{deleted text} shows text that was in SB0237S01 but was deleted in SB0237S04.

inserted text shows text that was not in SB0237S01 but was inserted into SB0237S04.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

{Senator Michael K} Representative Matthew H. **{McKell}** 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:

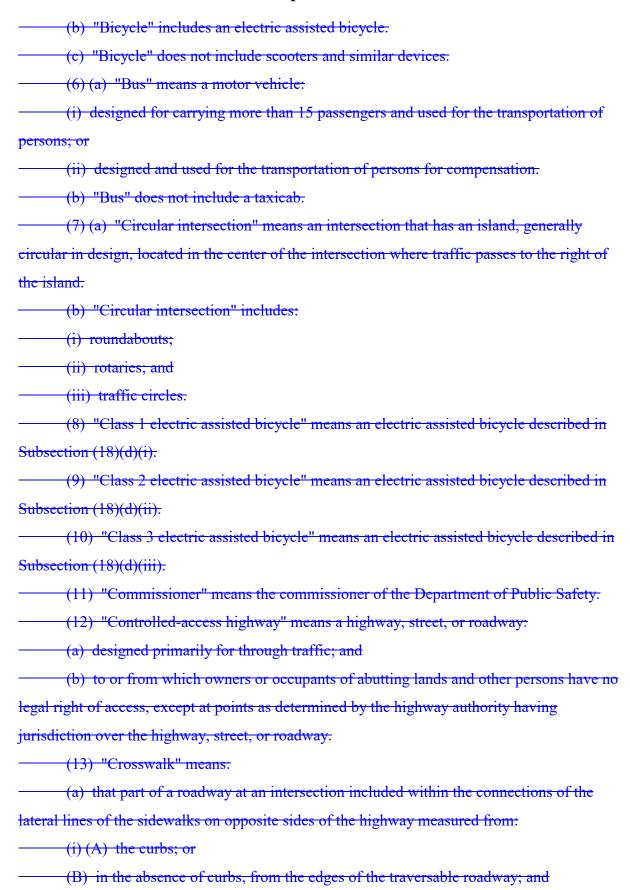
This bill makes changes regarding what information can be shared when a vehicle is towed and makes changes related to the Uninsured Motorist Identification Restricted Account.

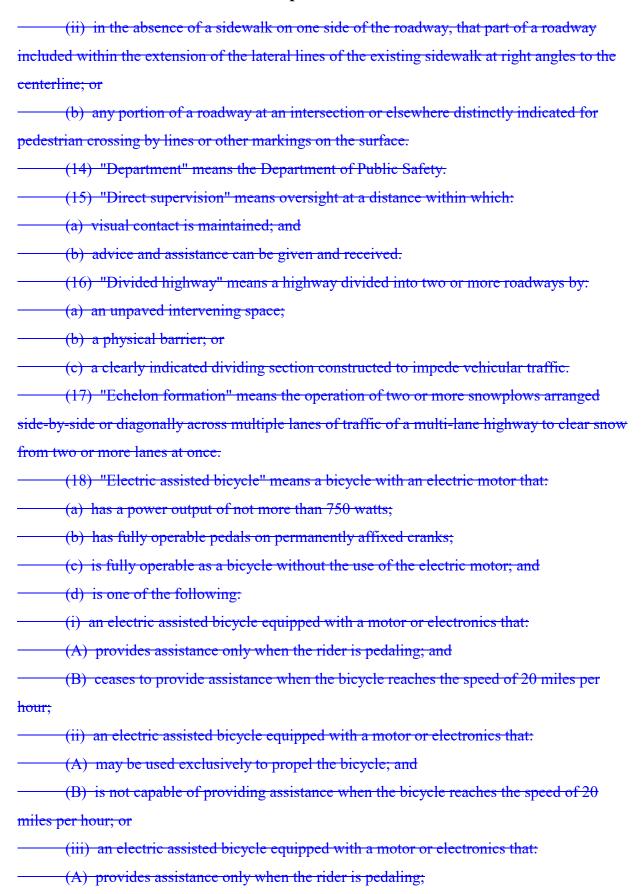
Highlighted Provisions:

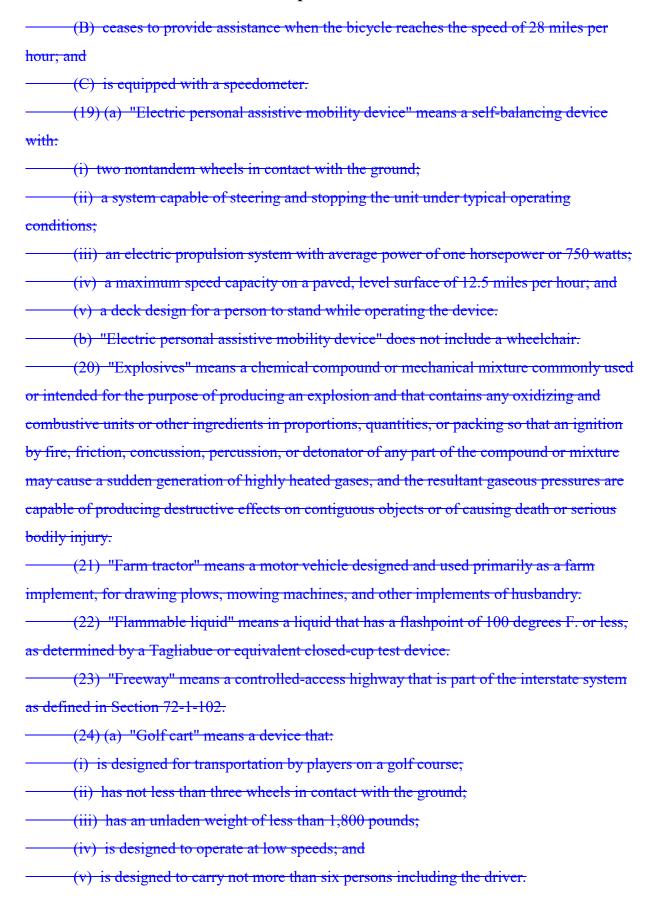
This bill:

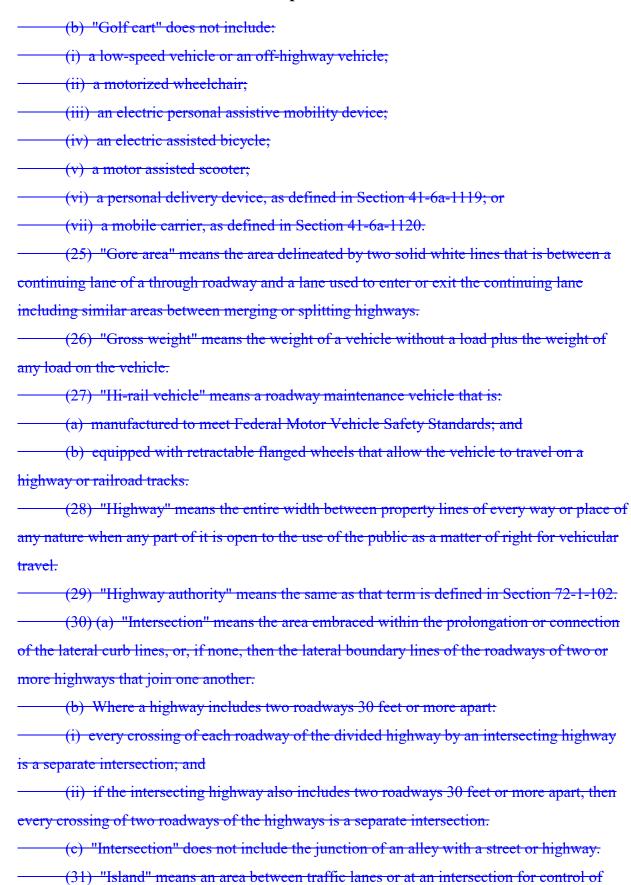
- allows information to be shared with a designated agent;
- amends provisions related to the Uninsured Motorist Identification Restricted
 Account; and
- allows a designated agent to share information with a towed vehicle's insurance company in certain circumstances.

Money Appropriated in this Bill: None **Other Special Clauses:** This bill provides a special effective date. **Utah Code Sections Affected:** AMENDS: 41-6a-102, as last amended by Laws of Utah 2023, Chapters 219, 532 **41-6a-1406**, as last amended by Laws of Utah 2023, Chapter 335 } 41-12a-805, as last amended by Laws of Utah 2012, Chapter 243 41-12a-806, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20 Be it enacted by the Legislature of the state of Utah: Section 1. Section {41-6a-102}**41-6a-1406** is amended to read: 41-6a-102. Definitions. As used in this chapter: (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic. (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2. (3) "Authorized emergency vehicle" includes: (a) fire department vehicles; (b) police vehicles; (c) ambulances; and (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety. (4) "Autocycle" means the same as that term is defined in Section 53-3-102. (5) (a) "Bicycle" means a wheeled vehicle: (i) propelled by human power by feet or hands acting upon pedals or cranks; (ii) with a seat or saddle designed for the use of the operator; (iii) designed to be operated on the ground; and (iv) whose wheels are not less than 14 inches in diameter.

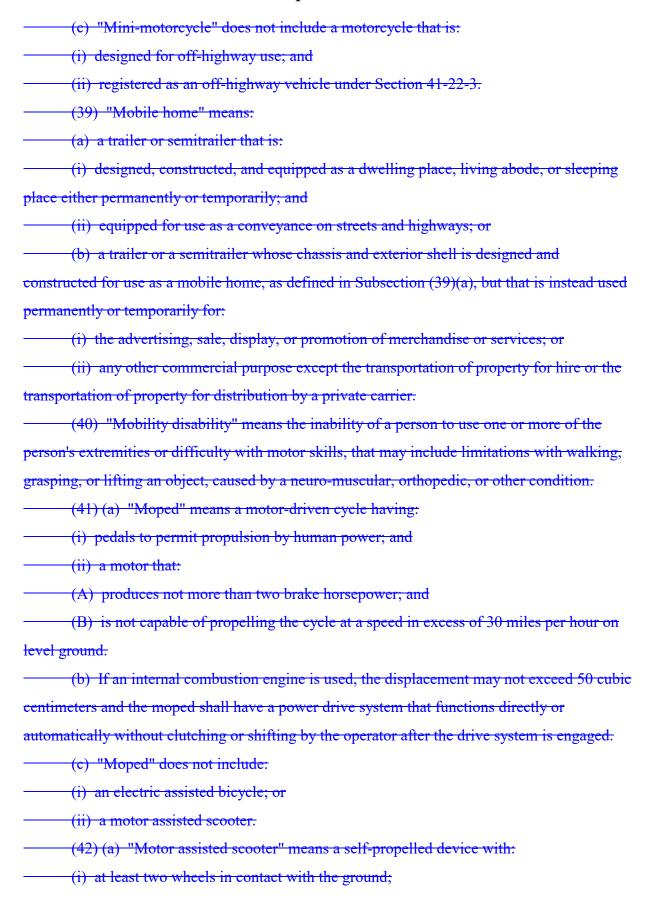


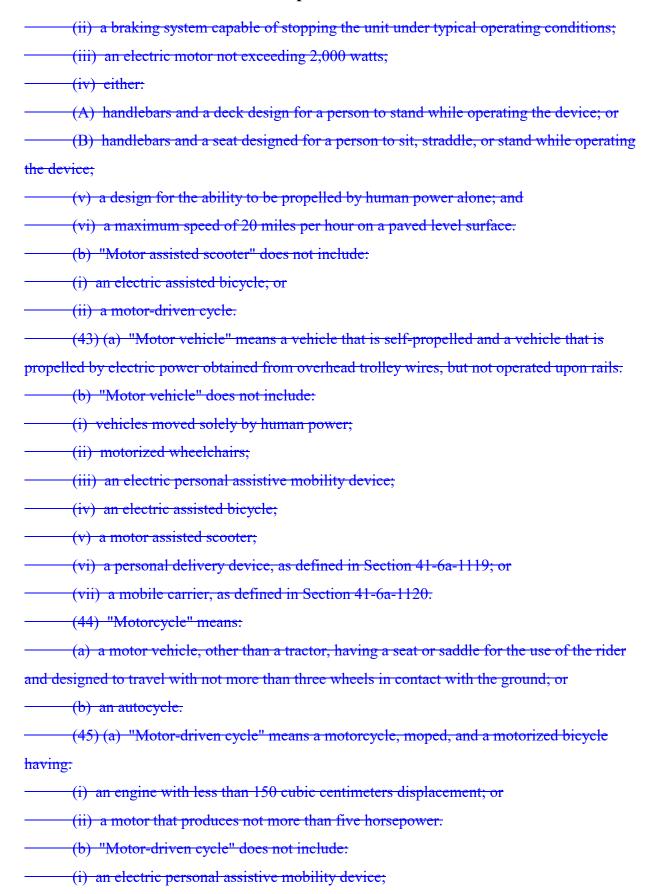


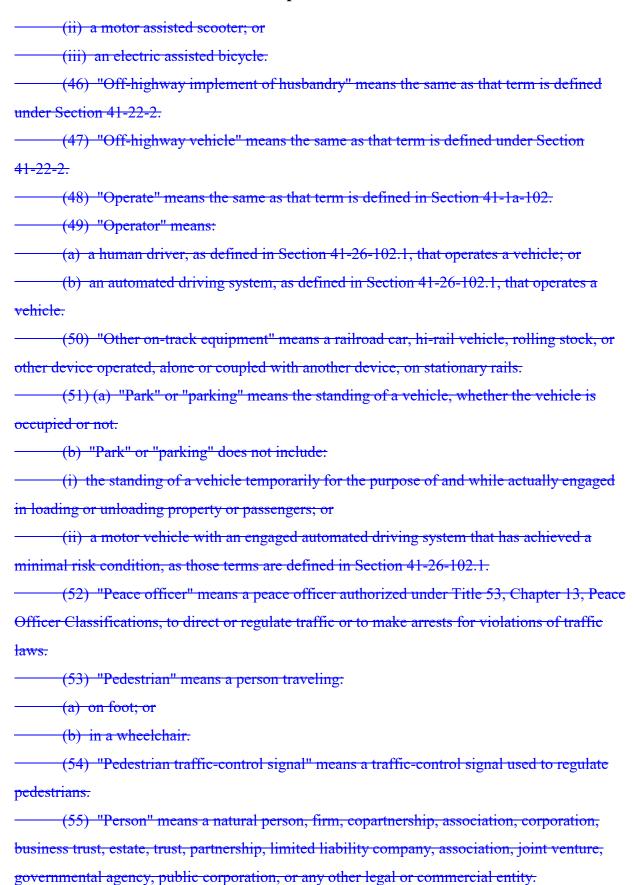




vehicle movements or for pedestrian refuge designated by: (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area; (b) channelizing devices; (c) curbs; (d) pavement edges; or (e) other devices. (32) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane. (33) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102. (34) "Limited access highway" means a highway: (a) that is designated specifically for through traffic; and (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view. (35) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state. (36) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that: (i) is designed to be operated at speeds of not more than 25 miles per hour; and (ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1. (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle. (37) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material. (38) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires. (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.



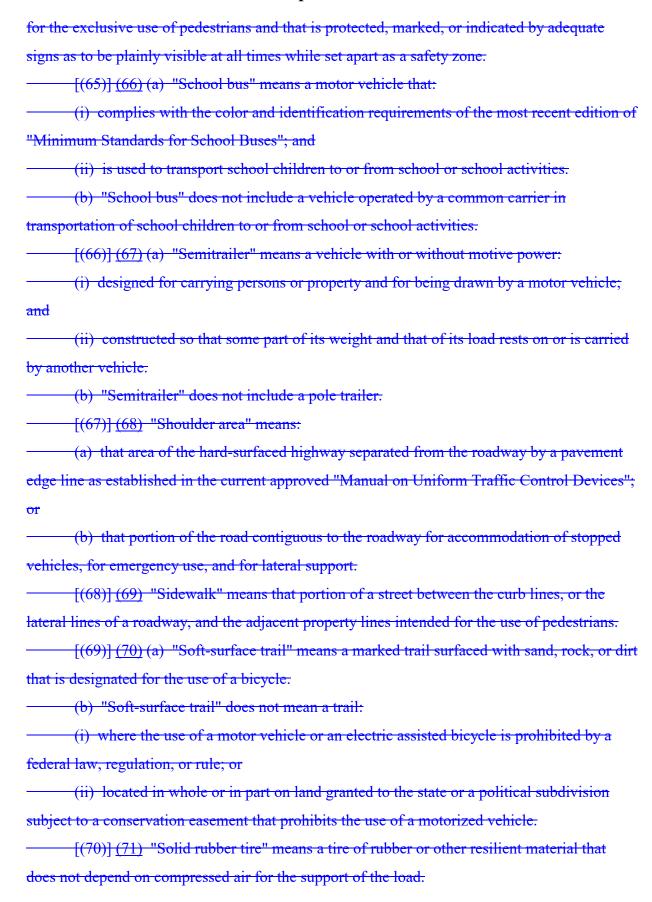


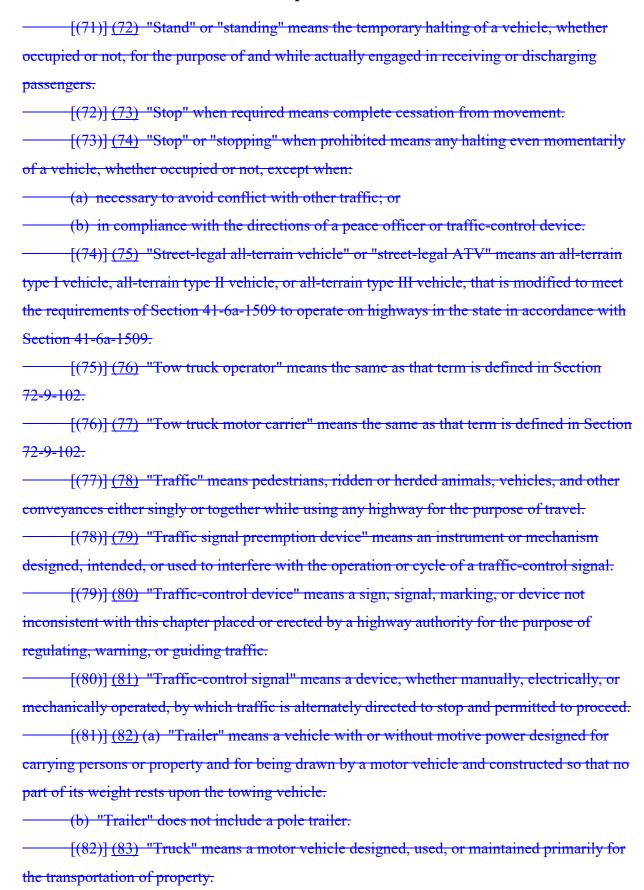


(56) "Pole trailer" means a vehicle without motive power: (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections. (57) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. (58) "Railroad" means a carrier of persons or property upon cars operated on stationary rails. (59) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (60) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails. (61) "Registered trailer" means a trailer that is registered under Chapter 1a, Motor **Vehicle Act**; [(61)] (62) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102. [(62)] (63) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other. [(63)] (64) (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel. (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles. (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.

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[(64)] (65) "Safety zone" means the area or space officially set apart within a roadway





- [(83)] (84) "Truck tractor" means a motor vehicle:
 - (a) designed and used primarily for drawing other vehicles; and
- (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.
 - [(84)] (85) "Two-way left turn lane" means a lane:
 - (a) provided for vehicle operators making left turns in either direction;
 - (b) that is not used for passing, overtaking, or through travel; and
- (c) that has been indicated by a lane traffic-control device that may include lane markings.
- [(85)] (86) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.
- [(86)] (87) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.
- Section 2. Section 41-6a-1406 is amended to read:
- † 41-6a-1406. Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.
- (1) If a vehicle, vessel, {registered trailer, } or outboard motor is removed or impounded as provided under Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, {registered trailer, } or outboard motor under Subsection (1) shall be removed or impounded to a state impound yard.
- (3) The peace officer may move a vehicle, vessel, {registered trailer, } or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
 - (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
 - (b) by the department under Subsection (10).
- (4) (a) A report described in this Subsection (4) is required for a vehicle, vessel, {registered trailer, } or outboard motor that is:

- (i) removed or impounded as described in Subsection (1); or
- (ii) removed or impounded by any law enforcement or government entity.
- (b) Before noon on the next business day after the date of the removal of the vehicle, vessel, {registered trailer, } or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division by:
 - (i) the peace officer or agency by whom the peace officer is employed; and
- (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
- (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:
 - (i) the operator's name, if known;
 - (ii) a description of the vehicle, vessel, {registered trailer, } or outboard motor;
- (iii) the vehicle identification number or vessel or outboard motor identification number;
- (iv) the license number, temporary permit number, or other identification number issued by a state agency;
 - (v) the date, time, and place of impoundment;
 - (vi) the reason for removal or impoundment;
- (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, {registered trailer, } or outboard motor; and
- (viii) the place where the vehicle, vessel, {registered trailer, } or outboard motor is stored.
- (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).
- (e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
 - (i) collect any fee associated with the removal; and
 - (ii) begin charging storage fees.
- (5) (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the

following parties with an interest in the vehicle, vessel, {registered trailer, } or outboard motor, as applicable:

- (i) the registered owner;
- (ii) any lien holder; or
- (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, {registered trailer, } or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
 - (b) The notice shall:
- (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, {registered trailer,} or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, {registered trailer,} or outboard motor is stored;
- (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, {registered trailer, } or outboard motor;
- (iii) state the conditions that must be satisfied before the vehicle, vessel, {registered trailer, } or outboard motor is released; and
- (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the vehicle, vessel, {registered trailer, } or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, { registered trailer, } or outboard motor.
- (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, {registered trailer,} or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (5)(a) of the removal and the place where the vehicle, vessel, { registered trailer.} or outboard motor is stored.
- (d) The Motor Vehicle Division shall forward a copy of the notice to the place where the vehicle, vessel, {registered trailer, }or outboard motor is stored.
- (e) The Motor Vehicle Division is not required to give notice under this Subsection (5) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- (f) (i) The Motor Vehicle Division shall disclose the information in the report described in Subsection (4) and Section 72-9-603(1)(a)(i) to {the}a designated agent as defined

in Section 41-12a-802 (...)

- † regarding a tow that was initiated:
 - (A) by law enforcement; or
 - (B) without the vehicle owner's consent.
- (ii) The Motor Vehicle Division may rely on the information provided by the tow truck operator or tow truck motor carrier to determine if a tow meets the criteria described in Subsections (5)(f)(i)(A) and (B).
- (iii) The designated agent may disclose information received regarding a tow described in Subsections (5)(f)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.
- (iv) The designated agent may not disclose information to a vehicle owner's insurance company if the tow does not meet the criteria described in Subsections (5)(f)(i)(A) and (B).
- (6) (a) The vehicle, vessel, $\{\frac{\text{registered trailer}}{\text{registered trailer}}\}$ or outboard motor shall be released after a party described in Subsection (5)(a):
- (i) makes a claim for release of the vehicle, vessel, {registered trailer, } or outboard motor at any office of the State Tax Commission;
- (ii) presents identification sufficient to prove ownership of the impounded vehicle, vessel, {registered trailer, } or outboard motor;
 - (iii) completes the registration, if needed, and pays the appropriate fees;
- (iv) if the impoundment was made under Section 41-6a-527, pays an administrative impound fee of \$400; and
- (v) pays all towing and storage fees to the place where the vehicle, vessel, {registered trailer, } or outboard motor is stored.
- (b) (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;
- (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106;
- (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited into the Neuro-Rehabilitation Fund created in Section 26B-1-319; and
 - (iv) the remainder of the administrative impound fee assessed under Subsection

(6)(a)(iv) shall be deposited into the General Fund.

- (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
- (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
- (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.
- (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).
- (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, {registered trailer, } or outboard motor if:
- (i) the vehicle, vessel, {registered trailer, } or outboard motor is being held as evidence; and
- (ii) the vehicle, vessel, {registered trailer, } or outboard motor is not being released to a party described in Subsection (5)(a), even if the party satisfies the requirements to release the vehicle, vessel, { registered trailer,} or outboard motor under this Subsection (6).
- (7) (a) For an impounded vehicle, vessel, {registered trailer, } or outboard motor not claimed by a party described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the impounded vehicle, vessel, {registered trailer,} or outboard motor as described in Section 41-1a-1103.
- (b) The date of impoundment is considered the date of seizure for computing the time period provided under Section 41-1a-1103.
- (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the impoundment of the owner's vehicle, vessel, {registered trailer, } or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, {registered trailer,} or outboard motor whose actions

caused the removal or impoundment.

- (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, {registered trailer, }or outboard motor.
- (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.
- (11) (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.
- (b) (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.
 - (ii) The fees under this Subsection (11)(b) shall:
 - (A) be reasonable and fair; and
 - (B) reflect the cost of administering the database.

Section $\frac{3}{2}$. Section 41-12a-805 is amended to read:

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

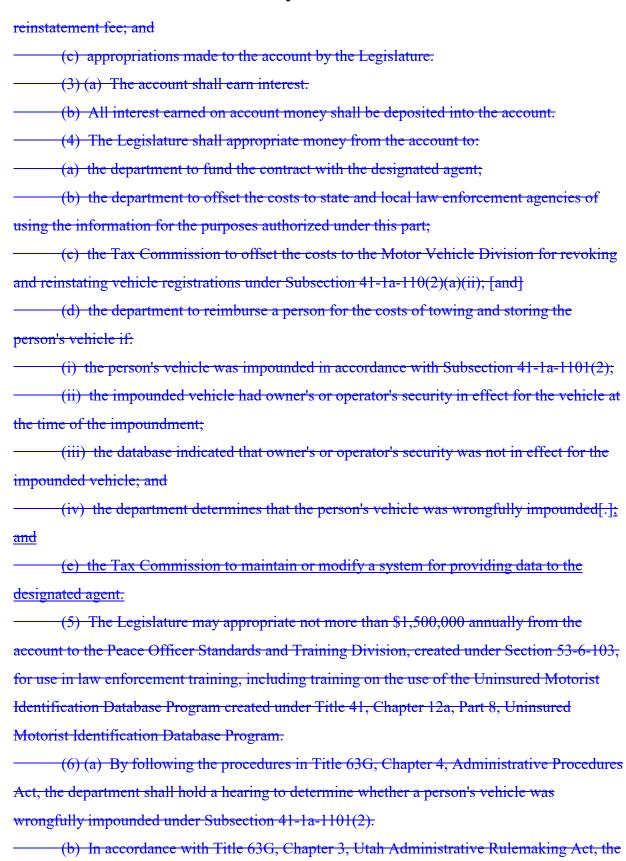
- (1) Information in the database established under Section 41-12a-803 provided by a person to the designated agent is considered to be the property of the person providing the information.
- (2) The information may not be disclosed from the database under Title 63G, Chapter 2, Government Records Access and Management Act, or otherwise, except as follows:
- (a) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall verify insurance information through the state computer network for a state or local government agency or court;
- (b) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall, upon request, issue to any state or local government agency or court a certificate documenting the insurance information, according to the database, of a specific individual or motor vehicle for the time period designated by the government agency;
 - (c) upon request, the department or its designated agent shall disclose whether or not a

person is an insured individual and the insurance company name to:

- (i) that individual or, if that individual is deceased, any interested person of that individual, as defined in Section 75-1-201;
- (ii) the parent or legal guardian of that individual if the individual is an unemancipated minor;
 - (iii) the legal guardian of that individual if the individual is legally incapacitated;
 - (iv) a person who has power of attorney from the insured individual;
- (v) a person who submits a notarized release from the insured individual dated no more than 90 days before the date the request is made; or
- (vi) a person suffering loss or injury in a motor vehicle accident in which the insured individual is involved, but only as part of an accident report as authorized in Section 41-12a-202;
- (d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations by state or local law enforcement agencies related to the:
- (i) registration and renewal of registration of a motor vehicle under Title 41, Chapter 1a, Motor Vehicle Act;
 - (ii) purchase of a motor vehicle under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (iii) owner's or operator's security requirements under Section 41-12a-301;
- (e) upon request of a peace officer acting in an official capacity under the provisions of Subsection (2)(d), the department or the designated agent shall, upon request, disclose relevant information for investigation, enforcement, or prosecution;
- (f) for the purpose of the state auditor, the legislative auditor general, or other auditor of the state conducting audits of the program;
- (g) upon request of a financial institution as defined under Section 7-1-103 for the purpose of protecting the financial institution's bona fide security interest in a motor vehicle; [and]
- (h) upon the request of a state or local law enforcement agency for the purpose of investigating and prosecuting identity theft and other crimes[-]; and
- (i) the designated agent shall provide information from the database regarding a towed vehicle to the vehicle owner's insurance company of record at the time the vehicle was towed, including, if available, the name, address, and contact information of the tow yard where the

vehicle is stored.

- (3) (a) The department may allow the designated agent to prepare and deliver upon request, a report on the insurance information of a person or motor vehicle in accordance with this section.
 - (b) The report may be in the form of:
- (i) a certified copy that is considered admissible in any court proceeding in the same manner as the original; or
- (ii) information accessible through the Internet or through other electronic medium if the department determines that sufficient security is provided to ensure compliance with this section.
- (c) The department may allow the designated agent to charge a fee established by the department under Section 63J-1-504 for each:
 - (i) document authenticated, including each certified copy;
 - (ii) record accessed by the Internet or by other electronic medium; and
 - (iii) record provided to a financial institution under Subsection (2)(g).
- (4) A person who knowingly releases or discloses information from the database for a purpose other than those authorized in this section or to a person who is not entitled to it is guilty of a third degree felony.
- (5) An insurer is not liable to any person for complying with Sections 31A-22-315 and 31A-22-315.5 by providing information to the designated agent.
- (6) Neither the state nor the department's designated agent is liable to any person for gathering, managing, or using the information in the database as provided in Sections 31A-22-315 and 31A-22-315.5 and this part.
- Section 4. Section 41-12a-806 is amended to read:
- 41-12a-806. Restricted account -- Creation -- Funding -- Interest -- Purposes.
- (1) There is created within the Transportation Fund a restricted account known as the "Uninsured Motorist Identification Restricted Account."
 - (2) The account consists of money generated from the following revenue sources:
- (a) money received by the state under Section 41-1a-1218, the uninsured motorist identification fee:
 - (b) money received by the state under Section 41-1a-1220, the registration



division shall make rules establishing procedures for a person to apply for a reimbursement

under Subsection (4)(d).

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

Section (5)3. Effective date.

This bill takes effect on July 1, 2024.