

Representative Matthew H. Gwynn proposes the following substitute bill:

TOWING REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:



26 This bill provides a special effective date.

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 to the Motor
304 Vehicle Division, in an electronic format approved by 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.
- 328 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
329 required under this Subsection (4), a tow truck motor carrier or impound yard may not:
- 330 (i) collect any fee associated with the removal; and
331 (ii) begin charging storage fees.
- 332 (5) (a) A report described in this Subsection (5) is required for any vehicle, vessel, or
333 outboard motor that is removed, except for:
- 334 (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in
335 Subsection (1); or

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

338 (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer
339 shall provide documentation to the tow truck operator or tow truck motor carrier that includes:

340 (i) the name and badge number of the peace officer;

341 (ii) the name and originating agency identifier of the law enforcement agency; and

342 (iii) the case number designated by the law enforcement officer or law enforcement
343 agency.

344 (c) For a removal described in Subsection (5)(a), before noon on the next business day
345 following the date of the removal of the vehicle, vessel, or outboard motor, the tow truck
346 operator or tow truck motor carrier shall send to the Motor Vehicle Division in an electronic
347 format approved by the Motor Vehicle Division:

348 (i) the report described in Subsection (4); or

349 (ii) the report described in Subsection (5)(d).

350 (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck
351 motor carrier does not provide the report described in Subsection (4), the tow truck operator or
352 tow truck motor carrier shall provide a report to the Motor Vehicle Division that includes:

353 (i) the name and badge number of the relevant peace officer;

354 (ii) the name and originating agency identifier of the law enforcement agency;

355 (iii) the law enforcement agency case number;

356 (iv) subject to Subsection (5)(e), the vehicle identification number and the license
357 number, temporary permit number, or other identification number issued by a state agency;

358 (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and

359 (vi) the reason for the removal of the vehicle, vessel, or outboard motor.

360 (e) If either the vehicle identification number or the license number, temporary permit
361 number, or other identification number issued by a state agency is not available, the report shall
362 include:

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

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

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

369 (i) collect any fee associated with the removal; or

370 (ii) begin charging storage fees.

371 (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be
372 removed to:

373 (i) a state impound yard; or

374 (ii) a location that has been requested by the registered owner at the time of removal, if
375 payment is made to the tow truck motor carrier or tow truck operator at the time of removal.

376 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
377 State Tax Commission may make rules to establish proper format and information required on
378 the form described in Subsection (5)(e), including submission in an electronic format.

379 ~~[(5)]~~ (6) (a) Except as provided in Subsection ~~[(5)(e)]~~ (6)(d) and upon receipt of ~~[the~~
380 report] a report described in Subsection (4) or (5), the Motor Vehicle Division shall give
381 notice, in the manner described in Section 41-1a-114, to the following parties with an interest
382 in the vehicle, vessel, or outboard motor, as applicable:

383 (i) the registered owner;

384 (ii) any lien holder; or

385 (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor
386 is currently operating under a temporary permit issued by the dealer, as described in Section
387 41-3-302.

388 (b) The notice shall:

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

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

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

396 (iv) inform the parties described in Subsection ~~[(5)(a)]~~ (6)(a) of the division's intent to
397 sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or

398 impoundment under this section, one of the parties fails to make a claim for release of the
399 vehicle, vessel, or outboard motor.

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

404 ~~[(d) The Motor Vehicle Division shall forward a copy of the notice to the place where
405 the vehicle, vessel, or outboard motor is stored.]~~

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

409 ~~[(6)]~~ (7) (a) The vehicle, vessel, or outboard motor impounded or removed to a state
410 impound yard as described in this section shall be released after a party described in Subsection
411 ~~[(5)(a)]~~ (6)(a):

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

414 (ii) presents identification sufficient to prove ownership of the impounded or removed
415 vehicle, vessel, or outboard motor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

450 ~~[(7)]~~ (8) (a) For an impounded or a removed vehicle, vessel, or outboard motor not
451 claimed by a party described in Subsection ~~[(5)(a)]~~ (6)(a) within the time prescribed by Section
452 [41-1a-1103](#), the Motor Vehicle Division shall issue a certificate of sale for the impounded or
453 removed vehicle, vessel, or outboard motor as described in Section [41-1a-1103](#).

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

456 ~~[(8)]~~ (9) A party described in Subsection ~~[(5)(a)]~~ (6)(a) that pays all fees and charges
457 incurred in the impoundment or removal of the owner's vehicle, vessel, or outboard motor has a
458 cause of action for all the fees and charges, together with damages, court costs, and attorney
459 fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the

460 removal or impoundment.

461 ~~[(9)]~~ (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle,
462 vessel, or outboard motor.

463 ~~[(10)]~~ (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
464 Act, the department shall make rules setting the performance standards for towing companies
465 to be used by the department.

466 ~~[(11)]~~ (12) (a) The Motor Vehicle Division may specify that a report required under
467 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and
468 retrieval of the information.

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

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

472 (A) be reasonable and fair; and

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

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

475 **53-3-106. Disposition of revenues under this chapter -- Restricted account created**
476 **-- Uses as provided by appropriation -- Nonlapsing.**

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

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

480 (a) all money received under this chapter;

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

483 (c) beginning on January 1, 2013, money received in accordance with Section
484 [41-1a-1201](#); and

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

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

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

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

490 (5) The amount in excess of \$45 of the fees collected under Subsection [53-3-105](#)(25)

491 shall be appropriated by the Legislature from this account to the department to implement the
492 provisions of Section 53-1-117, except that of the amount in excess of \$45, \$100 shall be
493 deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.

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

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

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

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

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

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

509 (11) The department shall report to the Department of Health and Human Services, on
510 or before December 31, the amount the department expects to collect under Subsection
511 53-3-105(25) in the next fiscal year.

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

513 **63I-1-241. Repeal dates: Title 41.**

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

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

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

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

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

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

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

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

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

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

530 **72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned**
531 **vehicle title restrictions -- Rules for maximum rates and certification.**

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

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

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

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

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

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

544 (C) the vehicle identification number or vessel or outboard motor identification
545 number; and

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

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

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

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

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

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

555 (b) within two business days of performing the tow truck service under Subsection
556 (1)(a), send a certified letter to the last-known address of each party described in Subsection
557 ~~[41-6a-1406(5)(a)]~~ 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor
558 obtained from the Motor Vehicle Division or, if the person has actual knowledge of the party's
559 address, to the current address, notifying the party of the:

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

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

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

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

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

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

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

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

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

575 (b) begin charging storage fees.

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

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

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

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

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

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

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

587 (A) a designated fire lane;

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

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

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

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

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

596 (B) a parking attendant;

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

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

599 (vi) pursuant to a legal repossession.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

646 Patrolled";

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

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

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

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

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

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

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

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

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

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

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

662 (i) patrol and monitor the property;

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

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

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

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

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

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

- 677 (A) who is authorized to park or restricted from parking at the property; and
678 (B) any type of vehicle prohibited from parking at the property; and
679 (iv) at the bottom of the sign, a white, reflective background with red letters at least
680 one inch tall indicating:
- 681 (A) either:
- 682 (I) the name and telephone number of the property owner or the property owner's agent
683 who is authorized to request a tow truck service; or
- 684 (II) the name and telephone number of the tow truck motor carrier that provides tow
685 truck services for the property; and
- 686 (B) the Internet web address "tow.utah.gov".
- 687 (9) (a) For private property without signage meeting the requirements of Subsection (7)
688 or (8), the property owner may request a tow truck motor carrier to remove a vehicle, vessel, or
689 outboard motor from the private property 24 hours after the property owner or the property
690 owner's agent affixes a written notice to the vehicle, vessel, or outboard motor in accordance
691 with this Subsection (9).
- 692 (b) The written notice described in Subsection (9)(a) shall:
- 693 (i) indicate the exact time when the written notice is affixed to the vehicle, vessel, or
694 outboard motor;
- 695 (ii) warn the owner of the vehicle, vessel, or outboard motor that the vehicle, vessel, or
696 outboard motor will be towed from the property if it is not removed within 24 hours after the
697 time indicated in Subsection (9)(b)(i);
- 698 (iii) be at least four inches tall and four inches wide; and
- 699 (iv) be affixed to the vehicle, vessel, or outboard motor at a conspicuous location on
700 the driver's side window of the vehicle, vessel, or outboard motor.
- 701 (c) A property owner may authorize a tow truck motor carrier to act as the property
702 owner's agent for purposes of affixing the written notice described in Subsection (9)(a) to a
703 vehicle, vessel, or outboard motor.
- 704 (10) The department shall publish on the department Internet website the signage
705 requirements and written notice requirements and illustrated or photographed examples of the
706 signage and written notice requirements described in Subsections (7) through (9).
- 707 (11) It is an affirmative defense to any claim, based on the lack of notice, that arises

708 from the towing of a vehicle, vessel, or outboard motor from private property that the property
709 had signage meeting the requirements of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

739 Subsection (1).

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

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

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

745 (A) a peace officer dispatch call;

746 (B) a motor vehicle division call; and

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

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

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

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

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

757 (d) set a maximum rate for an administrative fee that a tow truck motor carrier may
758 charge for reporting the ~~[removal as]~~ information required under Subsection (1)(a)(i) and
759 providing notice of the removal to each party described in Subsection ~~[41-6a-1406(5)(a)]~~
760 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor as required in
761 Subsection (1)(b);

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

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

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

769 (iii) identifies the maximum rates that an impound yard may charge for the storage of

770 vehicle, vessel, or outboard motor that is transported in response to a call or request where the
771 owner of the vehicle, vessel, or outboard motor has not consented to the removal; and

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

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

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

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

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

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

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

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

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

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

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

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

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

800 (i) a lawyer referral service;

- 801 (ii) a medical provider;
- 802 (iii) a funding agency;
- 803 (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);
- 804 (v) a marketer for any other service; or
- 805 (vi) a third party vendor.

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

807 **72-9-604. Preemption of local authorities -- Tow trucks.**

808 (1) As used in this section:

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

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

815 (b) "Towing entity" means:

- 816 (i) a political subdivision of this state;
- 817 (ii) a state agency;
- 818 (iii) an interlocal agency created under Title 11, Chapter 13, Interlocal Cooperation

819 Act; or

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

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

- 825 (i) any provision of this part;
- 826 (ii) Section 41-6a-1401;
- 827 (iii) Section 41-6a-1407; or
- 828 (iv) rules made by the department under this part.

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

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

832 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
833 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
834 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
835 [41-6a-1406](#).

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

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

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

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

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

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

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

852 (7) (a) (i) If a towing entity uses a towing dispatch vendor described in Section
853 [53-1-106.2](#), the towing entity may charge a fee to cover costs associated with the use of a
854 dispatch vendor as described in Section [53-1-106.2](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

891 (iii) Beginning on July 1, 2025, and each year thereafter, a tow truck operator or a tow
892 truck motor carrier may charge a fee authorized in Subsection (8)(a) in an amount equal to the
893 percentage described in Subsection (8)(c)(i) multiplied by the relevant fee amount described in

894 Subsection (7)(a)(i) or (7)(b)(ii).

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

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

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

903 Section 8. **Effective date.**

904 This bill takes effect on July 1, 2024.