

Representative Matthew H. Gwynn 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 in certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:



- 26 [41-6a-102](#), as last amended by Laws of Utah 2023, Chapters 219, 532
- 27 [41-6a-1406](#), as last amended by Laws of Utah 2023, Chapter 335
- 28 [41-12a-805](#), as last amended by Laws of Utah 2012, Chapter 243
- 29 [41-12a-806](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

30 **Utah Code Sections Affected By Coordination Clause:**

- 31 [41-6a-1406](#), as last amended by Laws of Utah 2023, Chapter 335



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

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

35 **41-6a-102. Definitions.**

36 As used in this chapter:

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

39 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
40 [41-22-2](#).

41 (3) "Authorized emergency vehicle" includes:

- 42 (a) fire department vehicles;
- 43 (b) police vehicles;
- 44 (c) ambulances; and

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

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

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

- 49 (i) propelled by human power by feet or hands acting upon pedals or cranks;
- 50 (ii) with a seat or saddle designed for the use of the operator;
- 51 (iii) designed to be operated on the ground; and
- 52 (iv) whose wheels are not less than 14 inches in diameter.

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

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

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

- 56 (i) designed for carrying more than 15 passengers and used for the transportation of

57 persons; or

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

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

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

63 (b) "Circular intersection" includes:

64 (i) roundabouts;

65 (ii) rotaries; and

66 (iii) traffic circles.

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

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

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

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

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

75 (a) designed primarily for through traffic; and

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

79 (13) "Crosswalk" means:

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

82 (i) (A) the curbs; or

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

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

87 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for

88 pedestrian crossing by lines or other markings on the surface.

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

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

91 (a) visual contact is maintained; and

92 (b) advice and assistance can be given and received.

93 (16) "Divided highway" means a highway divided into two or more roadways by:

94 (a) an unpaved intervening space;

95 (b) a physical barrier; or

96 (c) a clearly indicated dividing section constructed to impede vehicular traffic.

97 (17) "Echelon formation" means the operation of two or more snowplows arranged

98 side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to clear snow
99 from two or more lanes at once.

100 (18) "Electric assisted bicycle" means a bicycle with an electric motor that:

101 (a) has a power output of not more than 750 watts;

102 (b) has fully operable pedals on permanently affixed cranks;

103 (c) is fully operable as a bicycle without the use of the electric motor; and

104 (d) is one of the following:

105 (i) an electric assisted bicycle equipped with a motor or electronics that:

106 (A) provides assistance only when the rider is pedaling; and

107 (B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
108 hour;

109 (ii) an electric assisted bicycle equipped with a motor or electronics that:

110 (A) may be used exclusively to propel the bicycle; and

111 (B) is not capable of providing assistance when the bicycle reaches the speed of 20
112 miles per hour; or

113 (iii) an electric assisted bicycle equipped with a motor or electronics that:

114 (A) provides assistance only when the rider is pedaling;

115 (B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
116 hour; and

117 (C) is equipped with a speedometer.

118 (19) (a) "Electric personal assistive mobility device" means a self-balancing device

119 with:

- 120 (i) two nontandem wheels in contact with the ground;
- 121 (ii) a system capable of steering and stopping the unit under typical operating
- 122 conditions;
- 123 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 124 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 125 (v) a deck design for a person to stand while operating the device.

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

127 (20) "Explosives" means a chemical compound or mechanical mixture commonly used
128 or intended for the purpose of producing an explosion and that contains any oxidizing and
129 combustive units or other ingredients in proportions, quantities, or packing so that an ignition
130 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture
131 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are
132 capable of producing destructive effects on contiguous objects or of causing death or serious
133 bodily injury.

134 (21) "Farm tractor" means a motor vehicle designed and used primarily as a farm
135 implement, for drawing plows, mowing machines, and other implements of husbandry.

136 (22) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,
137 as determined by a Tagliabue or equivalent closed-cup test device.

138 (23) "Freeway" means a controlled-access highway that is part of the interstate system
139 as defined in Section [72-1-102](#).

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

- 141 (i) is designed for transportation by players on a golf course;
- 142 (ii) has not less than three wheels in contact with the ground;
- 143 (iii) has an unladen weight of less than 1,800 pounds;
- 144 (iv) is designed to operate at low speeds; and
- 145 (v) is designed to carry not more than six persons including the driver.

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

- 147 (i) a low-speed vehicle or an off-highway vehicle;
- 148 (ii) a motorized wheelchair;
- 149 (iii) an electric personal assistive mobility device;

- 150 (iv) an electric assisted bicycle;
- 151 (v) a motor assisted scooter;
- 152 (vi) a personal delivery device, as defined in Section [41-6a-1119](#); or
- 153 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).
- 154 (25) "Gore area" means the area delineated by two solid white lines that is between a
- 155 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
- 156 including similar areas between merging or splitting highways.
- 157 (26) "Gross weight" means the weight of a vehicle without a load plus the weight of
- 158 any load on the vehicle.
- 159 (27) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 160 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and
- 161 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a
- 162 highway or railroad tracks.
- 163 (28) "Highway" means the entire width between property lines of every way or place of
- 164 any nature when any part of it is open to the use of the public as a matter of right for vehicular
- 165 travel.
- 166 (29) "Highway authority" means the same as that term is defined in Section [72-1-102](#).
- 167 (30) (a) "Intersection" means the area embraced within the prolongation or connection
- 168 of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or
- 169 more highways that join one another.
- 170 (b) Where a highway includes two roadways 30 feet or more apart:
- 171 (i) every crossing of each roadway of the divided highway by an intersecting highway
- 172 is a separate intersection; and
- 173 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
- 174 every crossing of two roadways of the highways is a separate intersection.
- 175 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 176 (31) "Island" means an area between traffic lanes or at an intersection for control of
- 177 vehicle movements or for pedestrian refuge designated by:
- 178 (a) pavement markings, which may include an area designated by two solid yellow
- 179 lines surrounding the perimeter of the area;
- 180 (b) channelizing devices;

181 (c) curbs;

182 (d) pavement edges; or

183 (e) other devices.

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

187 (33) "Law enforcement agency" means the same as that term is as defined in Section
188 [53-1-102](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

211 (39) "Mobile home" means:

212 (a) a trailer or semitrailer that is:

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

215 (ii) equipped for use as a conveyance on streets and highways; or

216 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
217 constructed for use as a mobile home, as defined in Subsection (39)(a), but that is instead used
218 permanently or temporarily for:

219 (i) the advertising, sale, display, or promotion of merchandise or services; or

220 (ii) any other commercial purpose except the transportation of property for hire or the
221 transportation of property for distribution by a private carrier.

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

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

226 (i) pedals to permit propulsion by human power; and

227 (ii) a motor that:

228 (A) produces not more than two brake horsepower; and

229 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
230 level ground.

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

234 (c) "Moped" does not include:

235 (i) an electric assisted bicycle; or

236 (ii) a motor assisted scooter.

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

238 (i) at least two wheels in contact with the ground;

239 (ii) a braking system capable of stopping the unit under typical operating conditions;

240 (iii) an electric motor not exceeding 2,000 watts;

241 (iv) either:

242 (A) handlebars and a deck design for a person to stand while operating the device; or

243 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
244 the device;

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

246 (vi) a maximum speed of 20 miles per hour on a paved level surface.

247 (b) "Motor assisted scooter" does not include:

248 (i) an electric assisted bicycle; or

249 (ii) a motor-driven cycle.

250 (43) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is
251 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

252 (b) "Motor vehicle" does not include:

253 (i) vehicles moved solely by human power;

254 (ii) motorized wheelchairs;

255 (iii) an electric personal assistive mobility device;

256 (iv) an electric assisted bicycle;

257 (v) a motor assisted scooter;

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

259 (vii) a mobile carrier, as defined in Section [41-6a-1120](#).

260 (44) "Motorcycle" means:

261 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
262 and designed to travel with not more than three wheels in contact with the ground; or

263 (b) an auticycle.

264 (45) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle
265 having:

266 (i) an engine with less than 150 cubic centimeters displacement; or

267 (ii) a motor that produces not more than five horsepower.

268 (b) "Motor-driven cycle" does not include:

269 (i) an electric personal assistive mobility device;

270 (ii) a motor assisted scooter; or

271 (iii) an electric assisted bicycle.

272 (46) "Off-highway implement of husbandry" means the same as that term is defined
273 under Section [41-22-2](#).

274 (47) "Off-highway vehicle" means the same as that term is defined under Section
275 41-22-2.

276 (48) "Operate" means the same as that term is defined in Section 41-1a-102.

277 (49) "Operator" means:

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

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

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

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

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

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

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

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

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

294 (a) on foot; or

295 (b) in a wheelchair.

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

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

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

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

304 (b) that is ordinarily used for transporting long or irregular shaped loads including

305 poles, pipes, or structural members generally capable of sustaining themselves as beams
306 between the supporting connections.

307 (57) "Private road or driveway" means every way or place in private ownership and
308 used for vehicular travel by the owner and those having express or implied permission from the
309 owner, but not by other persons.

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

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

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

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

319 [~~(61)~~] (62) "Restored-modified vehicle" means the same as the term defined in Section
320 41-1a-102.

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

325 [~~(63)~~] (64) (a) "Roadway" means that portion of highway improved, designed, or
326 ordinarily used for vehicular travel.

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

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

331 [~~(64)~~] (65) "Safety zone" means the area or space officially set apart within a roadway
332 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
333 signs as to be plainly visible at all times while set apart as a safety zone.

334 [~~(65)~~] (66) (a) "School bus" means a motor vehicle that:

335 (i) complies with the color and identification requirements of the most recent edition of

336 "Minimum Standards for School Buses"; and

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

338 (b) "School bus" does not include a vehicle operated by a common carrier in
339 transportation of school children to or from school or school activities.

340 [~~(66)~~] (67) (a) "Semitrailer" means a vehicle with or without motive power:

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

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

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

346 [~~(67)~~] (68) "Shoulder area" means:

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

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

352 [~~(68)~~] (69) "Sidewalk" means that portion of a street between the curb lines, or the
353 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

354 [~~(69)~~] (70) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
355 that is designated for the use of a bicycle.

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

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

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

361 [~~(70)~~] (71) "Solid rubber tire" means a tire of rubber or other resilient material that
362 does not depend on compressed air for the support of the load.

363 [~~(71)~~] (72) "Stand" or "standing" means the temporary halting of a vehicle, whether
364 occupied or not, for the purpose of and while actually engaged in receiving or discharging
365 passengers.

366 [~~(72)~~] (73) "Stop" when required means complete cessation from movement.

367 [~~(73)~~] (74) "Stop" or "stopping" when prohibited means any halting even momentarily
368 of a vehicle, whether occupied or not, except when:

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

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

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

375 [~~(75)~~] (76) "Tow truck operator" means the same as that term is defined in Section
376 72-9-102.

377 [~~(76)~~] (77) "Tow truck motor carrier" means the same as that term is defined in Section
378 72-9-102.

379 [~~(77)~~] (78) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
380 conveyances either singly or together while using any highway for the purpose of travel.

381 [~~(78)~~] (79) "Traffic signal preemption device" means an instrument or mechanism
382 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

383 [~~(79)~~] (80) "Traffic-control device" means a sign, signal, marking, or device not
384 inconsistent with this chapter placed or erected by a highway authority for the purpose of
385 regulating, warning, or guiding traffic.

386 [~~(80)~~] (81) "Traffic-control signal" means a device, whether manually, electrically, or
387 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

388 [~~(81)~~] (82) (a) "Trailer" means a vehicle with or without motive power designed for
389 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
390 part of its weight rests upon the towing vehicle.

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

392 [~~(82)~~] (83) "Truck" means a motor vehicle designed, used, or maintained primarily for
393 the transportation of property.

394 [~~(83)~~] (84) "Truck tractor" means a motor vehicle:

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

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

398 [~~(84)~~] (85) "Two-way left turn lane" means a lane:

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

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

401 (c) that has been indicated by a lane traffic-control device that may include lane

402 markings.

403 [~~(85)~~] (86) "Urban district" means the territory contiguous to and including any street,

404 in which structures devoted to business, industry, or dwelling houses are situated at intervals of

405 less than 100 feet, for a distance of a quarter of a mile or more.

406 [~~(86)~~] (87) "Vehicle" means a device in, on, or by which a person or property is or may

407 be transported or drawn on a highway, except a mobile carrier, as defined in Section

408 [41-6a-1120](#), or a device used exclusively on stationary rails or tracks.

409 *The following section is affected by a coordination clause at the end of this bill.*

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

411 **41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification**

412 **requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.**

413 (1) If a vehicle, vessel, registered trailer, or outboard motor is removed or impounded

414 as provided under Section [41-1a-1101](#), [41-6a-527](#), [41-6a-1405](#), [41-6a-1408](#), or [73-18-20.1](#) by

415 an order of a peace officer or by an order of a person acting on behalf of a law enforcement

416 agency or highway authority, the removal or impoundment of the vehicle, vessel, registered

417 trailer, or outboard motor shall be at the expense of the owner.

418 (2) The vehicle, vessel, registered trailer, or outboard motor under Subsection (1) shall

419 be removed or impounded to a state impound yard.

420 (3) The peace officer may move a vehicle, vessel, registered trailer, or outboard motor

421 or cause it to be removed by a tow truck motor carrier that meets standards established:

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

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

424 (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel,

425 registered trailer, or outboard motor that is:

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

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

428 (b) Before noon on the next business day after the date of the removal of the vehicle,

429 vessel, registered trailer, or outboard motor, a report of the removal shall be sent to the Motor
430 Vehicle Division by:

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

432 (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck
433 operator is employed.

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

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

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

438 (iii) the vehicle identification number or vessel or outboard motor identification
439 number;

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

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

443 (vi) the reason for removal or impoundment;

444 (vii) the name of the tow truck motor carrier who removed the vehicle, vessel,
445 registered trailer, or outboard motor; and

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

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

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

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

453 (ii) begin charging storage fees.

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

458 (i) the registered owner;

459 (ii) any lien holder; or

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

463 (b) The notice shall:

464 (i) state the date, time, and place of removal, the name, if applicable, of the person
465 operating the vehicle, vessel, registered trailer, or outboard motor at the time of removal, the
466 reason for removal, and the place where the vehicle, vessel, registered trailer, or outboard
467 motor is stored;

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

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

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

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

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

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

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

488 (ii) The reports described in Subsection (5)(f)(i) do not include tows that are privately
489 requested by the owner or operator of the vehicle.

490 (6) (a) The vehicle, vessel, registered trailer, or outboard motor shall be released after a

491 party described in Subsection (5)(a):

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

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

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

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

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

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

503 (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall
504 be deposited into the Department of Public Safety Restricted Account created in Section
505 [53-3-106](#);

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

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

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

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

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

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

522 under Subsection (1).

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

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

527 (ii) the vehicle, vessel, registered trailer, or outboard motor is not being released to a
528 party described in Subsection (5)(a), even if the party satisfies the requirements to release the
529 vehicle, vessel, registered trailer, or outboard motor under this Subsection (6).

530 (7) (a) For an impounded vehicle, vessel, registered trailer, or outboard motor not
531 claimed by a party described in Subsection (5)(a) within the time prescribed by Section
532 [41-1a-1103](#), the Motor Vehicle Division shall issue a certificate of sale for the impounded
533 vehicle, vessel, registered trailer, or outboard motor as described in Section [41-1a-1103](#).

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

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

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

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

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

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

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

552 (A) be reasonable and fair; and

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

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

555 **41-12a-805. Disclosure of insurance information -- Penalty.**

556 (1) Information in the database established under Section **41-12a-803** provided by a
557 person to the designated agent is considered to be the property of the person providing the
558 information.

559 (2) The information may not be disclosed from the database under Title 63G, Chapter
560 2, Government Records Access and Management Act, or otherwise, except as follows:

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

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

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

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

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

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

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

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

580 (vi) a person suffering loss or injury in a motor vehicle accident in which the insured
581 individual is involved, but only as part of an accident report as authorized in Section
582 **41-12a-202**;

583 (d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations

584 by state or local law enforcement agencies related to the:

585 (i) registration and renewal of registration of a motor vehicle under Title 41, Chapter
586 1a, Motor Vehicle Act;

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

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

589 (e) upon request of a peace officer acting in an official capacity under the provisions of
590 Subsection (2)(d), the department or the designated agent shall, upon request, disclose relevant
591 information for investigation, enforcement, or prosecution;

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

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

596 [and]

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

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

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

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

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

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

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

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

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

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

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

620 (5) An insurer is not liable to any person for complying with Sections 31A-22-315 and
621 31A-22-315.5 by providing information to the designated agent.

622 (6) Neither the state nor the department's designated agent is liable to any person for
623 gathering, managing, or using the information in the database as provided in Sections
624 31A-22-315 and 31A-22-315.5 and this part.

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

626 **41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

650 (iv) the department determines that the person's vehicle was wrongfully impounded[-];
651 and

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

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

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

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

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

668 **Section 5. Effective date.**

669 This bill takes effect on July 1, 2024.

670 **Section 6. Coordinating S.B. 237 with H.B. 204.**

671 If H.B. 237, Towing Modifications, and H.B. 204, Towing Requirements, both pass and
672 become law, the Legislature intends that, on July 1, 2024, Subsection 41-6a-1406 (5) enacted
673 in H.B. 204 be amended to read:

674 "(5) (a) A report described in this Subsection (5) is required for any vehicle, vessel,
675 registered trailer, or outboard motor that is removed, except for:

676 (i) a vehicle, vessel, registered trailer, or outboard motor that is impounded for a reason

677 described in Subsection (1); or

678 (ii) a vehicle, vessel, registered trailer, or outboard motor for which a removal is
679 performed in accordance with Section [72-9-603](#).

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

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

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

684 (iii) the case number designated by the law enforcement officer or law enforcement
685 agency.

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

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

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

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

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

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

697 (iii) the law enforcement agency case number;

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

700 (v) the date and time of the removal of the vehicle, vessel, registered trailer, or
701 outboard motor; and

702 (vi) the reason for the removal of the vehicle, vessel, registered trailer, or outboard
703 motor.

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

707 (i) as much information as is available from both the vehicle identification number and

708 the license plate number of the vehicle, vessel, registered trailer, or outboard motor; and

709 (ii) a description of the vehicle, vessel, registered trailer, or outboard motor, including

710 the color, make, model, and model year of the vehicle, vessel, registered trailer, or outboard

711 motor.

712 (f) Until the tow truck operator or tow truck motor carrier reports the removal as

713 required under this Subsection (5), a tow truck motor carrier may not:

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

715 (ii) begin charging storage fees.

716 (g) A vehicle, vessel, registered trailer, or outboard motor removed under this

717 Subsection (5) shall be removed to:

718 (i) a state impound yard; or

719 (ii) a location that has been requested by the registered owner at the time of removal, if

720 payment is made to the tow truck motor carrier or tow truck operator at the time of removal.

721 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

722 State Tax Commission may make rules to establish proper format and information required on

723 the form described in Subsection (5)(e), including submission in an electronic format."