**R909. Transportation, Motor Carrier.**

**R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification.**

**R909-19-1. Authority.**

Sections 72-9-601, 72-9-602, 72-9-603, 72-9-604, 53-1-106, and 41-6a-1405 authorize the Department to make this rule.

**R909-19-2. Applicability.**

Tow truck motor carriers and employees must comply with and observe administrative rules, including Rule R909-1, federal regulations, state and local traffic laws and guidelines as prescribed by law, including Sections 41-6a-401.9, 41-6a-1404, 41-6a-1405, 41-6a-1406, 72-9-301, 72-9-303, 72-9-601, 72-9-602, 72-9-603, 72-9-604, 72-9-701, 72-9-702, and 72-9-703.

**R909-19-3. Definitions.**

(1) "Consent tow" means any tow truck service done at the vehicle, vessel, or outboard motor owner's or its legal operator's knowledge or approval.

(2) "Department" means the Utah Department of Transportation.

(3) "Division" means the Motor Carrier Division.

(4) "Emergency moves" means a tow operation initiated by law enforcement to move a wrecked or disabled motor vehicle.

(5) "Drop Fee" means a fee a vehicle owner, authorized, operator, or authorized agent of a vehicle owner pays to a tow truck motor carrier to relinquish a vehicle.

(a) of which a tow truck motor carrier has taken possession to perform a non-consent tow; and

(b) the vehicle owner, authorized operator, or authorized agent of a vehicle owner is attempting to retrieve after the tow truck motor carrier is in possession of the vehicle but before the vehicle is removed from the property or scene.

(6) "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination articulated motor vehicle. In the absence of a value specified by the manufacturer, GVCR will be determined by adding the GVWR of the power unit and the total weight of the towed unit, and any load thereon.

(7) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(8) "Life-essential personal property" includes those items essential to sustain life or health, including prescription medication, medical equipment, essential clothing, such as shoes, coat, food and water, child safety seats, and government-issued photo identification.

(9) "Non-consent police generated tow" means tow truck service that was ordered by a peace officer, or a person acting on behalf of a law enforcement agency, or highway authority, as defined in Section 72-1-102.

(10) "Non-consent non-police generated tow" means towing services performed without the prior consent or knowledge of the owner of the vehicle or the person authorized by the owner to operate the vehicle from private property. The tow truck service must be from private property, at the request of the property landowner or agent for the landowner.

(11) "Normal office hours" means hours of operation where the office or yard shall be staffed and open for public business during normal business hours Monday through Friday, except for designated state and federal holidays.

(12) "Recovery operation" means a towing service that may require charges in addition to the normal one-truck one-operator towing service requirements. The additional charges may include charges for manpower, extra equipment, and supplies necessary for the recovery operation.

(13) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission under Subsection 41-1a-1101(5).

(14) "Tow truck" means a commercial vehicle constructed, designed, altered, or equipped primarily to tow or remove damaged, disabled, abandoned, seized, repossessed, or impounded vehicles from a highway or other place using a crane, hoist, tow bar, tow line, dolly tilt bed, or other similar means of vehicle transfer without its own power or control.

(15) "Tow truck certification program" means a program to authorize and approve tow truck motor carriers, operators, and vehicles is the process by which the Department, acting under Section 72-9-602, shall verify compliance with the State and Federal Motor Carriers Safety Regulations.

(16) "Tow truck motor carrier" means a motor carrier as defined in Section 72-9-102.

(17) "Tow truck operator" means an individual who performs operations related to a tow truck service as an employee or as an independent contractor on behalf of a tow truck motor carrier.

(18) "Tow truck service" means the functions and ancillary operations associated with recovering, removing, and towing a vehicle and its load from a highway or other place using a tow truck.

(a) Tow truck service, with regards to authorized towing fees, is determined by the type and size of the towed vehicle, not the type and size of the tow truck performing the service.

(b) Towed vehicle classifications will be used when determining authorized fees. Information regarding the GVWR to determine the classification category of towed vehicles can be found on the identification plate on the vehicle driver-side doorframe. Towed vehicle classifications are as follows:

(i) "Light duty" means any towed vehicle with a GVWR 10,000 pounds or less;

(ii) "Medium duty" means any towed vehicle with a GVWR between 10,001 to 26,000 pounds;

(iii) "Heavy duty" means any towed vehicle with a GVWR or GCWR 26,001 pounds and greater.

(19) "Tow truck motor carrier steering committee" means a committee established by the Motor Carrier Division and will include enforcement personnel, industry representatives, and other persons as deemed necessary.

**R909-19-4. Duties - Enforcement - Complaints, Compliance Audits, Inspections, and Right of Entry.**

The Department shall administer and, in cooperation with the Department of Public Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall administer and enforce state and federal laws related to the operation of tow truck motor carriers within the state. In addition, a tow truck motor carrier shall submit its lands, property, buildings, and equipment for inspection and examination. It must submit its accounts, books, records, or other documents for inspection and copying to verify compliance as authorized by Section 72-9-301.

**R909-19-5. Insurance.**

(1) Tow truck motor carriers performing emergency moves shall maintain liability insurance coverage of at least $750,000 per occurrence. Tow truck motor carriers performing non-emergency moves shall maintain liability insurance coverage of at least $1,000,000 per occurrence.

(2) Tow truck motor carriers performing consent or non-consent tows are required to obtain an MCS-90 endorsement for environmental restoration as required in 49 CFR Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers.

(3) Evidence of required insurance must be maintained at the principal place of business and made available to the Department or Investigator upon request and before issuance of the tow truck motor carrier certification.

**R909-19-6. Penalties and Fines.**

(1) Any tow truck motor carrier that fails or neglects to comply with State or Federal Motor Carrier Safety Regulations, other statutes, any part of this rule, any term or condition of the permit or any materials that it incorporates by reference or a Departmental order, is subject to:

(a) a civil penalty as authorized by Sections 72-9-701 and 72-9-703;

(b) suspension or revocation of a carrier, operator, or tow truck certification, suspension, or revocation will be based upon the severity of violations to this rule, Sections 41-6a-1406 and 72-9-603;

(c) issuance of a cease-and-desist order as authorized by Section 72-9-303; and

(d) the revocation or suspension of registration by the Utah State Tax Commission under Section 72-9-303.

**R909-19-7. Towing Notice Requirements.**

(1) Non-consent police generated, and non-consent non-police generated tows conducted by tow truck motor carriers must input required information in electronic form on the Division of Motor Vehicles State Tax Commission's website, at "https://secure.utah.gov/ivs/ivs" as required by Subsection 41-6a-1406(11).

(2) Tow truck motor carriers must notify the local enforcement agency having jurisdiction over the area from where the vehicle, vessel, or outboard motor was removed on non-consent non-police generated tows immediately upon arrival at the impound or storage yard.

(a) For tows conducted on vehicles, vessels, and outboard motors and the owner information does not appear in the IVS or Title License Registration ("TLR") systems, a tow truck motor carrier has met this requirement if they can provide proof that a letter has been sent to the Utah State Tax Commission Division of Motor Vehicle or the appropriate state where the vehicle, vessel, and outboard motor is registered, within two business days requesting the needed information to send the letter.

(3) The tow truck motor carrier or the tow truck operator must provide a copy of the Utah Consumer Bill of Rights Regarding Towing at first contact with the owner of a vehicle, vessel, or outboard motor that was towed or for which a drop fee is paid.

(a) The tow truck motor carrier must be able to verify that the consumer received their copy of the Utah Consumer Bill of Rights Regarding Towing.

(4) The Utah Consumer Bill of Rights Regarding Towing shall contain the language and information as published at, https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/utah-bill-of-rights-regarding-towing/.

(a) The consumer has a right to receive documentation from the tow truck motor carrier showing the date and time the storage began.

(b) A consumer has the right to file a complaint alleging:

(i) overcharges;

(ii) inadequate certification for the operator, truck or company, and;

(iii) violations of the Federal Motor Carrier Safety Regulations, Utah Code Annotated, or Utah Administrative Code.

(c) Complaints may be filed online with the Utah Department of Transportation at https://app.udot.utah.gov/public/mcs/f?p=345:3::::3 or by contacting the Motor Carrier Division at (801) 965-4892.

**R909-19-8. Required Tow Truck Operator Certification.**

(1) Effective July 1, 2004, tow truck operators will be tested and certified in accordance with Towing and Recovery Association of America Inc (TRAA) standards and carry evidence of certification for the appropriate level of vehicle they are operating. These standards of conduct and proficiency may be tested and certified through an accepted program approved by the Department.

(2) Information on qualified certification programs may be obtained at the UDOT Motor Carrier Division website at https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/tow-truck-certification/ or by contacting the Motor Carrier Division at (801) 965-4892.

(3) Tow truck motor carriers shall ensure that tow truck operators:

(a) are properly trained and certified to operate tow truck equipment;

(b) are licensed, as required under Sections 53-3-101 through 53-3-909 Uniform Driver License Act;

(c) are complying with the requirements under Sections 41-6a-1406 and 72-9-603;

(d) have cleared the criminal background check required in Subsections 72-9-602(2) and (3). In addition, if a tow truck operator has not cleared the criminal background check required in Subsections 72-9-602(2) and (3), then the tow truck motor carrier must notify the Department of a tow truck operator who is not in compliance with Subsection 72-9-602(3) within two business days of obtaining knowledge from the Bureau of Criminal Identification.

(e) obtain and maintain a valid medical examiner's certificate under 49 CFR Sec 391.45.

**R909-19-9. Required Tow Truck Vehicle Certification.**

(1) Tow trucks shall receive and pass a tow truck certification inspection biannually.

(2) Tow trucks must be equipped with the required safety equipment. Safety Equipment List can be found at https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/tow-truck-certification/ or by calling 801-965-4892.

(3) Upon vehicle certification, an UDOT certification sticker will be issued and shall be affixed to the driver's side rear window.

(4) Documentation of UDOT tow truck vehicle certification shall be retained and available upon request by Department personnel.

**R909-19-10. Required Tow Truck Motor Carrier Certification.**

Tow truck motor carriers shall be certified biannually to ensure compliance as required by the Federal Motor Carrier Safety Regulations, Utah Code Annotated, Utah Administrative Code, and local laws when applicable.

**R909-19-11. Certification Fees.**

The Department may charge tow truck motor carriers a fee biannually as authorized by Section 72-9-603 to cover costs associated with driver, vehicle, and carrier certifications.

**R909-19-12. Information Required on Towing Receipt.**

(1) Charges for services provided must be clearly reflected on a company receipt and a copy shall be provided to the paying customer. The receipt must include the following information:

(a) company name;

(b) address;

(c) phone number;

(d) transportation, administration, fuel surcharge, storage fees, and after-hours fees charged;

(e) name of company driver;

(f) unit number;

(g) the license plate of the towed vehicle;

(h) make, model, Vehicle Identification Number, and year of the towed vehicle;

(i) start and end time with total hours for services provided; and

(j) the date vehicle was retrieved from tow yard or other storage area.

(2) Any charges for a consent tow should be listed on a separate towing receipt.

**R909-19-13. Non-Consent Towing Fee.**

(1) A tow truck motor carrier may charge up to but not exceed the approved tow rate, based upon the type of non-consent tow, as indicated in the Towing Fee Schedule published online at https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/.

(a) An additional 15% of the fee for tow truck service may be charged if the towed vehicle is used in the transportation of materials found to be hazardous in accordance with the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F.

(b) If a tow truck apparatus is mechanically connected to a vehicle, the tow truck motor carrier shall be considered in possession of the vehicle.

(c) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle is attempting to retrieve that vehicle before the tow truck motor carrier is in possession of the vehicle, no fee shall be charged to the vehicle owner.

(d)(i) If the owner, authorized operator, or authorized agent of the owner of the vehicle is attempting to retrieve the vehicle after the tow truck motor carrier is in possession of the vehicle but before the vehicle is removed from the property or scene, the tow truck motor carrier shall relinquish the vehicle to the owner, authorized operator, or authorized agent of the owner upon payment of a drop fee.

(ii) A tow truck motor carrier may not charge a drop fee that exceeds 50% of the posted rate schedule.

(e) Charges for recovery operations, as defined by Section R909-19-3, shall be coordinated with the towed vehicle owner, or directed by law enforcement before initiating the additional charges relating to the recovery operation. Coordination with the towed vehicle owner should result in an agreement between the towed vehicle owner and tow truck motor carrier.

(i) If attempts to coordinate the recovery operation charges with the towed vehicle owner fail, law enforcement personnel may authorize the recovery operation.

(ii) At least two attempts must be made to contact the towed vehicle owner.

(iii) Record of owner coordination or law enforcement authorization shall be maintained by a tow truck motor carrier for each recovery operation. The record shall include a contact name, entity, contact time and date, and agreement made.

(iv) Uncoordinated or unauthorized recovery operation fees may be subject to penalty and reimbursement of recovery operation fees.

**R909-19-14. Police Generated Towing Fee Calculation.**

(1) Tows dispatched during business hours: Tow time shall be calculated from dispatch time to completion of tow service.

(2) Tows dispatched after business hours: Tow time shall be calculated from dispatch time to completion of tow service and return to dispatch location. Time to return to the dispatch location may not exceed the allowed rotation response time.

(3) Time charged shall be to the nearest fifteen-minute increment.

(4) Charges may not extend to include the towing notice requirement period pursuant to Subsections 72-9-603(1)(a)(i) and 41-6a-1406(4)(a)(ii).

**R909-19-15. Non-consent Towing Storage Fee.**

(1) Daily storage fees for non-consent police generated tow service may not exceed:

(a) Outside storage: light duty $40, medium duty $60, heavy duty $60.

(b) Inside Storage: light duty $45, medium duty $85, heavy duty $85.

(c) Outside hazardous materials: medium duty $115, heavy duty $115.

(d) Inside hazardous materials: medium duty $165, heavy duty $165.

(2) Daily storage fees for non-consent non-police generated tow service may not exceed:

(a) Outside storage: light duty $40, medium duty $60, heavy duty $60.

(b) Inside Storage: light duty $45, medium duty $85, heavy duty $85.

(c) Outside hazardous materials: medium duty $115, heavy duty $115; and

(d) Inside hazardous materials: medium duty $165, heavy duty $165.

(3) A tow truck motor carrier may charge up to but not exceeding the amount for storage per day for the type of non-consent tow.

(a) A tow truck motor carrier may charge a higher fee for inside storage per day per unit only if requested by the owners, or a law enforcement agency or highway authority.

(b) Vehicles used in the transportation of materials found to be hazardous in accordance with the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR Part 172, subpart F may be charged a higher storage fee rate.

(c) To calculate storage rates, if the first six hours of storage for a vehicle include more than one day, the authorized storage fee is only the charge for one day.

(d) Storage fees may only be charged if the place of storage is a state impound yard that meets the requirements of rules made by the commission under Subsection 41-1a-1101(5).

(e) Except as provided in Subsection (3)(f), a tow truck motor carrier vehicle must store towed vehicles within the county where the tow occurred.

(f)(i) A tow truck motor carrier must store a vehicle that is towed as a result of a non-consent police generated tow within the boundaries of the police rotation where the tow occurred.

(ii) For purposes of Subsection (3)(f)(i), the boundary of a police rotation is the boundary established by the law enforcement agency that dispatched the tow truck motor carrier.

**R909-19-16. Non-consent Fuel Surcharge Fee.**

(1) A tow truck motor carrier may charge a fuel surcharge if the daily Rocky Mountain Average, as determined by the Department of Energy, for the price of fuel reaches $3.25 per gallon, a tow truck motor carrier may charge a surcharge equal to 3% of the base tow rate. An additional 3% shall be allowed for each $0.25 per gallon increase. Conversely, as the price of fuel drops, the fuel surcharge shall decrease by the same rate.

(a) To determine the Rocky Mountain daily average per gallon diesel cost, refer to the US Energy Information Administration's website at https://www.eia.gov/.

(b) The fuel surcharge may be charged on non-consent police generated tow if the vehicle is being used in the function of a tow vehicle such as travel to and from the scene and during the operation of equipment for the recovery operation. Non-consent non-police tows may charge a one-time fee.

(c) Surcharge fee shall be listed as a separate fee on the tow bill.

**R909-19-17. Non-consent Administrative Fee.**

A tow truck motor carrier may charge an administrative fee for reporting the removal of up to but not exceeding the amount indicated in the Towing Fee Schedule as published online at, https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/ per vehicle notification for reporting non-consent tows to the Department of Motor Vehicles and for sending notifications to the owner and lienholder, if applicable.

**R909-19-18. Non-consent After-Hours Fee.**

(1) A tow truck motor carrier may charge for the after-hours release of a vehicle, vessel, or outboard motor stored in response to:

(a) a peace officer dispatch call;

(b) a motor vehicle division call; and

(c) any other call or request where the owner of the vehicle, vessel, or outboard motor has not consented to the removal.

(2) A tow truck motor carrier may charge up to but not exceed the approved tow rate, based upon the type of non-consent tow, as indicated in the Towing Fee Schedule published online at https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/ and the Utah Consumer Bill of Rights Regarding Towing published at https://site.utah.gov/connect/wp-content/uploads/sites/50/2021/12/Tow-Truck-Bill-of-Rights-Combined-2022-1.pdf.

(3) The After-hours fee shall be listed as a separate fee on the tow bill.

**R909-19-19. Tow Truck Service and Administrative Fee Adjustment.**

(1)(a) The Motor Carrier Division will establish the allowable maximum fee for a tow truck service and administrative fee for reporting the removal, as per Section 72-9-603.

(b) The Towing Fee Schedule is published on the Division's website at https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/.

(2) The allowable maximum fee for tow truck service, the maximum allowable administrative fee for reporting the removal, and the storage fees described in Section R909-19-15 shall be tied to the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) in the West Urban Region of the US. The CPI-W is calculated by the US Department of Labor, Bureau of Labor and Statistics (BLS), which publishes CPI Detailed Report Tables each month on its website at https://www.bls.gov/cpi/tables/home.htm.

(3) The Motor Carrier Division shall adjust the allowable maximum fees once annually as follows:

(a) The base fee schedule for each calendar year after a year in which the Motor Carrier Division determines the allowable maximum fees pursuant to Subsection R909-19-13(1) shall be adjusted effective January 1 of each calendar year.

(b) The adjustment amount of the allowable maximum fees shall be equal to the change in the CPI-W for the twelve-month period before the October CPI-W figure reported by the BLS immediately preceding the January 1 adjustment date.

(c) If the twelve-month change in the CPI-W from October to October is negative, the allowable maximum fees shall remain unchanged.

(d) The Division of Motor Carriers shall round the allowable maximum fees to the nearest whole number.

**R909-19-20. Public Consent Towing and Storage Rates.**

Towing rates for public consent tows are the responsibility of the consumer and the tow truck motor carrier as contracted for services provided and are not regulated by the Department.

**R909-19-21. Rates and Storage Posting Requirements.**

Pursuant to Section 72-9-603, a tow truck motor carrier or impound yard shall clearly and conspicuously post and disclose its current non-consent fees and rates for towing and storage of a vehicle at locations at which vehicles are retrieved, or payment is accepted.

**R909-19-22. Federal Motor Carrier Safety Requirements.**

Tow truck motor carriers that meet the definition of a commercial motor carrier shall comply with State and Federal Motor Carrier Safety Regulations, in addition to any other legal requirements established in statute, rule, or permit.

**R909-19-23. Consumer Protection Information.**

Pursuant to Section 72-9-602, the Department shall make consumer protection information available to the public that may use a tow truck motor carrier. To obtain such information, including a list of tow truck motor carriers that are currently certified by the Department, the public can access this information online at https://www.udot.utah.gov/connect/business/motor-carriers/tow-trucks/, or by calling the Motor Carrier Division at (801) 965-4892.

**R909-19-24. Establishment of Tow Truck Steering Committee and Work Group.**

(1) The Administrator for the Motor Carrier Division will establish a steering committee to provide advisory information and input.

(2) The Motor Carrier Advisory Board, established by the Department, will serve as the steering body for regulatory guidance and the Department's certification process.

**R909-19-25. Review of Rates, Fees, and Certification Process.**

(1) During a regularly scheduled Motor Carrier Advisory Board meeting, the board may review rates, fees, tow truck motor carrier procedures, and the certification process. The board is not required to review each of these items each year.

(2)(a) Interested parties must notify the Department of their desire to appear and be heard at a regularly scheduled Motor Carrier Advisory Board meeting. To ensure placement on the agenda, notify the Motor Carrier Division at 801-965-4892, by the first day of the month of the scheduled meeting.

(b) Interested parties must be present at the Motor Carrier Advisory Board meeting to submit evidence supporting or challenging proposed rate or fee adjustments, or issues related to procedures regarding the certification process.

**R909-19-26. Ability to Petition for Review.**

Any tow truck motor carrier who believes the Division has acted wrongfully in denying or suspending certification or in imposing a cease-and-desist order may petition the Department for review of that action pursuant to Rule R907-1, Administrative Procedures.

**R909-19-27. Record Retention.**

Tow truck motor carriers shall retain records relating to rates charged for services for a period of six months after the service has been provided. However, if the Division or the vehicle owner have notified the carrier that it disputes its ability to charge a particular fee, the carrier shall retain the record until six months after the dispute has concluded or a court rule or order requires a longer retention period.

**R909-19-28. Life-Essential Property.**

Property that is deemed as life-essential shall be given to the vehicle owner regardless of payment for services provided.

**KEY: safety regulations, tow trucks, towing, certifications**

**Date of Last Change: October 22, 2024**

**Notice of Continuation: May 10, 2021**

**Authorizing, and Implemented or Interpreted Law: 41-6a-1404; 41-6a-1405; 41-6a-1406; 53-1-106; 53-8-105; 72-9-601; 72-9-602; 72-9-603; 72-9-604; 72-9-301; 72-9-303; 72-9-701; 72-9-702; 72-9-703**