

377 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor  
378 is currently operating under a temporary permit issued by the dealer, as described in Section  
379 41-3-302.

380 (b) The notice shall:

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

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

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

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

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

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

398 (e) The Motor Vehicle Division is not required to give notice under this Subsection  
399 ~~[(5)]~~ (6) if a report was received by a tow truck operator or tow truck motor carrier reporting a  
400 tow truck service in accordance with Subsection 72-9-603(1)(a)(i).

401 ~~[(6)]~~ (7) (a) The vehicle, vessel, or outboard motor impounded to a state impound yard  
402 as described in Subsection (2) shall be released after a party described in Subsection ~~[(5)(a)]~~  
403 (6)(a):

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

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

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

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

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

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

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

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

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

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

426 (i) the Driver License Division determined that the arrested person's driver license  
427 should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter  
428 or other report from the Driver License Division presented within 180 days after the day on

429 which the Driver License Division mailed the final notification; or

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

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

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

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

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

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

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

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

453 ~~[(9)]~~ (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle,  
454 vessel, or outboard motor.

455 ~~[(10)]~~ (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
456 Act, the department shall make rules setting the performance standards for towing companies  
457 to be used by the department.

458 ~~[(11)]~~ (12) (a) The Motor Vehicle Division may specify that a report required under  
459 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and

460 retrieval of the information.

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

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

464 (A) be reasonable and fair; and

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

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

467 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**

468 **-- Uses as provided by appropriation -- Nonlapsing.**

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

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

472 (a) all money received under this chapter;

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

475 (c) beginning on January 1, 2013, money received in accordance with Section  
476 [41-1a-1201](#); and

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

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

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

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

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

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

489 (7) Beginning in fiscal year 2009-10, the Legislature shall appropriate \$100,000  
490 annually from the account to the state medical examiner appointed under Section [26B-8-202](#)



491 for use in carrying out duties related to highway crash deaths under Subsection 26B-8-205(1).

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

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

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

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

501 (11) The department shall report to the Department of Health and Human Services, on  
502 or before December 31, the amount the department expects to collect under Subsection  
503 53-3-105(25) in the next fiscal year.

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

505 **63I-1-241. Repeal dates: Title 41.**

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

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

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

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

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

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

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

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

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

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

522           **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**  
523 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

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

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

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

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

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

536           (C) the vehicle identification number or vessel or outboard motor identification  
537 number; and

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

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

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

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

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

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

547           (b) within two business days of performing the tow truck service under Subsection  
548 (1)(a), send a certified letter to the last-known address of each party described in Subsection  
549 [~~41-6a-1406(5)(a)~~] [41-6a-1406\(6\)\(a\)](#) with an interest in the vehicle, vessel, or outboard motor  
550 obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's  
551 address, to the current address, notifying the party of the:

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

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

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

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

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

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

560 (c) upon initial contact with the owner whose vehicle, vessel, or outboard motor was  
561 removed, provide the owner with a copy of the Utah Consumer Bill of Rights Regarding  
562 Towing established by the department in Subsection (16)(e).

563 (2) Until the tow truck operator or tow truck motor carrier reports the ~~[removal as]~~  
564 information required under Subsection (1)(a), a tow truck operator, tow truck motor carrier, or  
565 impound yard may not:

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

567 (b) begin charging storage fees.

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

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

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

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

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

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

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

579 (A) a designated fire lane;

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

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

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

584 parking;

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

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

588 (B) a parking attendant;

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

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

591 (vi) pursuant to a legal repossession.

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

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

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

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

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

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

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

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

613 (B) if there is no clearly defined entrance between one property owner's parcel and  
614 another property owner's parcel, at intervals of 40 feet or less along the line dividing the

615 property owner's parcel from the other property owner's parcel.

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

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

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

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

- 627 (i) owned by the political subdivision or state agency;
- 628 (ii) located outside of the public right-of-way; and
- 629 (iii) open to public parking; and

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

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

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

- 636 (i) a blue, reflective background with a 1/2 inch white border;
- 637 (ii) two-inch, white letters at the top of the sign with the capitalized words "Lot is  
638 Patrolled";

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

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

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

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

- 646 (A) who is authorized to park or restricted from parking at the property; and
- 647 (B) any type of vehicle prohibited from parking at the property; and
- 648 (ii) a bottom half that has a white, reflective background with red letters indicating:
  - 649 (A) the name and telephone number of the tow truck motor carrier that the property
  - 650 owner has authorized to patrol the property; and
  - 651 (B) the Internet web address "tow.utah.gov".
- 652 (8) For private property where parking is enforced under Subsection (4)(a)(ii):
  - 653 (a) a tow truck motor carrier may not:
    - 654 (i) patrol and monitor the property;
    - 655 (ii) perform a tow truck service without the written or verbal request of the property
    - 656 owner or the property owner's agent; or
    - 657 (iii) act as the property owner's agent to request a tow truck service; and
  - 658 (b) the property owner shall ensure that each entrance to the property has a clearly
  - 659 visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch
  - 660 white, reflective border, and has:
    - 661 (i) at the top of the sign, a blue background with a white, reflective towing logo that is
    - 662 at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an
    - 663 entire vehicle being towed;
    - 664 (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue
    - 665 background with white, reflective letters at least two inches tall with the capitalized words
    - 666 "Towing Enforced";
    - 667 (iii) in the middle of the sign, a red background with white, reflective letters at least
    - 668 one inch tall indicating:
      - 669 (A) who is authorized to park or restricted from parking at the property; and
      - 670 (B) any type of vehicle prohibited from parking at the property; and
      - 671 (iv) at the bottom of the sign, a white, reflective background with red letters at least
      - 672 one inch tall indicating:
        - 673 (A) either:
          - 674 (I) the name and telephone number of the property owner or the property owner's agent
          - 675 who is authorized to request a tow truck service; or
          - 676 (II) the name and telephone number of the tow truck motor carrier that provides tow

677 truck services for the property; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

711 (b) The tow truck operator or tow truck motor carrier shall securely store the vehicle,  
712 vessel, or outboard motor and items described in Subsection (13)(a) in an approved state  
713 impound yard until a party described in Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a) with  
714 an interest in the vehicle, vessel, or outboard motor:

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

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

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

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

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

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

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

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

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

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

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

737 (A) a peace officer dispatch call;

738 (B) a motor vehicle division call; and



739 (C) any other call or request where the owner of the vehicle, vessel, or outboard motor  
740 has not consented to the removal;

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

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

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

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

749 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may  
750 charge for reporting the [~~removal as~~] information required under Subsection (1)(a)(i) and  
751 providing notice of the removal to each party described in Subsection [~~41-6a-1406(5)(a)~~]  
752 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in  
753 Subsection (1)(b);

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

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

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

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

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

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

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

768 (b) the vehicle, vessel, or outboard motor is not being released to a party described in  
769 Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a), even if the party satisfies the requirements to

770 release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

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

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

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

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

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

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

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

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

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

792 (i) a lawyer referral service;

793 (ii) a medical provider;

794 (iii) a funding agency;

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

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

797 (vi) a third party vendor.

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

799 **72-9-604. Preemption of local authorities -- Tow trucks.**

800 (1) As used in this section:

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

805 (i) pay the relevant fees; and  
806 (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

807 (b) "Towing entity" means:

808 (i) a political subdivision of this state;

809 (ii) a state agency;

810 (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation  
811 Act; or

812 (iv) a special service district created under Title 17D, Chapter 1, Special Service  
813 District Act.

814 (2) (a) Notwithstanding any other provision of law, a political subdivision of this state  
815 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor  
816 carrier, tow truck operator, or tow truck that conflicts with:

817 (i) any provision of this part;

818 (ii) Section 41-6a-1401;

819 (iii) Section 41-6a-1407; or

820 (iv) rules made by the department under this part.

821 (b) A county or municipal legislative governing body may not charge a fee for the  
822 storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

823 (i) is holding the vehicle, vessel, or outboard motor as evidence; and

824 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien  
825 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent  
826 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section  
827 41-6a-1406.

828 (3) A tow truck motor carrier that has a county or municipal business license for a  
829 place of business located within that county or municipality may not be required to obtain  
830 another business license in order to perform a tow truck service in another county or  
831 municipality if there is not a business location in the other county or municipality.

832 (4) A county or municipal legislative or governing body may not require a tow truck  
833 motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing  
834 certificate by the department, as described in Section 72-9-602, to obtain an additional towing  
835 certificate.

836 (5) A county or municipal legislative body may require an annual tow truck safety  
837 inspection in addition to the inspections required under Sections 53-8-205 and 72-9-602 if:

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

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

840 (6) (a) A tow truck shall be subject to only one annual safety inspection under  
841 Subsection (5)(b).

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

844 (7) (a) (i) If a towing entity uses a towing dispatch vendor described in Section  
845 53-1-106.2, the towing entity may charge a fee to cover costs associated with the use of a  
846 dispatch vendor as described in Section 53-1-106.2.

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

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

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

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

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

860 (d) In addition to fees set by the department in rules made in accordance with  
861 Subsection 72-9-603(16), a tow truck operator or a tow truck motor carrier may pass through a  
862 fee described in this Subsection (7) to owners, lien holders, or insurance providers of towed

863 vehicles, vessels, or outboard motors.

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

867 (b) Beginning May 3, 2023, and ending on June 30, 2025, a tow truck operator or tow  
868 truck motor carrier may charge a fee described in Subsection (8)(a) in an amount not to exceed  
869 an amount greater than 25% of the relevant fee described in Subsection (7)(a)(i) or (7)(b)(ii).

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

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

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

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

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

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

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

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

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

892 (10) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow  
893 truck operator that responds may not respond to the location in a tow truck that is owned by a

894 tow truck motor carrier that is different than the tow truck motor carrier that was dispatched.

895           Section 8. **Effective date.**

896           This bill takes effect on May 1, 2024.