

**TOWING REVISIONS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: A. Cory Maloy**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions related to the regulatory powers of local authorities regarding tow truck motor carriers.

**Highlighted Provisions:**

This bill:

- ▶ requires a county or municipality to allow a tow truck motor carrier who meets certain criteria to be eligible to perform a tow truck service requested by a peace officer or local highway authority; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-9-604**, as last amended by Laws of Utah 2017, Chapter 298

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

Section 1. Section **72-9-604** is amended to read:

**72-9-604. Regulatory powers of local authorities -- Tow trucks.**



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

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

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

- 37 (i) is holding the vehicle, vessel, or outboard motor as evidence; and
- 38 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien  
39 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent  
40 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section  
41 41-6a-1406.

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

46 (3) A county or municipal legislative or governing body may not require a tow truck  
47 motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing  
48 certificate by the department, as described in Section 72-9-602, to obtain an additional towing  
49 certificate.

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

- 52 (a) no fee is charged for the inspection; and
- 53 (b) the inspection complies with federal motor carrier safety regulations.

54 (5) (a) A tow truck shall be subject to only one annual safety inspection under  
55 Subsection (4)(b).

56 (b) A county or municipality that requires the additional annual safety inspection under  
57 Subsection (4)(b) shall accept the same inspection performed by another county or  
58 municipality.

59           (6) A tow truck motor carrier shall be eligible to perform a tow truck service requested  
60 by a peace officer or local highway authority if:

61           (a) the tow truck motor carrier, tow truck, and tow truck operator has been issued a  
62 current, authorized towing certificate by the department, as described in Section [72-9-602](#); and

63           (b) the tow truck motor carrier operates an impound yard that is:

64           (i) within the same county in which the towing service is requested; or

65           (ii) located within five miles of the county in which the towing service is requested.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**