

TOWING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill requires parking lot owners to post towing signs under certain conditions.

Highlighted Provisions:

This bill:

- ▶ requires owners of parking lots to post towing signs;
- ▶ prohibits any tow truck service from towing at any noncompliant lot; and
- ▶ provides guidelines for the attributes and contents of each sign.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-214, as renumbered and amended by Laws of Utah 2005, Chapter 2

41-6a-215, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

Section 1. Section **41-6a-214** is amended to read:

41-6a-214. Quasi-public roads and parking areas -- Local ordinances.

(1) As used in this section, "quasi-public road or parking area" means a privately



28 owned and maintained road or parking area that is generally held open for use of the public for
29 purposes of vehicular travel or parking.

30 (2) (a) Any municipality or county may by ordinance provide that a quasi-public road
31 or parking area within the municipality or county is subject to this chapter.

32 (b) An ordinance may not be enacted under this section without:

33 (i) a public hearing; and

34 (ii) the agreement of a majority of the owners of the quasi-public road or parking area
35 involved.

36 (3) This section:

37 (a) supercedes conflicting provisions under [Section] Subsection 41-6a-215(1);

38 (b) does not require a peace officer to patrol or enforce any provisions of this chapter
39 on any quasi-public road or parking area; or

40 (c) does not affect the duty of a peace officer to enforce those provisions of this chapter
41 applicable to private property other than under this section.

42 Section 2. Section **41-6a-215** is amended to read:

43 **41-6a-215. Right of real property owner to regulate traffic.**

44 (1) Except as provided under Section 41-6a-214, this chapter does not prevent the
45 owner of real property used by the public for purposes of vehicular travel by permission of the
46 owner and not as matter of right from:

47 [~~1~~] (a) prohibiting the use;

48 [~~2~~] (b) requiring other conditions not specified in this chapter; or

49 [~~3~~] (c) otherwise regulating the use as preferred by the owner.

50 (2) A tow truck operator or tow truck motor carrier may not perform a tow truck
51 service at any parking lot where towing occurs without the vehicle owner's or a lien holder's
52 knowledge unless signage that meets the following requirements is present:

53 (a) The owner of real property used by the public as a parking lot by permission of the
54 owner shall install signs at the entrances of the lot and at least one other area in the lot.

55 (b) Each sign shall state:

56 (i) the conditions under which towing will occur;

57 (ii) the consequence for parking under those conditions;

58 (iii) the name and telephone number of the tow truck operator or tow truck motor

59 carrier that performs a tow truck service for the owner of real property;
60 (iv) the Internet website address that provides access to towing database information in
61 accordance with Section [41-6a-1406](#); and
62 (v) a symbol warning of the potential of towing.
63 (c) Each sign shall conform to the most recent edition of the "Manual on Uniform
64 Traffic Control Devices for Streets and Highways" and other standards adopted under Section
65 [41-6a-301](#).

Legislative Review Note
Office of Legislative Research and General Counsel