

Effective 7/1/2024

41-1a-1103 Sale.

- (1)
 - (a) To determine the model year of a vehicle, vessel, or outboard motor as described in this section, the division shall use the model year assigned to a vehicle, vessel, or outboard motor based on:
 - (i) the vehicle identification number assigned by the division; or
 - (ii) if the division has not assigned a vehicle identification number, the vehicle identification number assigned by the manufacturer.
 - (b) To determine the age of a vehicle, vessel, or outboard motor as described in this section, the division shall use the date of the impoundment of the vehicle, vessel, or outboard motor.
- (2)
 - (a) For a vehicle, vessel, or outboard motor with a model year of eight years old or older, 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 the original notice described in Section 41-6a-1406, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall issue a certificate of sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor carrier.
 - (i) For a vehicle, vessel, or outboard motor with a model year of eight years old or older, 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, 30 days from the date of the original notice described in Section 41-6a-1406, issue a certificate of sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor carrier, in accordance with this section.
 - (ii) For a vehicle, vessel, or outboard motor with a model year of eight years old or older, 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 20 days from the original notice described in Section 41-6a-1406, the tow truck motor carrier shall notify the division, and the division shall renotify the owner or lienholder.
- (3) For a vehicle, vessel, or outboard motor with a model year seven years old or newer, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 60 days from the date of the original notice described in Section 41-6a-1406, 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 as described in Subsection (4).
- (4) The sale of a vehicle, vessel, or outboard motor described in Subsection (3) 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(7); and
 - (C) complies with the requirements of Section 72-9-603.

- (5) At least five days prior to the date set for sale described in Subsection (4), 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.
- (6) At the time of sale described in Subsection (4) 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.
- (7) The proceeds from the sale of a vehicle, vessel, or outboard motor under Subsection (4) shall be distributed as provided under Section 41-1a-1104.
- (8) For a vehicle, vessel, or outboard motor with a model year seven years old or newer, 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 60 days from the date of release, the division shall, 60 days from the date of the original notice described in Section 41-6a-1406, sell the vehicle, vessel, or outboard motor as described in Subsection (4).
- (9) For a vehicle, vessel, or outboard motor with a model year of seven years old or newer, 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 within 45 days of the original notice described in Section 41-6a-1406, the tow truck motor carrier shall notify the division, and the division shall renotify the owner or lienholder.

Amended by Chapter 319, 2024 General Session