

Don L. Ipson proposes the following substitute bill:

Tow Yard Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor:

LONG TITLE

General Description:

This bill codifies existing rules regarding state impound lot standards and creates a mandatory waiting period for a person removed from a towing rotation to rejoin a towing rotation in a first or second class county.

Highlighted Provisions:

This bill:

- defines terms;
- establishes requirements for an impound lot;
- allows the Motor Vehicle Division to review an impound lot's qualifications;
- creates procedures for retrieval of items from an impounded vehicle;
- creates a waiting period for a person removed from a towing rotation from being added to a towing rotation in a first or second class county with a new tow truck motor carrier; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-1101, as last amended by Laws of Utah 2025, Chapter 220

72-9-607, as enacted by Laws of Utah 2019, Chapter 373

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

Section 1. Section **41-1a-1101** is amended to read:

41-1a-1101 . Seizure -- Circumstances where permitted -- Impound lot standards.

- 29 (1) As used in this section:
- 30 (a)(i) "Criminal offense" means a class B misdemeanor offense, a class A
- 31 misdemeanor offense, or a felony offense.
- 32 (ii) "Criminal offense" includes:
- 33 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony
- 34 offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2,
- 35 Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah
- 36 Criminal Code; and
- 37 (B) a local ordinance that is a class B misdemeanor and is substantially similar to
- 38 an offense listed in Subsection (1)(a)(ii)(A).
- 39 (b) "Impound lot" means a state impound lot or impound yard designated by the division
- 40 for the storage of a seized vehicle, vessel, or outboard motor as described in
- 41 Subsection (2).
- 42 (c) "Life essential item" means the same as that term is defined in Section 72-9-603.
- 43 ~~(b)~~ (d) "Operator" means the same as that term is defined in Section 41-6a-102.
- 44 ~~(c)~~ (e) "Road rage event" means the commission of a criminal offense:
- 45 (i) by an operator of a vehicle;
- 46 (ii) in response to an incident that occurs or escalates upon a roadway; and
- 47 (iii) with the intent to endanger or intimidate an individual in another vehicle.
- 48 ~~(d)~~ (f) "Roadway" means:
- 49 (i) a highway; or
- 50 (ii) a private road or driveway as defined in Section 41-6a-102.
- 51 (2) The division or ~~any~~ a peace officer, without a warrant, may seize and take possession
- 52 of ~~any~~ a vehicle, vessel, or outboard motor:
- 53 (a) that the division or ~~the~~ a peace officer has probable cause to believe has been stolen;
- 54 (b) on which any identification number has been defaced, altered, or obliterated;
- 55 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 56 (d) for which the applicant has written a check for registration or title fees that has not
- 57 been honored by the applicant's bank and that is not paid within 30 days;
- 58 (e) that is placed on the water with improper registration;
- 59 (f) that is being operated on a highway:
- 60 (i) with registration that has been expired for more than three months;
- 61 (ii) having never been properly registered by the current owner; or
- 62 (iii) with registration that is suspended or revoked;

- 63 (g)(i) that the division or the peace officer has probable cause to believe has been
64 involved in an accident described in Section 41-6a-401, 41-6a-401.3, or
65 41-6a-401.5; and
- 66 (ii) whose operator did not remain at the scene of the accident until the operator
67 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- 68 (h) if the division or peace officer has probable cause to believe that the operator:
- 69 (i) failed to properly display the license plate on a motorcycle as described in Section
70 41-1a-404.1; or
- 71 (ii) used the motorcycle:
- 72 (A) to perform a wheelie in violation of Section 41-6a-606.1; or
73 (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- 74 (3)(a) The division or a peace officer shall seize and take possession of a vehicle,
75 without a warrant, when:
- 76 (i) the division or the peace officer has probable cause to believe that an operator of
77 the vehicle engaged in a road rage event; and
- 78 (ii) the operator of the vehicle has been arrested in conjunction with the road rage
79 event.
- 80 (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a)
81 to the registered owner of the vehicle if the registered owner is not the individual
82 subject to arrest under Subsection (3)(a) and is immediately available, at the location
83 of the arrest, to take possession of the vehicle.
- 84 (4)(a) Subject to the restriction in Subsection (4)(b), the division or ~~any~~ a peace officer,
85 without a warrant:
- 86 (i) shall seize and take possession of ~~any~~ a vehicle that is being operated on a
87 highway without owner's or operator's security in effect for the vehicle as required
88 under Section 41-12a-301 and the vehicle was involved in an accident; or
- 89 (ii) may seize and take possession of ~~any~~ a vehicle that is being operated on a
90 highway without owner's or operator's security in effect for the vehicle as required
91 under Section 41-12a-301 after the division or ~~any~~ a peace officer makes a
92 reasonable determination whether the vehicle would:
- 93 (A) present a public safety concern to the operator or any of the occupants in the
94 vehicle; or
- 95 (B) prevent the division or the peace officer from addressing other public safety
96 considerations.

- 97 (b) The division or ~~[any]~~ a peace officer may not seize and take possession of a vehicle
98 under Subsection (4)(a):
- 99 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's
100 security as defined in Section 41-12a-303.2 in the vehicle unless the division or
101 peace officer verifies that owner's or operator's security is not in effect for the
102 vehicle through the Uninsured Motorist Identification Database created in
103 accordance with Section 41-12a-803; or
- 104 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security
105 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist
106 Identification Database created in accordance with Section 41-12a-803 indicates
107 that the owner's or operator's security is not in effect for the vehicle, unless the
108 division or a peace officer makes a reasonable attempt to independently verify that
109 owner's or operator's security is not in effect for the vehicle.
- 110 (5) If necessary for the transportation of a seized vessel, the division or a peace officer may
111 seize the vessel's trailer ~~[may be seized]~~ to transport and store the vessel.
- 112 (6) The division or a peace officer who seizes a vehicle shall record the mileage shown on
113 the vehicle's odometer at the time of seizure, if:
- 114 (a) the vehicle is equipped with an odometer; and
- 115 (b) the odometer reading is accessible to the division or the peace officer.
- 116 ~~[(6)]~~ (7) ~~[Any]~~ A peace officer seizing or taking possession of a vehicle, vessel, or outboard
117 motor under this section shall comply with ~~[the provisions of]~~ Section 41-6a-1406.
- 118 (8)(a) An operator of an impound lot shall ensure the impound lot has a conspicuously
119 placed, well-maintained sign that:
- 120 (i) is at least 24 square feet in size;
- 121 (ii) includes the business name, address, phone number, and hours of business for the
122 impound lot;
- 123 (iii) displays the impound lot identification number issued by the division in
124 characters at least four inches high; and
- 125 (iv) is visible from the nearest highway.
- 126 (b) An operator of an impound lot shall maintain a hard-surfaced storage area of
127 concrete, black top, gravel, road base, or other aggregate material in the impound lot.
- 128 (c) An operator of an impound lot shall fence the perimeter of the impound lot:
- 129 (i) separately from any other personal or business activity that is not directly related
130 to state impounds; and

- 131 (ii) with six-foot high chain link or other similar fence or wall topped with three
132 strands of barbed wire or razor security wire that are properly affixed to the fence
133 or wall.
- 134 (d) An operator of an impound lot shall maintain opaque fencing, which may be opaque
135 chain link fencing, on any side that has frontage with a highway.
- 136 (e) An operator of an impound lot shall maintain spacing between vehicles that is
137 adequate to allow opening of vehicle doors without interfering with other vehicles or
138 objects.
- 139 (f) Except as provided in Subsection (9), an operator of an impound lot shall have an
140 office on the premises.
- 141 (g) An operator of an impound lot shall ensure the impound lot office is staffed and open
142 for public business during normal business hours, Monday through Friday, except for
143 designated state and federal holidays.
- 144 (h) An operator of an impound lot shall provide compressed air and battery boosting
145 capabilities at the impound lot at no additional cost.
- 146 (9)(a) Upon request, the division may authorize an impound lot to maintain multiple
147 storage areas managed by a central office facility if each storage area is within a 10
148 mile radius of the central office facility.
- 149 (b) An operator of an impound lot with a central office facility authorized under this
150 Subsection (9) shall appear at an appropriate storage area within 60 minutes of
151 notification to release a vehicle held at that storage area.
- 152 (c) If an operator of an impound lot fails to appear as described in Subsection (9)(b), the
153 division may revoke the impound lot's authorization to operate as an impound lot for
154 a minimum of six months.
- 155 (d) In addition to the requirements of this Subsection (9), each sign at a storage area
156 affiliated with a central office facility shall provide the location and phone number of
157 the central office facility.
- 158 (10) A crusher, dismantler, or salvage dealer may not operate as an impound lot unless the
159 crusher, dismantler, or salvage dealer meets all of the requirements for an impound lot
160 described in this section.
- 161 (11) The division shall enforce an impound lot's compliance with the standards described in
162 this section.
- 163 (12)(a) The division shall provide written notice, in person or by certified mail, to an
164 operator of an impound lot not in compliance with the standards described in this

- 165 section and give 30 days from that notice to rectify any noncompliance.
- 166 (b) The division may suspend the impound lot's authorization to operate as an impound
- 167 lot if no action or insufficient action is taken by the operator of the impound lot.
- 168 (13) An impound lot contesting suspension, or an impound lot directly and adversely
- 169 affected by the division's refusal to designate an impound lot as an impound lot, may
- 170 appeal that suspension or designation refusal to the commission.
- 171 (14)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 172 the commission shall make rules setting standards for public garages and impound
- 173 lots that may be used by peace officers and the division for the storage of a seized
- 174 vehicle, vessel, or outboard motor.
- 175 (b) The division may not make rules that conflict with Subsection (8).
- 176 (c) The division shall ensure that the standards do not restrict the number of public
- 177 garages or impound lots per geographical area.
- 178 (15)(a) An operator of an impound lot shall:
- 179 (i) give an individual authorized by Subsection 41-6a-1406(6)(a) possession of a life
- 180 essential item or other item of personal property if the individual:
- 181 (A) arrives at the impound lot during normal business hours;
- 182 (B) presents the individual's driver license or other government-issued
- 183 identification;
- 184 (C) shows evidence that the individual is authorized under Subsection
- 185 41-6a-1406(6)(a) to take possession of the life essential item or other personal
- 186 property; and
- 187 (D) signs a receipt for any personal property removed from a vehicle, vessel, or
- 188 outboard motor; and
- 189 (ii) maintain a record of individuals who have been given access to vehicles to
- 190 remove personal property.
- 191 (b) If an individual is unable to present the individual's driver license or other
- 192 government-issued identification as required in Subsection (15)(a)(i)(B) because the
- 193 individual's driver license or other government-issued identification is inside the
- 194 impounded vehicle, the owner of the impound lot shall retrieve the driver license or
- 195 government-issued identification, to show that the individual is authorized to take
- 196 possession of a life essential item or other personal property under Subsection
- 197 41-6a-1406(6)(a).
- 198 (16) The division may require an operator of an impound lot holding five or fewer vehicles

- 199 in a month to tow those vehicles to another impound lot to centralize vehicle sales.
 200 [~~(7)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
 201 ~~the commission shall make rules setting standards for public garages, impound lots,~~
 202 ~~and impound yards that may be used by peace officers and the division.]~~
 203 [~~(b) The standards shall be equitable, reasonable, and unrestrictive as to the number of~~
 204 ~~public garages, impound lots, or impound yards per geographical area.]~~
 205 [~~(c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard~~
 206 ~~unless the crusher, dismantler, or salvage dealer meets all of the requirements for a~~
 207 ~~state impound yard set forth in this section and rules made in accordance with~~
 208 ~~Subsection (7)(a).]~~
 209 [~~(d)(i) Rules made by the commission shall include a requirement that a state~~
 210 ~~impound yard have opaque fencing on any side of the state impound yard that has~~
 211 ~~frontage with a highway.]~~
 212 [~~(ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link~~
 213 ~~fencing.]~~
 214 [~~(8) (17)(a) Except as provided under [Subsection (8)(b)] Subsection (17)(b), [a person-]~~
 215 ~~an individual may not operate or allow [to be operated] another individual to operate~~
 216 ~~a vehicle stored in [a public garage, impound lot, or impound yard] an impound lot~~
 217 ~~regulated under this part without [prior] written permission of the owner of the~~
 218 ~~vehicle.~~
 219 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
 220 space to another within [~~the facility-~~] an impound lot and that is necessary for the
 221 normal management of [~~the facility-~~] an impound lot is not prohibited under [
 222 ~~Subsection (8)(a)] Subsection (17)(a).~~
 223 [~~(9) (18) [A person-] An individual who violates [the provisions of Subsection (8)]~~
 224 ~~Subsection (17) is guilty of a class C misdemeanor.~~
 225 [~~(10) The division or the peace officer who seizes a vehicle shall record the mileage shown~~
 226 ~~on the vehicle's odometer at the time of seizure, if:]~~
 227 [~~(a) the vehicle is equipped with an odometer; and]~~
 228 [~~(b) the odometer reading is accessible to the division or the peace officer.]~~
 229 Section 2. Section **72-9-607** is amended to read:
 230 **72-9-607 . Process of removal from towing rotation.**
 231 (1) As used in this section, "ownership" means any percentage of ownership of a tow truck
 232 motor carrier by a person.

233 (2) Each [political subdivision] towing entity or state agency that establishes a towing
234 rotation to facilitate tows initiated by the political subdivision or state agency shall
235 establish a policy for an appeals process to hear and decide appeals from a decision to
236 suspend or remove a tow truck motor carrier or tow truck operator from a towing
237 rotation.

238 [~~(2)~~] (3) In conducting an appeal as described in [Subsection (1)] Subsection (2):

- 239 (a) the appeal process may be conducted by a single appeal officer or a panel; and
240 (b) an individual hearing an appeal, whether as a single appeal officer or as part of a
241 panel, may not be the same individual who made the decision to suspend or remove
242 the tow truck motor carrier or tow truck operator from the towing rotation.

243 (4) A person with ownership in a tow truck motor carrier that is removed from a towing
244 rotation in a first or second class county may not be added to a towing rotation in a first
245 or second class county for three years after the day on which the tow truck motor carrier
246 is removed from a towing rotation.

247 (5) Before a towing entity may add a tow truck motor carrier to a towing rotation in a first
248 or second class county, the tow truck motor carrier shall be certified by the department
249 as described in Section 72-9-602 for a minimum of three consecutive years.

250 Section 3. **Effective Date.**

251 This bill takes effect on July 1, 2026.