

**Representative Brent H. Goodfellow** proposes to substitute the following bill:

**IMPOUNDING AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Brent H. Goodfellow**

AN ACT RELATING TO MOTOR VEHICLES; PERMITTING VEHICLES OPERATED WITH FALSE LICENSE PLATES OR REGISTRATION TO BE SEIZED.

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

*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 displays a license plate or registration document that was not issued for that vehicle, vessel, or outboard motor;

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

~~(e)~~ (e) 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;

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

~~(g)~~ (g) 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

26 (iii) with registration that is suspended or revoked.

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

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

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

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

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

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

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

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

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

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

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

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

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