

TOWING FEE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill amends provisions related to towing dispatch fees.

Highlighted Provisions:

This bill:

▶ allows a special service district to charge a dispatch fee on tow truck motor carriers in order to be part of the towing rotation of that special service district.

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 2019, Chapter 373

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

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

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

(1) (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**;

30 (iii) Section 41-6a-1407; or

31 (iv) rules made by the department under this part.

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

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

35 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
36 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
37 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
38 41-6a-1406.

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

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

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

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

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

51 (5) A tow truck shall be subject to only one annual safety inspection under Subsection
52 (4)(b). A county or municipality that requires the additional annual safety inspection shall
53 accept the same inspection performed by another county or municipality.

54 (6) (a) (i) Beginning on July 1, 2021, a political subdivision or state agency may not
55 charge an applicant a fee or charge related to dispatch costs in order to be part of the towing
56 rotation of that political subdivision or state agency.

57 (ii) Notwithstanding Subsection (6)(a)(i), a special service district under Title 17D,

58 Chapter 1, Special Service District Act, may charge an applicant a fee or charge related to
59 dispatch costs in order to be part of the towing rotation of that special service district.

60 (b) In addition to the fees set by the department in rules made in accordance with
61 Subsection 72-9-603(7), a tow truck motor carrier may charge a fee to cover the costs of a
62 dispatch charge described in Subsection (6)(a).

63 (c) The amount of the fee described in Subsection (6)(b) may not exceed the amount
64 charged to the tow truck motor carrier [~~by the political subdivision or state agency~~] for dispatch
65 services under Subsection (6)(a).

66 (d) A political subdivision or state agency that does not charge a dispatch fee as of
67 January 1, 2019, may not charge a dispatch fee described in Subsection (6)(a)(i).

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

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