

**Representative Christopher N. Herrod** proposes the following substitute bill:

**AMENDMENTS TO MOTOR VEHICLE**

**PROVISIONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christopher N. Herrod**

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

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ authorizes the Motor Vehicle Division or a peace officer to seize and take possession of a vehicle if the vehicle is being operated on a highway:
  - by a person who has not been granted the privilege to operate a motor vehicle on a highway; or
  - by a person whose privilege to operate a vehicle on a highway has been denied, suspended, revoked, or disqualified; and
- ▶ prohibits and provides penalties for causing or knowingly permitting a person to operate a motor vehicle or furnishing a vehicle to a person who has not been granted the privilege to operate a motor vehicle on a highway or is operating a vehicle while the person's privilege has been denied, suspended, revoked, or disqualified; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-1101**, as last amended by Laws of Utah 2005, Chapters 2 and 56

32 **41-6a-204**, as renumbered and amended by Laws of Utah 2005, Chapter 2



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

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

36 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

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

- 39 (a) that the division or the peace officer has reason to believe has been stolen;
- 40 (b) on which any identification number has been defaced, altered, or obliterated;
- 41 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 42 (d) for which the applicant has written a check for registration or title fees that has not
- 43 been honored by the applicant's bank and that is not paid within 30 days;
- 44 (e) that is placed on the water with improper registration; or
- 45 (f) that is being operated on a highway:
- 46 (i) with registration that has been expired for more than three months;
- 47 (ii) having never been properly registered by the current owner; [or]
- 48 (iii) with registration that is suspended or revoked[-];
- 49 (iv) by a person who has not been granted the privilege to operate a motor vehicle on a

50 highway in accordance with Section 53-3-202; or

51 (v) by a person whose privilege to operate a vehicle on a highway has been denied,  
52 suspended, revoked, or disqualified.

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

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

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

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

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

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

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

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

- 72 (a) the vehicle is equipped with an odometer; and
- 73 (b) the odometer reading is accessible to the division or the peace officer.

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

75 **41-6a-204. Requiring or knowingly permitting driver to unlawfully operate**  
76 **vehicle.**

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

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

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

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

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

87 (a) who has not been granted the privilege to operator a motor vehicle on a highway in

88 accordance with Section 53-3-202; or

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

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

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

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**H.B. 228 1st Sub. (Buff) - 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 may have their vehicles towed. Depending upon the number of vehicles towed, businesses that are involved in impounding these vehicles may experience an increase in revenue by as much as \$5 million. Localities may experience increased revenue and enforcement costs.

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