

1                   **AMENDMENTS TO VEHICLE IMMOBILIZATION DEVICE**  
2   **PROVISIONS**

3   2014 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: R. Curt Webb**

6   Senate Sponsor: Wayne A. Harper

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill modifies provisions relating to vehicle immobilization devices.

11                   **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ prohibits a vehicle immobilizer from charging a fee for the immobilization of a  
14 vehicle for any period in which the vehicle has been towed and custody of the  
15 vehicle has been transferred to a vehicle impound yard; and  
16                   ▶ makes technical corrections.

17                   **Money Appropriated in this Bill:**

18                   None

19                   **Other Special Clauses:**

20                   None

21                   **Utah Code Sections Affected:**

22                   AMENDS:

23                   **41-6a-1409**, as last amended by Laws of Utah 2013, Chapter 328

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

26                   Section 1. Section **41-6a-1409** is amended to read:

27                   **41-6a-1409. Vehicle immobilization devices -- Definitions -- Notice requirements**



28 -- **Maximum removal fee.**

29 (1) As used in this section:

30 (a) "Immobilize" means to affix and lock a vehicle immobilization device to the  
31 exterior of a motor vehicle.

32 (b) "Vehicle immobilization device" means a device that may be affixed and locked to  
33 the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the  
34 vehicle from its location.

35 (c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used  
36 a vehicle immobilization device for the purpose of enforcing parking restrictions with prior  
37 authorization from the owner or person in lawful possession or control of the real property.

38 (2) (a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle  
39 owner's knowledge at either of the following locations without signage that meets the  
40 requirements of Subsection (2)(b):

41 (i) a mobile home park as defined in Section 57-16-3; or

42 (ii) a multifamily dwelling of more than eight units.

43 (b) Signage under Subsection (2)(a) shall display:

44 (i) where parking is subject to being immobilized; and

45 (ii) one of the following:

46 (A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle  
47 for the locations listed under Subsection (2)(a)(i); or

48 (B) the name of the mobile home park or multifamily dwelling and the phone number  
49 of the mobile home park or multifamily dwelling manager or management office that  
50 authorized the vehicle immobilizer to immobilize the motor vehicle.

51 (c) Signage is not required under Subsection (2)(b) for parking in a location:

52 (i) that is prohibited by law; or

53 (ii) if it is reasonably apparent that the location is not open to parking.

54 (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined  
55 in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on  
56 parking.

57 (3) (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the  
58 immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to

59 operate the vehicle.

60 (b) The notice under Subsection (3)(a) shall include:

61 (i) the name and phone number of the vehicle immobilizer;

62 (ii) a phone number that the owner of the vehicle may call to arrange for release of the  
63 vehicle; and

64 (iii) applicable fees.

65 (4) (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle  
66 immobilization device may not exceed:

67 (i) \$75 for the first 24-hour period a vehicle is immobilized; plus

68 (ii) \$25 for each additional 24-hour period a vehicle is immobilized.

69 (b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer  
70 may charge to remove a vehicle immobilization device may not exceed \$150 for each instance.

71 (c) A vehicle immobilizer may not charge a fee for the removal of a vehicle  
72 immobilization device or any service rendered, performed, or supplied in connection with the  
73 removal of the immobilization device in addition to the fees specified under this Subsection  
74 (4).

75 (d) A vehicle immobilizer may not charge a fee under this Subsection (4) for the  
76 immobilization of a vehicle for any period in which the vehicle has been towed and custody of  
77 the vehicle has been transferred to a vehicle impound yard.

78 [~~(d)~~] (e) A vehicle immobilizer shall accept payment by cash and debit or credit card  
79 for the removal of a vehicle immobilization device or any service rendered, performed, or  
80 supplied in connection with the removal of the immobilization device.

81 (5) A county or municipal legislative or governing body may not enact or enforce any  
82 ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts  
83 with this part.

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Legislative Review Note  
as of 1-15-14 11:21 AM

Office of Legislative Research and General Counsel