

**Senator Wayne A. Harper** proposes the following substitute bill:

**TOWING AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: A. Cory Maloy

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**LONG TITLE**

**General Description:**

This bill amends Section [41-6a-215](#) to require parking lot owners to post towing signs.

**Highlighted Provisions:**

This bill:

- ▶ requires owners of parking lots to post towing signs;
- ▶ prohibits any tow truck service from towing at any noncompliant lot;
- ▶ provides guidelines for the attributes and contents of each sign;
- ▶ provides for towing after 24 hours when other signage requirements aren't met; and
- ▶ modifies provisions relating to prohibitions on local laws' interference with

statutory towing laws or rules.

**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



26 [72-9-604](#), as last amended by Laws of Utah 2017, Chapter 298



27  
28 *Be it enacted by the Legislature of the state of Utah:*

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

30 **41-6a-214. Quasi-public roads and parking areas -- Local ordinances.**

31 (1) As used in this section, "quasi-public road or parking area" means a privately  
32 owned and maintained road or parking area that is generally held open for use of the public for  
33 purposes of vehicular travel or parking.

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

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

37 (i) a public hearing; and

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

40 (3) This section:

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

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

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

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

47 **41-6a-215. Right of real property owner to regulate traffic.**

48 (1) As used in this section, "certified tow truck motor carrier" means a tow truck  
49 operator or tow truck motor carrier that has a current authorized towing certificate as described  
50 in Subsection [72-9-602\(1\)\(c\)](#).

51 (2) Except as provided under Section [41-6a-214](#), this chapter does not prevent the  
52 owner of real property used by the public for purposes of vehicular travel by permission of the  
53 owner and not as matter of right from:

54 ~~(a)~~ (a) prohibiting the use;

55 ~~(b)~~ (b) requiring other conditions not specified in this chapter; or

56 ~~(c)~~ (c) otherwise regulating the use as preferred by the owner.

57 (3) Except as provided in Subsection (4) or (5), a person may not perform a tow truck  
58 service at any parking lot where towing occurs without the vehicle owner's or a lien holder's  
59 knowledge unless signage that meets the following requirements is present:

60 (a) The owner of a parking lot where towing occurs shall install signs at the entrances  
61 of the lot and at least one other area in the lot.

62 (b) Each sign shall be no less than 18 inches wide by 24 inches high, have red letters  
63 on a white background, and shall state in reflective lettering:

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

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

66 (iii) one of the following:

67 (A) the name and phone number of the certified tow truck motor carrier that performs  
68 the towing service for the owner of the real property; or

69 (B) the name of the property manager and the phone number of the property manager  
70 or management office that has authorized towing to occur;

71 (iv) the internet website address that provides access to towing database information in  
72 accordance with Section [41-6a-1406](#); and

73 (v) on the uppermost portion of the sign, the international towing symbol  
74 recommended by the "Manual on Uniform Traffic Control Devices for Streets and Highways."

75 (c) A sign may provide a link or address to the Utah Consumer Bill of Rights  
76 Regarding Towing, or other similar document provided by the Utah Department of  
77 Transportation.

78 (4) Notwithstanding Subsection (3), a certified tow truck motor carrier may perform a  
79 tow truck service on that lot if:

80 (a) before a vehicle, vessel, or outboard motor is towed, a certified tow truck motor  
81 carrier posts written notice of intent to tow on the vehicle, vessel, or outboard motor that  
82 contains the following information:

83 (i) notice that if the vehicle, vessel, or outboard motor is not removed from the  
84 property within 24 hours, the vehicle, vessel, or outboard motor will be towed to an impound  
85 yard;

86 (ii) the date and time of posting of the notice;

87 (iii) the name and phone number of the certified tow truck motor carrier that will

88 perform the tow; and

89 (iv) the internet website address that provides access to towing database information in  
90 accordance with Section [41-6a-1406](#).

91 (b) the certified tow truck motor carrier creates and retains for a period of one year:

92 (i) a time stamped photograph of the notice placed on the vehicle;

93 (ii) other documentation showing the date and time the notice was placed on the  
94 vehicle; and

95 (iii) documentation showing the date and time the vehicle was removed from the  
96 property 24 hours or more after notice was posted; and

97 (c) the name, phone number, and website of the certified tow truck motor carrier that  
98 the owner has used for the tow is available at any office or place of business of the owner that  
99 is associated with or adjacent to the parking lot.

100 (5) A tow truck service may be performed without the vehicle owner's knowledge, and  
101 the signage requirements under Subsection (3) are not required for parking:

102 (a) in a location that is prohibited by law; or

103 (b) where it is reasonably apparent that the location is not open to parking.

104 (6) Notwithstanding any other provision of law, a political subdivision of this state  
105 must follow any rules or standards adopted under Section [72-9-604](#).

106 Section 3. Section **72-9-604** is amended to read:

107 **72-9-604. Regulatory powers of local authorities -- Tow trucks.**

108 (1) (a) Notwithstanding any other provision of law, a political subdivision of this state  
109 may ~~neither~~ enact ~~nor~~ or enforce ~~any~~ an ordinance, regulation, or rule pertaining to a tow  
110 truck motor carrier, tow truck operator, or tow truck that ~~conflicts~~ does not conflict with:

111 (i) any provision of this part;

112 (ii) Section [41-6a-215](#);

113 ~~[(ii)]~~ (iii) Section [41-6a-1401](#);

114 ~~[(iii)]~~ (iv) Section [41-6a-1407](#); or

115 ~~[(iv)]~~ (v) rules made by the department under this part.

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

118 (i) is holding the vehicle, vessel, or outboard motor as evidence; and

119 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien  
120 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent  
121 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section  
122 [41-6a-1406](#).

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

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

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

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

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

135 (5) A tow truck shall be subject to only one annual safety inspection under Subsection

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