

Part 11
Impounded Vehicles, Vessels, or Outboard Motors

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 has been abandoned in accordance with Section 41-6a-1408;
 - (d) 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;
 - (e) that is placed on the water with improper registration;
 - (f) 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
 - (iii) with registration that is suspended or revoked; or
 - (g)
 - (i) that the division or the peace officer has reason to believe has been involved in an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
 - (ii) whose operator did not remain at the scene of the accident until the operator fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.
- (2)
 - (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer, without a warrant, shall seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 unless the division or any peace officer makes a reasonable determination that:
 - (i) the seizure of the vehicle would present a public safety concern to the operator or any of the occupants in the vehicle; or
 - (ii) the impoundment of the vehicle would prevent the division or the peace officer from addressing other public safety considerations.
 - (b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (2)(a):
 - (i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803; or
 - (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently verify that owner's or operator's security is not in effect for the vehicle.
- (3) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.
- (4) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section 41-6a-1406.
- (5)

- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.
 - (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.
- (6)
- (a) Except as provided under Subsection (6)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.
 - (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (6)(a).
- (7) A person who violates the provisions of Subsection (6) is guilty of a class C misdemeanor.
- (8) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:
- (a) the vehicle is equipped with an odometer; and
 - (b) the odometer reading is accessible to the division or the peace officer.

Amended by Chapter 382, 2014 General Session

41-1a-1102 Storage -- Establishing ownership.

- (1) The division may store a seized vehicle, vessel, or outboard motor in a public or private garage, state impound lot, or other approved storage facility until the vehicle's, vessel's, or outboard motor's registration has been properly completed and the appropriate fees have been paid or until the ownership of the vehicle, vessel, or outboard motor is established to the satisfaction of the division.
- (2) If the identification number has been defaced, altered, or obliterated, the vehicle, vessel, or outboard motor may not be released until the identification number has been replaced or until a new number assigned by the division has been provided and has been affixed to the vehicle, vessel, or outboard motor.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1103 Sale.

- (1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard motor.
- (2) The sale shall:
 - (a) be held in the form of a public auction at the place of storage; and
 - (b) at the discretion of the division, be conducted by:
 - (i) an authorized representative of the division; or
 - (ii) a public garage, impound lot, or impound yard that:
 - (A) is authorized by the division;
 - (B) meets the standards under Subsection 41-1a-1101(5); and
 - (C) complies with the requirements of Section 72-9-603.

- (3) At least five days prior to the date set for sale, the division shall publish a notice of sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or outboard motor to be sold:
 - (a) on the division's website; and
 - (b) as required in Section 45-1-101.
- (4) At the time of sale the division or other person authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the vehicle, vessel, or outboard motor.
- (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this section shall be distributed as provided under Section 41-1a-1104.
- (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days from the date of release, the division shall renotify the owner or lienholder and sell the vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of the notice.

Amended by Chapter 382, 2014 General Session

41-1a-1104 Disposition of proceeds from sale.

- (1) If, for purposes of this part and Section 41-1a-1301, the ownership of a vehicle, vessel, or outboard motor seized cannot be determined, the excess of the proceeds of any sale over the fees for registration or transfer and penalties and costs shall be deposited with the state treasurer in a suspense account.
- (2)
 - (a) If the owner or the owner's heirs or assigns file a claim for the excess of the proceeds within one year of date of sale of the vehicle, vessel, or outboard motor, the excess of the proceeds shall be refunded to the claimant.
 - (b) If a claim is not filed in accordance with Subsection (2)(a), then the money shall be deposited in the General Fund.

Amended by Chapter 56, 2005 General Session

41-1a-1105 Records to be kept by public garage, impound lot, or impound yard.

- (1)
 - (a) Each person engaged in the business of operating a public garage, impound lot, or impound yard shall keep a record of every vehicle, vessel, or outboard motor stored in it for compensation for a period longer than 12 hours.
 - (b) The record shall include:
 - (i) the name and address of the person storing the vehicle, vessel, or outboard motor;
 - (ii) a brief description of the vehicle, vessel, or outboard motor, including the name or make, identification number, and license number shown by the license plates; and
 - (iii) the mileage shown on the vehicle's odometer both upon arrival at and upon its release from the public garage, impound lot, or impound yard, if the vehicle is equipped with an odometer.
- (2) Every record kept under Subsection (1) shall be open to inspection by any peace officer.

Amended by Chapter 281, 1998 General Session

41-1a-1106 Storage of vehicles, vessels, and outboard motors -- Reports required.

If any vehicle, vessel, or outboard motor has been stored in a public garage, state impound lot, or other storage facility for 10 days and the owner is unknown to the proprietor, on the 11th day of storage the proprietor shall report the presence of the vehicle, vessel, or outboard motor to the law enforcement agency in the city or county where the garage, lot, or facility is located.

Renumbered and Amended by Chapter 1, 1992 General Session