

1 **MOTOR VEHICLE FORFEITURE AMENDMENTS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code by amending provisions relating to motor
10 vehicle forfeiture for violating certain driving under the influence provisions.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that a motor vehicle is subject to criminal or civil forfeiture upon a finding
14 by the court that:

15 • the motor vehicle was used in a violation of certain driving under the influence
16 provisions; and

17 • the operator of the motor vehicle was driving on a denied, suspended, revoked,
18 or disqualified license and the denial, suspension, revocation, or disqualification
19 was imposed because of a violation of certain driving under the influence
20 provisions; and

21 ▶ makes technical changes.

22 **Monies Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **41-6a-527**, as last amended by Laws of Utah 2006, Chapters 168 and 341



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

31 Section 1. Section **41-6a-527** is amended to read:

32 **41-6a-527. Seizure and impoundment of vehicles by peace officers -- Impound**
33 **requirements -- Removal of vehicle by owner -- Forfeiture.**

34 (1) If a peace officer arrests, cites, or refers for administrative action the operator of a
35 vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530,
36 41-6a-606, 53-3-231, 53-3-232, or a local ordinance similar to Section 41-6a-502 which
37 complies with Subsection 41-6a-510(1), the peace officer shall seize and impound the vehicle
38 in accordance with Section 41-6a-1406, except as provided under Subsection (2).

39 (2) If a registered owner of the vehicle, other than the operator, is present at the time of
40 arrest, the peace officer may release the vehicle to that registered owner, but only if:

41 (a) the registered owner:

42 (i) requests to remove the vehicle from the scene; and

43 (ii) presents to the peace officer sufficient identification to prove ownership of the
44 vehicle or motorboat;

45 (b) the registered owner identifies a driver with a valid operator's license who:

46 (i) complies with all restrictions of his operator's license; and

47 (ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502,
48 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232, or a local ordinance
49 similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if permitted to
50 operate the vehicle; and

51 (c) the vehicle itself is legally operable.

52 (3) If necessary for transportation of a motorboat for impoundment under this section,
53 the motorboat's trailer may be used to transport the motorboat.

54 (4) A motor vehicle is subject to criminal or civil forfeiture under the procedures and
55 substantive protections established in Title 24, Chapter 1, Utah Uniform Forfeiture Procedures
56 Act, upon a finding by the court that:

57 (a) the motor vehicle was used in a violation of Section 41-6a-502, 41-6a-517, a local
58 ordinance which complies with the requirements of Subsection 41-6a-510(1), Section

59 41-6a-520, or Section 76-5-207;

60 (b) the operator of the vehicle was driving on a denied, suspended, revoked, or
61 disqualified license; and

62 (c) the denial, suspension, revocation, or disqualification under Subsection (4)(b) was
63 imposed because of a violation of:

64 (i) Section 41-6a-502;

65 (ii) Section 41-6a-517;

66 (iii) a local ordinance which complies with the requirements of Subsection
67 41-6a-510(1);

68 (iv) Section 41-6a-520;

69 (v) Section 76-5-207; or

70 (vi) a criminal prohibition that the person was charged with violating as a result of a
71 plea bargain after having been originally charged with violating one or more of the sections or
72 ordinances described in Subsections (4)(c)(i) through (v).

Legislative Review Note
as of 1-30-09 8:41 AM

Office of Legislative Research and General Counsel

H.B. 151 - Motor Vehicle Forfeiture Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will require \$35,200 per year from the General Fund appropriated to the Courts beginning in FY 2010. The bill will also generate new Criminal Forfeiture Restricted revenue beginning in FY 2010 from vehicles forfeited, but the amount is unknown.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$35,200	\$35,200	\$0	\$0	\$0
Total	\$0	\$35,200	\$35,200	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.