

HB0204S02 compared with HB0204S01

~~deleted text~~ shows text that was in HB0204S01 but was deleted in HB0204S02.

inserted text shows text that was not in HB0204S01 but was inserted into HB0204S02.

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Representative Matthew H. Gwynn proposes the following substitute bill:

TOWING REQUIREMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: ~~_____~~ Michael K. McKell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ allows a law enforcement officer to impound a vehicle if the operator:
 - operates the vehicle in willful or wanton disregard of the signal of a law enforcement officer so as to interfere with or endanger the operation of any vehicle or person; or
 - knowingly or intentionally attempts to flee or elude a law enforcement officer by vehicle or other means;
- ▶ clarifies what type of notice is required when a vehicle is impounded;

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- ▶ clarifies what type of notice is required for the removal of a vehicle that is not an impound; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The court shall, as part of any sentence under this Subsection (2), impose a fine of not less than \$5,000.

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

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

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

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

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

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

(a) the court shall:

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

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

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

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

(iv) order the individual to participate in an educational series if the court does not

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order substance abuse treatment as described under Subsection (1)(b);

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

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

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

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

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

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

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

(b) the court may:

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

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

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

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

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

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

(a) the court shall:

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- (i) (A) impose a jail sentence of not less than two days; or
- (B) require the individual to work in a compensatory-service work program for not less than 48 hours;
- (ii) order the individual to participate in a screening;
- (iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (3)(a)(ii);
- (iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (3)(b);
- (v) impose a fine of not less than \$700;
- (vi) (A) order the individual to pay the administrative impound fee described in Section 41-6a-1406; or
- (B) if the administrative impound fee was paid by a party described in Subsection ~~[41-6a-1406(5)(a)]~~ 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; or
- (vii) (A) order the individual to pay the towing and storage fees described in Section 72-9-603; or
- (B) if the towing and storage fees were paid by a party described in Subsection ~~[41-6a-1406(5)(a)]~~ 41-6a-1406(6)(a), other than the individual sentenced, order the individual sentenced to reimburse the party; and
- (b) the court may:
 - (i) order the individual to obtain substance abuse treatment if the substance abuse treatment program determines that substance abuse treatment is appropriate;
 - (ii) order probation for the individual in accordance with Section 41-6a-507;
 - (iii) order the individual to participate in a 24/7 sobriety program as defined in Section 41-6a-515.5 if the individual is 21 years old or older; or
 - (iv) order a combination of Subsections (3)(b)(i) through (iii).
- (4) (a) If an individual described in Subsection (3) is participating in a 24/7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (3)(a).
- (b) If an individual described in Subsection (4)(a) fails to successfully complete all of the requirements of the 24/7 sobriety program, the court shall impose the suspended jail

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sentence described in Subsection (4)(a).

(5) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based and where there is admissible evidence that the individual had a blood or breath alcohol level of .16 or higher, had a blood or breath alcohol level of .05 or higher in addition to any measurable controlled substance, or had a combination of two or more controlled substances in the individual's body that were not recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, or prescribed:

(a) the court shall:

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

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

(C) impose a jail sentence of not less than 10 days in addition to ordering the individual to obtain substance abuse treatment, if the court finds that substance abuse treatment is more likely to reduce recidivism and is in the interests of public safety;

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

(iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (5)(a)(ii);

(iv) order the individual to participate in an educational series if the court does not order substance abuse treatment as described under Subsection (5)(b);

(v) impose a fine of not less than \$800;

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

(vii) order the installation of an ignition interlock system as described in Section 41-6a-518;

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

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

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

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

(b) the court may:

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

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

(iii) order a combination of Subsections (5)(b)(i) and (ii).

(6) (a) If an individual described in Subsection (5) is participating in a 24/7 sobriety program as defined in Section 41-6a-515.5, the court may suspend the jail sentence imposed under Subsection (5)(a) after the individual has served a minimum of:

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

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

(b) If an individual described in Subsection (6)(a) fails to successfully complete all of the requirements of the 24/7 sobriety program, the court shall impose the suspended jail sentence described in Subsection (6)(a).

(7) If an individual has a prior conviction as defined in Section 41-6a-501 that is within 10 years of the current conviction under Section 41-6a-502 or the commission of the offense upon which the current conviction is based and that does not qualify under Subsection (5):

(a) the court shall:

(i) (A) impose a jail sentence of not less than 10 days; or

(B) impose a jail sentence of not less than 5 days in addition to home confinement of not fewer than 30 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506;

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

(iii) order the individual to participate in an assessment, if it is found appropriate by a screening under Subsection (7)(a)(ii);

(iv) order the individual to participate in an educational series if the court does not

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order substance abuse treatment as described under Subsection (7)(b);

(v) impose a fine of not less than \$800;

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

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

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

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

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

(b) the court may:

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

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

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

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

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

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

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

(9) Under Subsection 41-6a-502(2)(c), if the court suspends the execution of a prison sentence and places the defendant on probation where there is admissible evidence that the individual had a blood or breath alcohol level of .16 or higher, had a blood or breath alcohol level of .05 in addition to any measurable controlled substance, or had a combination of two or

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more controlled substances in the person's body that were not recommended in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research Medical Cannabis, or prescribed, the court shall impose:

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

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

(c) home confinement of not fewer than 120 consecutive days through the use of electronic monitoring that includes a substance abuse testing instrument in accordance with Section 41-6a-506; and

(d) supervised probation.

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

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

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

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

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

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

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

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

(d) supervised probation.

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

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

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

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

(13) If an individual is convicted of a violation of Section 41-6a-502 and there is admissible evidence that the individual had a blood or breath alcohol level of .16 or higher, the court shall order the following, or describe on record why the order or orders are not appropriate:

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

(b) one or more of the following:

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

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

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

Section 3. 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, or outboard motor is [~~removed or~~] impounded as provided under Section 41-1a-1101, 41-6a-210, 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, 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, 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)~~] (11).

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

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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, or outboard motor, a report of the ~~[removal]~~ impoundment shall be sent ~~{in an electronic format}~~ to the Motor Vehicle Division, in an electronic format approved by 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, or outboard motor;

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

(iv) the case number designated by the peace officer, law enforcement agency number, or government entity;

~~[(iv)]~~ (v) the license number, temporary permit number, or other identification number issued by a state agency;

~~[(v)]~~ (vi) the date, time, and place of impoundment;

~~[(vi)]~~ (vii) the reason for removal or impoundment;

~~[(vii)]~~ (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and

~~[(viii)]~~ (ix) the place where the vehicle, vessel, or outboard motor is stored.

(d) (i) 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).

(ii) The State Tax Commission shall ensure that the form described in this Subsection (4) is provided in an electronic format ~~{ or in at least triplicate, to ensure each relevant party is provided a copy of the completed form}~~.

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(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) A report described in this Subsection (5) is required for any vehicle, vessel, or outboard motor that is ~~towed~~ removed, except for:

(i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1); or

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

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

- (i) the name and badge number of the peace officer;
- (ii) the name and originating agency identifier of the law enforcement agency; and
- (iii) the case number designated by the law enforcement officer or law enforcement agency.

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

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

~~(A) the name, badge number, signature, and law enforcement agency number~~ Subsection (4); or

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

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

- (i) the name and badge number of the relevant peace officer;
- (ii) the name and originating agency identifier of the law enforcement agency;
- (iii) the law enforcement agency case number;

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

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

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

~~(E)vi~~ the reason for the ~~tow~~removal of the vehicle, vessel, or outboard motor.

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

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

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

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

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

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

(ii) begin charging storage fees.

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

(i) a state impound yard; or

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

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

~~(ii) To ensure that each relevant party is provided a copy of the completed form required under this Subsection (5), the State Tax Commission shall ensure that the form~~

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~~described in this Subsection (5) is provided in at least triplicate and may be submitted electronically.~~

~~(e), including submission in an electronic format.~~

~~(5)~~ (6) (a) Except as provided in Subsection ~~(5)(e)~~ (6)(~~fe~~d) and upon receipt of ~~the report~~ a report described in Subsection (4) or (5), 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, 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, 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, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, 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, or outboard motor;

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

(iv) inform the parties described in Subsection ~~(5)(a)~~ (6)(a) of the division's intent to sell the vehicle, vessel, 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, or outboard motor.

(c) Except as provided in Subsection ~~(5)(e)~~ (6)(~~fe~~d) and if the vehicle, vessel, 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)~~ (6)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.

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

~~(e)~~ (d) The Motor Vehicle Division is not required to give notice under this

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Subsection ~~[(5)]~~ (6) 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).

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

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

(ii) presents identification sufficient to prove ownership of the impounded or removed vehicle, vessel, 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, or outboard motor is stored.

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

(ii) \$147 of the administrative impound fee assessed under Subsection ~~[(6)(a)(iv)]~~ (7)(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)]~~ (7)(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)]~~ (7)(a)(iv) shall be deposited into the General Fund.

(c) The administrative impound fee assessed under Subsection ~~[(6)(a)(iv)]~~ (7)(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

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(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, or outboard motor if:

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

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

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

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

~~[(8)]~~ (9) A party described in Subsection ~~[(5)(a)]~~ (6)(a) that pays all fees and charges incurred in the impoundment or removal of the owner's vehicle, vessel, 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, or outboard motor whose actions caused the removal or impoundment.

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

~~[(10)]~~ (11) 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)]~~ (12) (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.

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(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)~~] (12)(b) shall:

(A) be reasonable and fair; and

(B) reflect the cost of administering the database.

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

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

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

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

(a) all money received under this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72-9-603. Towing notice requirements -- Cost responsibilities -- Abandoned

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vehicle title restrictions -- Rules for maximum rates and certification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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removed;

- (iii) reasons for the removal of the vehicle, vessel, or outboard motor;
- (iv) person who requested the removal of the vehicle, vessel, or outboard motor;
- (v) a description, including its identification number and license number or other

identification number issued by a state agency; and

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

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

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

- (a) collect any fee associated with the removal; or
- (b) begin charging storage fees.

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

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

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

- (A) Subsection (4)(b)(ii); and
- (B) Subsection (7) or (8).

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

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

- (A) a designated fire lane;
- (B) within 15 feet of a fire hydrant, unless the vehicle is parked in a marked parking

stall or space; or

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

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

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

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

(B) a parking attendant;

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

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

(vi) pursuant to a legal repossession.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Patrolled";

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

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

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

- (i) a top half that is red background with white, reflective letters indicating:
 - (A) who is authorized to park or restricted from parking at the property; and

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- (B) any type of vehicle prohibited from parking at the property; and
- (ii) a bottom half that has a white, reflective background with red letters indicating:
 - (A) the name and telephone number of the tow truck motor carrier that the property owner has authorized to patrol the property; and
 - (B) the Internet web address "tow.utah.gov".
- (8) For private property where parking is enforced under Subsection (4)(a)(ii):
 - (a) a tow truck motor carrier may not:
 - (i) patrol and monitor the property;
 - (ii) perform a tow truck service without the written or verbal request of the property owner or the property owner's agent; or
 - (iii) act as the property owner's agent to request a tow truck service; and
 - (b) the property owner shall ensure that each entrance to the property has a clearly visible sign located on the property that is 24 inches tall by 18 inches wide with a 1/2 inch white, reflective border, and has:
 - (i) at the top of the sign, a blue background with a white, reflective towing logo that is at least four inches tall and 16 inches wide that depicts an entire tow truck, a tow hook, and an entire vehicle being towed;
 - (ii) immediately below the towing logo described in Subsection (8)(b)(i), a blue background with white, reflective letters at least two inches tall with the capitalized words "Towing Enforced";
 - (iii) in the middle of the sign, a red background with white, reflective letters at least one inch tall indicating:
 - (A) who is authorized to park or restricted from parking at the property; and
 - (B) any type of vehicle prohibited from parking at the property; and
 - (iv) at the bottom of the sign, a white, reflective background with red letters at least one inch tall indicating:
 - (A) either:
 - (I) the name and telephone number of the property owner or the property owner's agent who is authorized to request a tow truck service; or
 - (II) the name and telephone number of the tow truck motor carrier that provides tow truck services for the property; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) (a) The fees under Subsection (12) are a possessory lien on the vehicle, vessel, or

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outboard motor and any nonlife essential items contained in the vehicle, vessel, or outboard motor that are owned by the owner of the vehicle, vessel, or outboard motor until paid.

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

- (i) pays the fees described in Subsection (12); and
- (ii) removes the vehicle, vessel, or outboard motor from the state impound yard.

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

- (i) pay the fees described in Subsection (12); and
- (ii) remove the vehicle, vessel, or outboard motor from the secure storage facility.

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

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

(b) 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 tow truck service under Subsection (1) or any service rendered, performed, or supplied in connection with a tow truck service under Subsection (1).

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

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

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

- (A) a peace officer dispatch call;
- (B) a motor vehicle division call; and
- (C) any other call or request where the owner of the vehicle, vessel, or outboard motor

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has not consented to the removal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a lawyer referral service;

(ii) a medical provider;

(iii) a funding agency;

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

(v) a marketer for any other service; or

(vi) a third party vendor.

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

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

(1) As used in this section:

(a) "Abandoned" means a vehicle, vessel, or outboard motor for which a party

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described in Subsection [~~41-6a-1406(5)(a)~~] 41-6a-1406(6)(a) with an interest in the vehicle, vessel, or outboard motor does not, within 30 days after notice that the vehicle, vessel, or outboard motor was towed by a towing entity:

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

(b) "Towing entity" means:

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

Act; or

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

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

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

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

- (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien

holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent satisfies the requirements to release the vehicle, vessel, or outboard motor under Section 41-6a-1406.

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

(4) A county or municipal legislative or governing body may not require a tow truck

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motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing certificate by the department, as described in Section 72-9-602, to obtain an additional towing certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0204S02 compared with HB0204S01

Section 8. **Effective date.**

This bill takes effect on ~~May~~ July 1, 2024.