

Senator Michael K. McKell proposes the following substitute bill:

TOWING MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Matthew H. Gwynn

LONG TITLE

General Description:

This bill makes changes regarding what information can be shared when a vehicle is towed and makes changes related to the Uninsured Motorist Identification Restricted Account.

Highlighted Provisions:

This bill:

- ▶ allows information to be shared with a designated agent;
- ▶ amends provisions related to the Uninsured Motorist Identification Restricted

Account; and

- ▶ allows a designated agent to share information with a towed vehicle's insurance company.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-6a-102, as last amended by Laws of Utah 2023, Chapters 219, 532



26 [41-6a-1406](#), as last amended by Laws of Utah 2023, Chapter 335
27 [41-12a-805](#), as last amended by Laws of Utah 2012, Chapter 243
28 [41-12a-806](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

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

31 Section 1. Section **41-6a-102** is amended to read:

32 **41-6a-102. Definitions.**

33 As used in this chapter:

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

36 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
37 [41-22-2](#).

38 (3) "Authorized emergency vehicle" includes:

39 (a) fire department vehicles;

40 (b) police vehicles;

41 (c) ambulances; and

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

44 (4) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

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

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

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

48 (iii) designed to be operated on the ground; and

49 (iv) whose wheels are not less than 14 inches in diameter.

50 (b) "Bicycle" includes an electric assisted bicycle.

51 (c) "Bicycle" does not include scooters and similar devices.

52 (6) (a) "Bus" means a motor vehicle:

53 (i) designed for carrying more than 15 passengers and used for the transportation of
54 persons; or

55 (ii) designed and used for the transportation of persons for compensation.

56 (b) "Bus" does not include a taxicab.

57 (7) (a) "Circular intersection" means an intersection that has an island, generally
58 circular in design, located in the center of the intersection where traffic passes to the right of
59 the island.

60 (b) "Circular intersection" includes:

61 (i) roundabouts;

62 (ii) rotaries; and

63 (iii) traffic circles.

64 (8) "Class 1 electric assisted bicycle" means an electric assisted bicycle described in
65 Subsection (18)(d)(i).

66 (9) "Class 2 electric assisted bicycle" means an electric assisted bicycle described in
67 Subsection (18)(d)(ii).

68 (10) "Class 3 electric assisted bicycle" means an electric assisted bicycle described in
69 Subsection (18)(d)(iii).

70 (11) "Commissioner" means the commissioner of the Department of Public Safety.

71 (12) "Controlled-access highway" means a highway, street, or roadway:

72 (a) designed primarily for through traffic; and

73 (b) to or from which owners or occupants of abutting lands and other persons have no
74 legal right of access, except at points as determined by the highway authority having
75 jurisdiction over the highway, street, or roadway.

76 (13) "Crosswalk" means:

77 (a) that part of a roadway at an intersection included within the connections of the
78 lateral lines of the sidewalks on opposite sides of the highway measured from:

79 (i) (A) the curbs; or

80 (B) in the absence of curbs, from the edges of the traversable roadway; and

81 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
82 included within the extension of the lateral lines of the existing sidewalk at right angles to the
83 centerline; or

84 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
85 pedestrian crossing by lines or other markings on the surface.

86 (14) "Department" means the Department of Public Safety.

87 (15) "Direct supervision" means oversight at a distance within which:

- 88 (a) visual contact is maintained; and
- 89 (b) advice and assistance can be given and received.
- 90 (16) "Divided highway" means a highway divided into two or more roadways by:
 - 91 (a) an unpaved intervening space;
 - 92 (b) a physical barrier; or
 - 93 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 94 (17) "Echelon formation" means the operation of two or more snowplows arranged
- 95 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow
- 96 from two or more lanes at once.
- 97 (18) "Electric assisted bicycle" means a bicycle with an electric motor that:
 - 98 (a) has a power output of not more than 750 watts;
 - 99 (b) has fully operable pedals on permanently affixed cranks;
 - 100 (c) is fully operable as a bicycle without the use of the electric motor; and
 - 101 (d) is one of the following:
 - 102 (i) an electric assisted bicycle equipped with a motor or electronics that:
 - 103 (A) provides assistance only when the rider is pedaling; and
 - 104 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
 - 105 hour;
 - 106 (ii) an electric assisted bicycle equipped with a motor or electronics that:
 - 107 (A) may be used exclusively to propel the bicycle; and
 - 108 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
 - 109 miles per hour; or
 - 110 (iii) an electric assisted bicycle equipped with a motor or electronics that:
 - 111 (A) provides assistance only when the rider is pedaling;
 - 112 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
 - 113 hour; and
 - 114 (C) is equipped with a speedometer.
- 115 (19) (a) "Electric personal assistive mobility device" means a self-balancing device
- 116 with:
 - 117 (i) two nontandem wheels in contact with the ground;
 - 118 (ii) a system capable of steering and stopping the unit under typical operating

119 conditions;

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

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

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

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

124 (20) "Explosives" means a chemical compound or mechanical mixture commonly used

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

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

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

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

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

130 bodily injury.

131 (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm

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

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

134 as determined by a Tagliabue or equivalent closed-cup test device.

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

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

137 (24) (a) "Golf cart" means a device that:

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

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

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

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

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

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

144 (i) a low-speed vehicle or an off-highway vehicle;

145 (ii) a motorized wheelchair;

146 (iii) an electric personal assistive mobility device;

147 (iv) an electric assisted bicycle;

148 (v) a motor assisted scooter;

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

- 150 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 151 (25) "Gore area" means the area delineated by two solid white lines that is between a
152 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
153 including similar areas between merging or splitting highways.
- 154 (26) "Gross weight" means the weight of a vehicle without a load plus the weight of
155 any load on the vehicle.
- 156 (27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 157 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
158 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
159 highway or railroad tracks.
- 160 (28) "Highway" means the entire width between property lines of every way or place of
161 any nature when any part of it is open to the use of the public as a matter of right for vehicular
162 travel.
- 163 (29) "Highway authority" means the same as that term is defined in Section [72-1-102](#).
- 164 (30) (a) "Intersection" means the area embraced within the prolongation or connection
165 of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or
166 more highways that join one another.
- 167 (b) Where a highway includes two roadways 30 feet or more apart:
- 168 (i) every crossing of each roadway of the divided highway by an intersecting highway
169 is a separate intersection; and
- 170 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
171 every crossing of two roadways of the highways is a separate intersection.
- 172 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 173 (31) "Island" means an area between traffic lanes or at an intersection for control of
174 vehicle movements or for pedestrian refuge designated by:
- 175 (a) pavement markings, which may include an area designated by two solid yellow
176 lines surrounding the perimeter of the area;
- 177 (b) channelizing devices;
- 178 (c) curbs;
- 179 (d) pavement edges; or
180 (e) other devices.

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

184 (33) "Law enforcement agency" means the same as that term is as defined in Section
185 [53-1-102](#).

186 (34) "Limited access highway" means a highway:

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

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

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

194 (36) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

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

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

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

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

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

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

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

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

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

208 (39) "Mobile home" means:

209 (a) a trailer or semitrailer that is:

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

212 (ii) equipped for use as a conveyance on streets and highways; or
213 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
214 constructed for use as a mobile home, as defined in Subsection (39)(a), but that is instead used
215 permanently or temporarily for:

216 (i) the advertising, sale, display, or promotion of merchandise or services; or
217 (ii) any other commercial purpose except the transportation of property for hire or the
218 transportation of property for distribution by a private carrier.

219 (40) "Mobility disability" means the inability of a person to use one or more of the
220 person's extremities or difficulty with motor skills, that may include limitations with walking,
221 grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.

222 (41) (a) "Moped" means a motor-driven cycle having:

223 (i) pedals to permit propulsion by human power; and
224 (ii) a motor that:
225 (A) produces not more than two brake horsepower; and
226 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
227 level ground.

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

231 (c) "Moped" does not include:

232 (i) an electric assisted bicycle; or
233 (ii) a motor assisted scooter.

234 (42) (a) "Motor assisted scooter" means a self-propelled device with:

235 (i) at least two wheels in contact with the ground;
236 (ii) a braking system capable of stopping the unit under typical operating conditions;
237 (iii) an electric motor not exceeding 2,000 watts;

238 (iv) either:
239 (A) handlebars and a deck design for a person to stand while operating the device; or
240 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
241 the device;

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

- 243 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 244 (b) "Motor assisted scooter" does not include:
- 245 (i) an electric assisted bicycle; or
- 246 (ii) a motor-driven cycle.
- 247 (43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
- 248 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- 249 (b) "Motor vehicle" does not include:
- 250 (i) vehicles moved solely by human power;
- 251 (ii) motorized wheelchairs;
- 252 (iii) an electric personal assistive mobility device;
- 253 (iv) an electric assisted bicycle;
- 254 (v) a motor assisted scooter;
- 255 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 256 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 257 (44) "Motorcycle" means:
- 258 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
- 259 and designed to travel with not more than three wheels in contact with the ground; or
- 260 (b) an auticycle.
- 261 (45) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
- 262 having:
- 263 (i) an engine with less than 150 cubic centimeters displacement; or
- 264 (ii) a motor that produces not more than five horsepower.
- 265 (b) "Motor-driven cycle" does not include:
- 266 (i) an electric personal assistive mobility device;
- 267 (ii) a motor assisted scooter; or
- 268 (iii) an electric assisted bicycle.
- 269 (46) "Off-highway implement of husbandry" means the same as that term is defined
- 270 under Section 41-22-2.
- 271 (47) "Off-highway vehicle" means the same as that term is defined under Section
- 272 41-22-2.
- 273 (48) "Operate" means the same as that term is defined in Section 41-1a-102.

274 (49) "Operator" means:

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

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

278 (50) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or
279 other device operated, alone or coupled with another device, on stationary rails.

280 (51) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is
281 occupied or not.

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

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

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

287 (52) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace
288 Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic
289 laws.

290 (53) "Pedestrian" means a person traveling:

291 (a) on foot; or

292 (b) in a wheelchair.

293 (54) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate
294 pedestrians.

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

298 (56) "Pole trailer" means a vehicle without motive power:

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

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

304 (57) "Private road or driveway" means every way or place in private ownership and

305 used for vehicular travel by the owner and those having express or implied permission from the
306 owner, but not by other persons.

307 (58) "Railroad" means a carrier of persons or property upon cars operated on stationary
308 rails.

309 (59) "Railroad sign or signal" means a sign, signal, or device erected by authority of a
310 public body or official or by a railroad and intended to give notice of the presence of railroad
311 tracks or the approach of a railroad train.

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

314 (61) "Registered trailer" means a trailer that is registered under Chapter 1a, Motor
315 Vehicle Act;

316 [~~(61)~~] (62) "Restored-modified vehicle" means the same as the term defined in Section
317 41-1a-102.

318 [~~(62)~~] (63) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
319 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
320 of direction, speed, and proximity that give rise to danger of collision unless one grants
321 precedence to the other.

322 [~~(63)~~] (64) (a) "Roadway" means that portion of highway improved, designed, or
323 ordinarily used for vehicular travel.

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

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

328 [~~(64)~~] (65) "Safety zone" means the area or space officially set apart within a roadway
329 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
330 signs as to be plainly visible at all times while set apart as a safety zone.

331 [~~(65)~~] (66) (a) "School bus" means a motor vehicle that:

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

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

335 (b) "School bus" does not include a vehicle operated by a common carrier in

336 transportation of school children to or from school or school activities.

337 [~~(66)~~] (67) (a) "Semitrailer" means a vehicle with or without motive power:

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

339 and

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

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

343 [~~(67)~~] (68) "Shoulder area" means:

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

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

349 [~~(68)~~] (69) "Sidewalk" means that portion of a street between the curb lines, or the
350 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

351 [~~(69)~~] (70) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
352 that is designated for the use of a bicycle.

353 (b) "Soft-surface trail" does not mean a trail:

354 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
355 federal law, regulation, or rule; or

356 (ii) located in whole or in part on land granted to the state or a political subdivision
357 subject to a conservation easement that prohibits the use of a motorized vehicle.

358 [~~(70)~~] (71) "Solid rubber tire" means a tire of rubber or other resilient material that
359 does not depend on compressed air for the support of the load.

360 [~~(71)~~] (72) "Stand" or "standing" means the temporary halting of a vehicle, whether
361 occupied or not, for the purpose of and while actually engaged in receiving or discharging
362 passengers.

363 [~~(72)~~] (73) "Stop" when required means complete cessation from movement.

364 [~~(73)~~] (74) "Stop" or "stopping" when prohibited means any halting even momentarily
365 of a vehicle, whether occupied or not, except when:

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

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

368 [~~(74)~~] (75) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
369 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
370 the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
371 Section 41-6a-1509.

372 [~~(75)~~] (76) "Tow truck operator" means the same as that term is defined in Section
373 72-9-102.

374 [~~(76)~~] (77) "Tow truck motor carrier" means the same as that term is defined in Section
375 72-9-102.

376 [~~(77)~~] (78) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
377 conveyances either singly or together while using any highway for the purpose of travel.

378 [~~(78)~~] (79) "Traffic signal preemption device" means an instrument or mechanism
379 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

380 [~~(79)~~] (80) "Traffic-control device" means a sign, signal, marking, or device not
381 inconsistent with this chapter placed or erected by a highway authority for the purpose of
382 regulating, warning, or guiding traffic.

383 [~~(80)~~] (81) "Traffic-control signal" means a device, whether manually, electrically, or
384 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

385 [~~(81)~~] (82) (a) "Trailer" means a vehicle with or without motive power designed for
386 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
387 part of its weight rests upon the towing vehicle.

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

389 [~~(82)~~] (83) "Truck" means a motor vehicle designed, used, or maintained primarily for
390 the transportation of property.

391 [~~(83)~~] (84) "Truck tractor" means a motor vehicle:

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

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

395 [~~(84)~~] (85) "Two-way left turn lane" means a lane:

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

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

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

400 [(85)] (86) "Urban district" means the territory contiguous to and including any street,
401 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
402 less than 100 feet, for a distance of a quarter of a mile or more.

403 [(86)] (87) "Vehicle" means a device in, on, or by which a person or property is or may
404 be transported or drawn on a highway, except a mobile carrier, as defined in Section
405 41-6a-1120, or a device used exclusively on stationary rails or tracks.

406 Section 2. Section 41-6a-1406 is amended to read:

407 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**
408 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

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

414 (2) The vehicle, vessel, registered trailer, or outboard motor under Subsection (1) shall
415 be removed or impounded to a state impound yard.

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

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

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

420 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel,
421 registered trailer, or outboard motor that is:

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

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

424 (b) Before noon on the next business day after the date of the removal of the vehicle,
425 vessel, registered trailer, or outboard motor, a report of the removal shall be sent to the Motor
426 Vehicle Division by:

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

428 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck

429 operator is employed.

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

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

433 (ii) a description of the vehicle, vessel, registered trailer, or outboard motor;

434 (iii) the vehicle identification number or vessel or outboard motor identification
435 number;

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

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

439 (vi) the reason for removal or impoundment;

440 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel,

441 registered trailer, or outboard motor; and

442 (viii) the place where the vehicle, vessel, registered trailer, or outboard motor is stored.

443 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
444 State Tax Commission shall make rules to establish proper format and information required on
445 the form described in this Subsection (4).

446 (e) Until the tow truck operator or tow truck motor carrier reports the removal as
447 required under this Subsection (4), a tow truck motor carrier or impound yard may not:

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

449 (ii) begin charging storage fees.

450 (5) (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the
451 Motor Vehicle Division shall give notice, in the manner described in Section [41-1a-114](#), to the
452 following parties with an interest in the vehicle, vessel, registered trailer, or outboard motor, as
453 applicable:

454 (i) the registered owner;

455 (ii) any lien holder; or

456 (iii) a dealer, as defined in Section [41-1a-102](#), if the vehicle, vessel, registered trailer,
457 or outboard motor is currently operating under a temporary permit issued by the dealer, as
458 described in Section [41-3-302](#).

459 (b) The notice shall:

460 (i) state the date, time, and place of removal, the name, if applicable, of the person
461 operating the vehicle, vessel, registered trailer, or outboard motor at the time of removal, the
462 reason for removal, and the place where the vehicle, vessel, registered trailer, or outboard
463 motor is stored;

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

466 (iii) state the conditions that must be satisfied before the vehicle, vessel, registered
467 trailer, or outboard motor is released; and

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

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

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

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

481 (f) The Motor Vehicle Division shall disclose the information in the report described in
482 Subsection (4) and Section [72-9-603\(1\)\(a\)\(i\)](#) to the designated agent as defined in Section
483 [41-12a-802](#).

484 (6) (a) The vehicle, vessel, registered trailer, or outboard motor shall be released after a
485 party described in Subsection (5)(a):

486 (i) makes a claim for release of the vehicle, vessel, registered trailer, or outboard motor
487 at any office of the State Tax Commission;

488 (ii) presents identification sufficient to prove ownership of the impounded vehicle,
489 vessel, registered trailer, or outboard motor;

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

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

493 (v) pays all towing and storage fees to the place where the vehicle, vessel, registered
494 trailer, or outboard motor is stored.

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

497 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
498 be deposited into the Department of Public Safety Restricted Account created in Section
499 53-3-106;

500 (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
501 be deposited into the Neuro-Rehabilitation Fund created in Section 26B-1-319; and

502 (iv) the remainder of the administrative impound fee assessed under Subsection
503 (6)(a)(iv) shall be deposited into the General Fund.

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

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

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

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

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

519 (i) the vehicle, vessel, registered trailer, or outboard motor is being held as evidence;
520 and

521 (ii) the vehicle, vessel, registered trailer, or outboard motor is not being released to a

522 party described in Subsection (5)(a), even if the party satisfies the requirements to release the
523 vehicle, vessel, registered trailer, or outboard motor under this Subsection (6).

524 (7) (a) For an impounded vehicle, vessel, registered trailer, or outboard motor not
525 claimed by a party described in Subsection (5)(a) within the time prescribed by Section
526 [41-1a-1103](#), the Motor Vehicle Division shall issue a certificate of sale for the impounded
527 vehicle, vessel, registered trailer, or outboard motor as described in Section [41-1a-1103](#).

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

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

535 (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,
536 registered trailer, or outboard motor.

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

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

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

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

546 (A) be reasonable and fair; and

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

548 Section 3. Section **41-12a-805** is amended to read:

549 **41-12a-805. Disclosure of insurance information -- Penalty.**

550 (1) Information in the database established under Section [41-12a-803](#) provided by a
551 person to the designated agent is considered to be the property of the person providing the
552 information.

553 (2) The information may not be disclosed from the database under Title 63G, Chapter
554 2, Government Records Access and Management Act, or otherwise, except as follows:

555 (a) for the purpose of investigating, litigating, or enforcing the owner's or operator's
556 security requirement under Section 41-12a-301, the designated agent shall verify insurance
557 information through the state computer network for a state or local government agency or
558 court;

559 (b) for the purpose of investigating, litigating, or enforcing the owner's or operator's
560 security requirement under Section 41-12a-301, the designated agent shall, upon request, issue
561 to any state or local government agency or court a certificate documenting the insurance
562 information, according to the database, of a specific individual or motor vehicle for the time
563 period designated by the government agency;

564 (c) upon request, the department or its designated agent shall disclose whether or not a
565 person is an insured individual and the insurance company name to:

566 (i) that individual or, if that individual is deceased, any interested person of that
567 individual, as defined in Section 75-1-201;

568 (ii) the parent or legal guardian of that individual if the individual is an unemancipated
569 minor;

570 (iii) the legal guardian of that individual if the individual is legally incapacitated;

571 (iv) a person who has power of attorney from the insured individual;

572 (v) a person who submits a notarized release from the insured individual dated no more
573 than 90 days before the date the request is made; or

574 (vi) a person suffering loss or injury in a motor vehicle accident in which the insured
575 individual is involved, but only as part of an accident report as authorized in Section
576 41-12a-202;

577 (d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations
578 by state or local law enforcement agencies related to the:

579 (i) registration and renewal of registration of a motor vehicle under Title 41, Chapter
580 1a, Motor Vehicle Act;

581 (ii) purchase of a motor vehicle under Title 59, Chapter 12, Sales and Use Tax Act; and

582 (iii) owner's or operator's security requirements under Section 41-12a-301;

583 (e) upon request of a peace officer acting in an official capacity under the provisions of

584 Subsection (2)(d), the department or the designated agent shall, upon request, disclose relevant
585 information for investigation, enforcement, or prosecution;

586 (f) for the purpose of the state auditor, the legislative auditor general, or other auditor
587 of the state conducting audits of the program;

588 (g) upon request of a financial institution as defined under Section 7-1-103 for the
589 purpose of protecting the financial institution's bona fide security interest in a motor vehicle;

590 [and]

591 (h) upon the request of a state or local law enforcement agency for the purpose of
592 investigating and prosecuting identity theft and other crimes[-]; and

593 (i) the designated agent shall provide information from the database regarding a towed
594 vehicle to the vehicle owner's insurance company of record at the time the vehicle was towed,
595 including, if available, the name, address, and contact information of the tow yard where the
596 vehicle is stored.

597 (3) (a) The department may allow the designated agent to prepare and deliver upon
598 request, a report on the insurance information of a person or motor vehicle in accordance with
599 this section.

600 (b) The report may be in the form of:

601 (i) a certified copy that is considered admissible in any court proceeding in the same
602 manner as the original; or

603 (ii) information accessible through the Internet or through other electronic medium if
604 the department determines that sufficient security is provided to ensure compliance with this
605 section.

606 (c) The department may allow the designated agent to charge a fee established by the
607 department under Section 63J-1-504 for each:

608 (i) document authenticated, including each certified copy;

609 (ii) record accessed by the Internet or by other electronic medium; and

610 (iii) record provided to a financial institution under Subsection (2)(g).

611 (4) A person who knowingly releases or discloses information from the database for a
612 purpose other than those authorized in this section or to a person who is not entitled to it is
613 guilty of a third degree felony.

614 (5) An insurer is not liable to any person for complying with Sections 31A-22-315 and

615 31A-22-315.5 by providing information to the designated agent.

616 (6) Neither the state nor the department's designated agent is liable to any person for
617 gathering, managing, or using the information in the database as provided in Sections
618 31A-22-315 and 31A-22-315.5 and this part.

619 Section 4. Section 41-12a-806 is amended to read:

620 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

621 (1) There is created within the Transportation Fund a restricted account known as the
622 "Uninsured Motorist Identification Restricted Account."

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

624 (a) money received by the state under Section 41-1a-1218, the uninsured motorist
625 identification fee;

626 (b) money received by the state under Section 41-1a-1220, the registration
627 reinstatement fee; and

628 (c) appropriations made to the account by the Legislature.

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

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

631 (4) The Legislature shall appropriate money from the account to:

632 (a) the department to fund the contract with the designated agent;

633 (b) the department to offset the costs to state and local law enforcement agencies of
634 using the information for the purposes authorized under this part;

635 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
636 and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii); [and]

637 (d) the department to reimburse a person for the costs of towing and storing the
638 person's vehicle if:

639 (i) the person's vehicle was impounded in accordance with Subsection 41-1a-1101(2);

640 (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at
641 the time of the impoundment;

642 (iii) the database indicated that owner's or operator's security was not in effect for the
643 impounded vehicle; and

644 (iv) the department determines that the person's vehicle was wrongfully impounded[=];

645 and

646 (e) the Tax Commission to maintain or modify a system for providing data to the
647 designated agent.

648 (5) The Legislature may appropriate not more than \$1,500,000 annually from the
649 account to the Peace Officer Standards and Training Division, created under Section 53-6-103,
650 for use in law enforcement training, including training on the use of the Uninsured Motorist
651 Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured
652 Motorist Identification Database Program.

653 (6) (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures
654 Act, the department shall hold a hearing to determine whether a person's vehicle was
655 wrongfully impounded under Subsection 41-1a-1101(2).

656 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
657 division shall make rules establishing procedures for a person to apply for a reimbursement
658 under Subsection (4)(d).

659 (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the
660 person applies for the reimbursement within six months from the date that the motor vehicle
661 was impounded.

662 Section 5. **Effective date.**

663 This bill takes effect on July 1, 2024.