

IMPOUNDING UNINSURED MOTOR VEHICLES

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Perry L. Buckner

AN ACT RELATING TO MOTOR VEHICLES; PERMITTING VEHICLES OPERATED WITHOUT EVIDENCE OF OWNER'S OR OPERATOR'S SECURITY TO BE SEIZED; ~~h~~ ^h ~~[AND h~~ ESTABLISHING CONDITIONS OF RELEASE ^h ; **AND PROVIDING AN EFFECTIVE DATE h** .

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-1101, as last amended by Chapters 270 and 281, Laws of Utah 1998

41-1a-1102, as renumbered and amended by Chapter 1, Laws of Utah 1992

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.

(1) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:

(a) that the division or the peace officer has reason to believe has been stolen;

(b) on which any identification number has been defaced, altered, or obliterated;

(c) that has been abandoned on ~~the~~ a public ~~highways~~ highway;

(d) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;

(e) that is placed on the water with improper registration; or

(f) that is being operated on a highway:

(i) with registration that has been expired for more than three months;

(ii) having never been properly registered by the current owner; ~~or~~

(iii) with registration that is suspended or revoked~~[-];~~ or

(iv) without evidence of owner's or operator's security as required under Section

28 41-12a-303.2.

29 (2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized
30 to transport and store the vessel.

31 (3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor
32 under this section shall immediately notify the division of the action.

33 (4) A vehicle or vessel seized under this section shall be moved by a peace officer or by
34 a tow truck that meets the standards established:

35 (a) by the Department of Public Safety under Subsection 41-6-102(4)(b); and

36 (b) under Title 72, Chapter 9, Motor Carrier Safety Act.

37 (5) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
38 commission shall make rules setting standards for public garages, impound lots, and impound
39 yards that may be used by peace officers and the division.

40 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
41 public garages, impound lots, or impound yards per geographical area.

42 (6) (a) Except as provided under Subsection (6)(b), a person may not operate or allow to
43 be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this
44 part without prior written permission of the owner of the vehicle.

45 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
46 space to another within the facility and that is necessary for the normal management of the facility
47 is not prohibited under this Subsection (6)(a).

48 (7) A person who violates the provisions of Subsection (6) is guilty of a class C
49 misdemeanor.

50 (8) The division or the peace officer who seizes a vehicle shall record the mileage shown
51 on the vehicle's odometer at the time of seizure, if:

52 (a) the vehicle is equipped with an odometer; and

53 (b) the odometer reading is accessible to the division or the peace officer.

54 Section 2. Section **41-1a-1102** is amended to read:

55 **41-1a-1102. Storage -- Establishing conditions of release.**

56 (1) The division may store a seized vehicle, vessel, or outboard motor in a public or private
57 garage, state impound lot, or other approved storage facility until:

58 (a) the vehicle's, vessel's, or outboard motor's registration has been properly completed and

59 the appropriate fees have been paid [~~or until~~];

60 (b) the ownership of the vehicle, vessel, or outboard motor is established to the satisfaction
61 of the division[-]; or

62 (c) if the vehicle is seized under Subsection 41-1a-1101(1)(e)(iv):

63 (i) evidence of owner's or operator's security that meets the requirements of Section
64 41-12a-303.2 is presented to the division; and

65 (ii) a \$5 administrative impound fee is paid to the division.

66 (2) If the identification number has been defaced, altered, or obliterated, the vehicle,
67 vessel, or outboard motor may not be released until the identification number has been replaced
68 or until a new number assigned by the division has been provided and has been affixed to the
69 vehicle, vessel, or outboard motor.

69a **h Section 3. Effective date.**

69b **THIS ACT TAKES EFFECT ON JULY 1, 1999. h**

Legislative Review Note
as of 12-8-98 1:06 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel