

1                                   **AMENDMENTS TO MOTOR VEHICLE**

2                                                           **PROVISIONS**

3                                                                                   2008 GENERAL SESSION

4                                                                                   STATE OF UTAH

5                                   **Chief Sponsor: Christopher N. Herrod**

6                                                           Senate Sponsor: \_\_\_\_\_

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Motor Vehicles Code by amending certain motor vehicle  
11   provisions.

12   **Highlighted Provisions:**

13           This bill:

14           ▶ requires the Motor Vehicle Division or a peace officer to immediately seize and  
15   take possession of a vehicle if the operator of the vehicle:

16           • is operating a vehicle without being granted the privilege to operate a motor  
17   vehicle on a highway or is operating a vehicle while the operator's privilege has  
18   been denied, suspended, revoked, or disqualified; or

19           • is operating a vehicle without owner's or operator's security in effect for the  
20   vehicle;

21           ▶ provides exceptions to the seizure requirement;

22           ▶ prohibits a person from causing or knowingly permitting a person to operate a  
23   motor vehicle or furnishing a vehicle to a person who has not been granted the  
24   privilege to operate a motor vehicle on a highway or is operating a vehicle while the  
25   person's privilege has been denied, suspended, revoked, or disqualified;

26           ▶ provides penalties for causing or knowingly permitting a person to operate a motor  
27   vehicle or furnishing a vehicle to a person who has not been granted the privilege to



28 operate a motor vehicle on a highway or is operating a vehicle while the person's privilege has  
29 been denied, suspended, revoked, or disqualified; and

30       ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 AMENDS:

37       **41-1a-1101**, as last amended by Laws of Utah 2005, Chapters 2 and 56

38       **41-6a-204**, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

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

42       **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

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

- 45       ~~[(a)]~~ (i) that the division or the peace officer has reason to believe has been stolen;
- 46       ~~[(b)]~~ (ii) on which any identification number has been defaced, altered, or obliterated;
- 47       ~~[(c)]~~ (iii) that has been abandoned in accordance with Section 41-6a-1408;
- 48       ~~[(d)]~~ (iv) for which the applicant has written a check for registration or title fees that
- 49 has not been honored by the applicant's bank and that is not paid within 30 days;
- 50       ~~[(e)]~~ (v) that is placed on the water with improper registration; or
- 51       ~~[(f)]~~ (vi) that is being operated on a highway:
- 52       ~~[(1)]~~ (A) with registration that has been expired for more than three months;
- 53       ~~[(2)]~~ (B) having never been properly registered by the current owner; or
- 54       ~~[(3)]~~ (C) with registration that is suspended or revoked.

55       (b) (i) Except as provided in Subsection (1)(b)(ii), the division or any peace officer,  
56 without a warrant, shall seize and take possession of a vehicle, vessel, or outboard motor if:

57       (A) the operator of the vehicle is operating a vehicle on a highway without being  
58 granted the privilege to operate a motor vehicle on a highway in accordance with Section

59 53-3-202;

60 (B) the vehicle operator's privilege to operate a vehicle on a highway has been denied,  
61 suspended, revoked, or disqualified; or

62 (C) the operator of the vehicle is operating a motor vehicle on a highway without  
63 owner's or operator's security in effect for the vehicle as required under Section 41-12a-301.

64 (ii) The division or a peace officer is not required to seize or take possession of a  
65 vehicle under Subsection (1)(b)(i)(B) if the division or peace officer has evidence that the  
66 operator of the vehicle had owner's or operator's security in effect for the vehicle within the last  
67 30 days.

68 (iii) The exception to the seizure requirement under Subsection (1)(b)(ii) does not  
69 apply to a person who has been issued a driving privilege card in accordance with Section  
70 53-3-207.

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

73 (3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard  
74 motor under this section shall comply with the provisions of Section 41-6a-1406.

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

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

80 (5) (a) Except as provided under Subsection (5)(b), a person may not operate or allow  
81 to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated  
82 under this part without prior written permission of the owner of the vehicle.

83 (b) Incidental and necessary operation of a vehicle to move the vehicle from one  
84 parking space to another within the facility and that is necessary for the normal management of  
85 the facility is not prohibited under this Subsection (5)[~~(a)~~](b).

86 (6) A person who violates the provisions of Subsection (5) is guilty of a class C  
87 misdemeanor.

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

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

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

92 Section 2. Section **41-6a-204** is amended to read:

93 **41-6a-204. Requiring or knowingly permitting driver to unlawfully operate**  
94 **vehicle.**

95 (1) A person employing or otherwise directing the operator of a vehicle may not  
96 require or knowingly permit the operation of the vehicle on a highway in a manner contrary to  
97 law.

98 (2) The owner of a motor vehicle may not cause or knowingly permit a person to  
99 operate the vehicle on a highway if:

100 (a) the person has not been granted the privilege to operate a motor vehicle on a  
101 highway in accordance with Section 53-3-202; or

102 (b) the person's privilege to operate a vehicle on a highway has been denied,  
103 suspended, revoked, or disqualified.

104 (3) A person may not furnish a motor vehicle to a person:

105 (a) who has not been granted the privilege to operator a motor vehicle on a highway in  
106 accordance with Section 53-3-202; or

107 (b) whose privilege to operate a vehicle on a highway has been denied, suspended,  
108 revoked, or disqualified.

109 (4) (a) A person who violates a provision of this section is guilty of a class B  
110 misdemeanor.

111 (b) A person who violates a provision of this section shall be fined not less than \$300.

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Legislative Review Note  
as of 1-30-08 3:57 PM

Office of Legislative Research and General Counsel

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**H.B. 228 - Amendments to Motor Vehicle Provisions**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Individuals involved in operating vehicles without being granted permission to operate a motor vehicle will have their vehicles seized. This could lead to as much as \$5 million in revenue for businesses that are involved with the impounding. Localities may experience increased revenue and enforcement costs.

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