

Part 14

Stopping, Standing, and Parking

Effective until 5/1/2024

41-6a-1401 Standing or parking vehicles -- Restrictions and exceptions.

- (1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:
 - (a) stop, stand, or park a vehicle:
 - (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (ii) on a sidewalk;
 - (iii) within an intersection;
 - (iv) on a crosswalk;
 - (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (vii) on any bridge or other elevated structure, on a highway, or within a highway tunnel;
 - (viii) on any railroad tracks;
 - (ix) on any controlled-access highway;
 - (x) in the area between roadways of a divided highway, including crossovers; or
 - (xi) any place where a traffic-control device prohibits stopping, standing, or parking;
 - (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (i) in front of a public or private driveway;
 - (ii) within 15 feet of a fire hydrant;
 - (iii) within 20 feet of a crosswalk;
 - (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (v) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
 - (vi) at any place where a traffic-control device prohibits standing; or
 - (vii) at the capitol hill complex as defined in Section 63C-9-102 in a parking space identified as reserved for specific users, without:
 - (A) approval by the executive director of the State Capitol Preservation Board created in Section 63C-9-201; and
 - (B) a properly displayed placard or other identifying marker approved by the executive director of the State Capitol Preservation Board to indicate this approval; or
 - (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - (i) within 50 feet of the nearest rail of a railroad crossing; or
 - (ii) at any place where traffic-control devices prohibit parking.
- (2) A person may not move a vehicle that is not lawfully under the person's control into any prohibited area or into an unlawful distance from the curb.
- (3) This section does not apply to a tow truck motor carrier responding to a customer service call if the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

Amended by Chapter 245, 2016 General Session

Effective 5/1/2024

41-6a-1401 Standing or parking vehicles -- Restrictions and exceptions.

- (1) Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not:
 - (a) stop, stand, or park a vehicle:
 - (i) on the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (ii) on a sidewalk;
 - (iii) within an intersection;
 - (iv) on a crosswalk;
 - (v) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (vii) on any bridge or other elevated structure, on a highway, or within a highway tunnel;
 - (viii) on any railroad tracks;
 - (ix) on any controlled-access highway;
 - (x) in the area between roadways of a divided highway, including crossovers; or
 - (xi) any place where a traffic-control device prohibits stopping, standing, or parking;
 - (b) stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - (i) in front of a public or private driveway;
 - (ii) within 15 feet of a fire hydrant;
 - (iii) within 20 feet of a crosswalk;
 - (iv) within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
 - (v) within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
 - (vi) at any place where a traffic-control device prohibits standing; or
 - (vii) at capitol hill, as defined in Section 63O-1-101, in a parking space identified as reserved for specific users, without:
 - (A) approval by the executive director of the State Capitol Preservation Board created in Section 63O-2-201; and
 - (B) a properly displayed placard or other identifying marker approved by the executive director of the State Capitol Preservation Board to indicate this approval; or
 - (c) park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - (i) within 50 feet of the nearest rail of a railroad crossing; or
 - (ii) at any place where traffic-control devices prohibit parking.
- (2) A person may not move a vehicle that is not lawfully under the person's control into any prohibited area or into an unlawful distance from the curb.
- (3) This section does not apply to a tow truck motor carrier responding to a customer service call if the tow truck motor carrier has already received authorization from the local law enforcement agency in the jurisdiction where the vehicle to be towed is located.

41-6a-1402 Stopping or parking on roadways -- Angle parking -- Traffic-control devices prohibiting or restricting.

- (1) Except as otherwise provided in this section, a vehicle stopped or parked on a two-way roadway shall be stopped or parked with the right-hand wheels:
 - (a) parallel to and within 12 inches of the right-hand curb; or
 - (b) as close as practicable to the right edge of the right-hand shoulder.
- (2) Except when otherwise provided by local ordinance, a vehicle stopped or parked on a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its:
 - (a) right-hand wheels:
 - (i) within 12 inches of the right-hand curb; or
 - (ii) as close as practicable to the right edge of the right-hand shoulder; or
 - (b) left-hand wheels:
 - (i) within 12 inches of the left-hand curb; or
 - (ii) as close as practicable to the left edge of the left-hand shoulder.
- (3)
 - (a) Except as provided in Subsection (3)(b), local highway authorities may by ordinance permit angle parking on any roadway.
 - (b) Angle parking is not permitted on any federal-aid or state highway unless the Department of Transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- (4)
 - (a) The Department of Transportation, with respect to highways under its jurisdiction, may place traffic-control devices prohibiting or restricting the stopping, standing, or parking of vehicles on a highway where:
 - (i) the stopping, standing, or parking is dangerous to those using the highway; or
 - (ii) the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic.
 - (b) A person may not stop, stand, or park a vehicle in violation of the restriction indicated by the devices under Subsection (4)(a).
- (5) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1403 Motor vehicle left unattended -- Requirements.

- (1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without:
 - (a) stopping the engine;
 - (b) locking the ignition and removing the key;
 - (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift; or
 - (d) effectively setting the brakes thereon.
- (2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1404 Stopping or parking on roadway outside business or residential district.

- (1) Outside a business or residence district, a person may not stop, park, or leave standing a vehicle, whether attended or unattended, on the roadway when it is practical to stop, park, or leave the vehicle off the roadway.
- (2) A person who stops, parks, or leaves a vehicle standing on a roadway shall:
 - (a) leave an unobstructed width of the highway opposite the vehicle for the free passage of other vehicles; and
 - (b) leave the vehicle so that other vehicle operators have a clear view of the stopped vehicle from a distance of 200 feet in each direction on the roadway.
- (3) This section and Sections 41-6a-1401 and 41-6a-1402 do not apply to the operator of a vehicle if the vehicle becomes disabled while on the paved or main traveled portion of a roadway in a manner and to the extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the paved or main traveled portion of the roadway.
- (4) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1405 Peace officer authorized to move vehicle.

- (1) If a peace officer finds a vehicle in violation of Section 41-6a-1404, the officer may move the vehicle, cause the vehicle to be moved, or require the operator or other person responsible for the vehicle to move the vehicle to a safe position off the highway.
- (2) A peace officer may remove or cause to be removed to a place of safety an unattended vehicle left standing on a highway in:
 - (a) violation of this part; or
 - (b) a position or under circumstances that the vehicle obstructs the normal movement of traffic.
- (3) In accordance with Section 41-6a-1406, a peace officer may remove or cause to be removed to the nearest garage or other place of safety a vehicle found on a highway when:
 - (a) the vehicle has been reported stolen or taken without the consent of its owner;
 - (b) the person responsible for the vehicle is unable to provide for its custody or removal; or
 - (c) the person operating the vehicle is arrested for an alleged offense for which the peace officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

Renumbered and Amended by Chapter 2, 2005 General Session

(j)
41-6a-1406 Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.

- (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or impounded to a state impound yard.
- (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
 - (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

(b) by the department under Subsection (10).

(4)

(a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is:

- (i) removed or impounded as described in Subsection (1); or
- (ii) removed or impounded by any law enforcement or government entity.

(b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division by:

- (i) the peace officer or agency by whom the peace officer is employed; and
- (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.

(c) The report shall be in a form specified by the Motor Vehicle Division and shall include:

- (i) the operator's name, if known;
- (ii) a description of the vehicle, vessel, or outboard motor;
- (iii) the vehicle identification number or vessel or outboard motor identification number;
- (iv) the license number, temporary permit number, or other identification number issued by a state agency;
- (v) the date, time, and place of impoundment;
- (vi) the reason for removal or impoundment;
- (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
- (viii) the place where the vehicle, vessel, or outboard motor is stored.

(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).

(e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:

- (i) collect any fee associated with the removal; and
- (ii) begin charging storage fees.

(5)

(a) Except as provided in Subsection (5)(e) and upon receipt of the report, the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:

- (i) the registered owner;
- (ii) any lien holder; or
- (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.

(b) The notice shall:

- (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
- (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
- (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
- (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment

under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.

- (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (5)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
 - (d) The Motor Vehicle Division shall forward a copy of the notice to the place where the vehicle, vessel, or outboard motor is stored.
 - (e) The Motor Vehicle Division is not required to give notice under this Subsection (5) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- (6)
- (a) The vehicle, vessel, or outboard motor shall be released after a party described in Subsection (5)(a):
 - (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
 - (ii) presents identification sufficient to prove ownership of the impounded vehicle, vessel, or outboard motor;
 - (iii) completes the registration, if needed, and pays the appropriate fees;
 - (iv) if the impoundment was made under Section 41-6a-527, pays an administrative impound fee of \$400; and
 - (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.
 - (b)
 - (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be dedicated credits to the Motor Vehicle Division;
 - (ii) \$147 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106;
 - (iii) \$20 of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318; and
 - (iv) the remainder of the administrative impound fee assessed under Subsection (6)(a)(iv) shall be deposited into the General Fund.
 - (c) The administrative impound fee assessed under Subsection (6)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
 - (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
 - (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.
 - (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).
 - (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:

- (i) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (5)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under this Subsection (6).
- (7)
- (a) For an impounded vehicle, vessel, or outboard motor not claimed by a party described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the impounded vehicle, vessel, or outboard motor as described in Section 41-1a-1103.
 - (b) The date of impoundment is considered the date of seizure for computing the time period provided under Section 41-1a-1103.
- (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.
- (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.
- (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.
- (11)
- (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.
 - (b)
 - (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.
 - (ii) The fees under this Subsection (11)(b) shall:
 - (A) be reasonable and fair; and
 - (B) reflect the cost of administering the database.

Effective 5/1/2024

41-6a-1406 Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.

- (1) If a vehicle, vessel, or outboard motor is removed or impounded as provided under Section 41-1a-1101, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the removal or impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be removed or impounded to a state impound yard.
- (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
 - (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and
 - (b) by the department under Subsection (10).
- (4)

- (a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is:
 - (i) removed or impounded as described in Subsection (1); or
 - (ii) removed or impounded by any law enforcement or government entity.
 - (b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the removal shall be sent to the Motor Vehicle Division by:
 - (i) the peace officer or agency by whom the peace officer is employed; and
 - (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
 - (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:
 - (i) the operator's name, if known;
 - (ii) a description of the vehicle, vessel, or outboard motor;
 - (iii) the vehicle identification number or vessel or outboard motor identification number;
 - (iv) the license number, temporary permit number, or other identification number issued by a state agency;
 - (v) the date, time, and place of impoundment;
 - (vi) the reason for removal or impoundment;
 - (vii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
 - (viii) the place where the vehicle, vessel, or outboard motor is stored.
 - (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).
 - (e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
 - (i) collect any fee associated with the removal; and
 - (ii) begin charging storage fees.
- (5)
- (a) Except as provided in Subsection (5)(e) and upon receipt of the report, the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
 - (i) the registered owner;
 - (ii) any lien holder; or
 - (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
 - (b) The notice shall:
 - (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
 - (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;
 - (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
 - (iv) inform the parties described in Subsection (5)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.

- (c) Except as provided in Subsection (5)(e) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (5)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
 - (d) The Motor Vehicle Division shall forward a copy of the notice to the place where the vehicle, vessel, or outboard motor is stored.
 - (e) The Motor Vehicle Division is not required to give notice under this Subsection (5) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- (6)
- (a) The vehicle, vessel, or outboard motor shall be released after a party described in Subsection (5)(a):
 - (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
 - (ii) presents identification sufficient to prove ownership of the impounded vehicle, vessel, or outboard motor;
 - (iii) completes the registration, if needed, and pays the appropriate fees;
 - (iv) if the impoundment was made under Section 41-6a-527, pays:
 - (A) an administrative impound fee of \$425; and
 - (B) in addition to the administrative fee described in Subsection (6)(a)(iv)(A), an administrative testing fee of \$30; and
 - (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.
 - (b)
 - (i) Twenty-nine dollars of the administrative impound fee assessed under Subsection (6)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.
 - (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed under Subsection (6)(a)(iv)(A) shall be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106.
 - (iii) Twenty dollars of the administrative impound fee assessed under Subsection (6)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.
 - (iv) After the distributions described in Subsections (6)(b)(i) through (iii), the remainder of the administrative impound fee assessed under Subsection (6)(a)(iv)(A) shall be deposited into the General Fund.
 - (v) The administrative testing fee described in Subsection (6)(a)(iv)(B) shall be deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.
 - (c) The administrative impound fee and the administrative testing fee assessed under Subsection (6)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
 - (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
 - (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.
 - (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any

- service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).
- (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:
 - (i) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (5)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under this Subsection (6).
 - (7)
 - (a) For an impounded vehicle, vessel, or outboard motor not claimed by a party described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the impounded vehicle, vessel, or outboard motor as described in Section 41-1a-1103.
 - (b) The date of impoundment is considered the date of seizure for computing the time period provided under Section 41-1a-1103.
 - (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.
 - (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.
 - (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.
 - (11)
 - (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.
 - (b)
 - (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.
 - (ii) The fees under this Subsection (11)(b) shall:
 - (A) be reasonable and fair; and
 - (B) reflect the cost of administering the database.

Effective 7/1/2024

41-6a-1406 Removal and impoundment of vehicles -- Reporting and notification requirements -- Administrative impound fee -- Refunds -- Possessory lien -- Rulemaking.

- (1) If a vehicle, vessel, or outboard motor is impounded as provided under Section 41-1a-1101, 41-6a-210, 41-6a-527, 41-6a-1405, 41-6a-1408, or 73-18-20.1 by an order of a peace officer or by an order of a person acting on behalf of a law enforcement agency or highway authority, the impoundment of the vehicle, vessel, or outboard motor shall be at the expense of the owner.
- (2) The vehicle, vessel, or outboard motor under Subsection (1) shall be impounded to a state impound yard.
- (3) The peace officer may move a vehicle, vessel, or outboard motor or cause it to be removed by a tow truck motor carrier that meets standards established:
 - (a) under Title 72, Chapter 9, Motor Carrier Safety Act; and

(b) by the department under Subsection (11).

- (4)
- (a) A report described in this Subsection (4) is required for a vehicle, vessel, or outboard motor that is impounded as described in Subsection (1).
 - (b) Before noon on the next business day after the date of the removal of the vehicle, vessel, or outboard motor, a report of the impoundment shall be sent to the Motor Vehicle Division, in an electronic format approved by the Motor Vehicle Division, by:
 - (i) the peace officer or agency by whom the peace officer is employed; and
 - (ii) the tow truck operator or the tow truck motor carrier by whom the tow truck operator is employed.
 - (c) The report shall be in a form specified by the Motor Vehicle Division and shall include:
 - (i) the operator's name, if known;
 - (ii) a description of the vehicle, vessel, or outboard motor;
 - (iii) the vehicle identification number or vessel or outboard motor identification number;
 - (iv) the case number designated by the peace officer, law enforcement agency number, or government entity;
 - (v) the license number, temporary permit number, or other identification number issued by a state agency;
 - (vi) the date, time, and place of impoundment;
 - (vii) the reason for removal or impoundment;
 - (viii) the name of the tow truck motor carrier who removed the vehicle, vessel, or outboard motor; and
 - (ix) the place where the vehicle, vessel, or outboard motor is stored.
 - (d)
 - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission shall make rules to establish proper format and information required on the form described in this Subsection (4).
 - (ii) The State Tax Commission shall ensure that the form described in this Subsection (4) is provided in an electronic format.
 - (e) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (4), a tow truck motor carrier or impound yard may not:
 - (i) collect any fee associated with the removal; and
 - (ii) begin charging storage fees.
- (5)
- (a) A report described in this Subsection (5) is required for any vehicle, vessel, or outboard motor that is removed, except for:
 - (i) a vehicle, vessel, or outboard motor that is impounded for a reason described in Subsection (1); or
 - (ii) a vehicle, vessel, or outboard motor for which a removal is performed in accordance with Section 72-9-603.
 - (b) For a removal described in Subsection (5)(a), the relevant law enforcement officer shall provide documentation to the tow truck operator or tow truck motor carrier that includes:
 - (i) the name and badge number of the peace officer;
 - (ii) the name and originating agency identifier of the law enforcement agency; and
 - (iii) the case number designated by the law enforcement officer or law enforcement agency.
 - (c) For a removal described in Subsection (5)(a), before noon on the next business day following the date of the removal of the vehicle, vessel, or outboard motor, the tow truck operator or tow

truck motor carrier shall send to the Motor Vehicle Division in an electronic format approved by the Motor Vehicle Division:

- (i) the report described in Subsection (4); or
 - (ii) the report described in Subsection (5)(d).
- (d) For a removal described in Subsection (5)(a), if the tow truck operator or tow truck motor carrier does not provide the report described in Subsection (4), the tow truck operator or tow truck motor carrier shall provide a report to the Motor Vehicle Division that includes:
- (i) the name and badge number of the relevant peace officer;
 - (ii) the name and originating agency identifier of the law enforcement agency;
 - (iii) the law enforcement agency case number;
 - (iv) subject to Subsection (5)(e), the vehicle identification number and the license number, temporary permit number, or other identification number issued by a state agency;
 - (v) the date and time of the removal of the vehicle, vessel, or outboard motor; and
 - (vi) the reason for the removal of the vehicle, vessel, or outboard motor.
- (e) If either the vehicle identification number or the license number, temporary permit number, or other identification number issued by a state agency is not available, the report shall include:
- (i) as much information as is available from both the vehicle identification number and the license plate number of the vehicle, vessel, or outboard motor; and
 - (ii) a description of the vehicle, vessel, or outboard motor, including the color, make, model, and model year of the vehicle, vessel, or outboard motor.
- (f) Until the tow truck operator or tow truck motor carrier reports the removal as required under this Subsection (5), a tow truck motor carrier may not:
- (i) collect any fee associated with the removal; or
 - (ii) begin charging storage fees.
- (g) A vehicle, vessel, or outboard motor removed under this Subsection (5) shall be removed to:
- (i) a state impound yard; or
 - (ii) a location that has been requested by the registered owner at the time of removal, if payment is made to the tow truck motor carrier or tow truck operator at the time of removal.
- (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission may make rules to establish proper format and information required on the form described in Subsection (5)(e), including submission in an electronic format.
- (6)
- (a) Except as provided in Subsection (6)(d) and upon receipt of a report described in Subsection (4) or (5), the Motor Vehicle Division shall give notice, in the manner described in Section 41-1a-114, to the following parties with an interest in the vehicle, vessel, or outboard motor, as applicable:
- (i) the registered owner;
 - (ii) any lien holder; or
 - (iii) a dealer, as defined in Section 41-1a-102, if the vehicle, vessel, or outboard motor is currently operating under a temporary permit issued by the dealer, as described in Section 41-3-302.
- (b) The notice shall:
- (i) state the date, time, and place of removal, the name, if applicable, of the person operating the vehicle, vessel, or outboard motor at the time of removal, the reason for removal, and the place where the vehicle, vessel, or outboard motor is stored;
 - (ii) state that the registered owner is responsible for payment of towing, impound, and storage fees charged against the vehicle, vessel, or outboard motor;

- (iii) state the conditions that must be satisfied before the vehicle, vessel, or outboard motor is released; and
- (iv) inform the parties described in Subsection (6)(a) of the division's intent to sell the vehicle, vessel, or outboard motor, if, within 30 days after the day of the removal or impoundment under this section, one of the parties fails to make a claim for release of the vehicle, vessel, or outboard motor.
- (c) Except as provided in Subsection (6)(d) and if the vehicle, vessel, or outboard motor is not registered in this state, the Motor Vehicle Division shall make a reasonable effort to notify the parties described in Subsection (6)(a) of the removal and the place where the vehicle, vessel, or outboard motor is stored.
- (d) The Motor Vehicle Division is not required to give notice under this Subsection (6) if a report was received by a tow truck operator or tow truck motor carrier reporting a tow truck service in accordance with Subsection 72-9-603(1)(a)(i).
- (e)
 - (i) The Motor Vehicle Division shall disclose the information in the report described in Subsection (4) and Subsection 72-9-603(1)(a)(i) to a designated agent as defined in Section 41-12a-802 regarding a tow that was initiated:
 - (A) by law enforcement; or
 - (B) without the vehicle owner's consent.
 - (ii) The Motor Vehicle Division may rely on the information provided by the tow truck operator or tow truck motor carrier to determine if a tow meets the criteria described in Subsections (6)(e)(i)(A) and (B).
 - (iii) The designated agent may disclose information received regarding a tow described in Subsections (6)(e)(i)(A) and (B) to the vehicle owner and to the vehicle owner's verified insurance company.
 - (iv) The designated agent may not disclose information to a vehicle owner's insurance company if the tow does not meet the criteria described in Subsections (6)(e)(i)(A) and (B).
- (7)
 - (a) The vehicle, vessel, or outboard motor impounded or removed to a state impound yard as described in this section shall be released after a party described in Subsection (6)(a):
 - (i) makes a claim for release of the vehicle, vessel, or outboard motor at any office of the State Tax Commission;
 - (ii) presents identification sufficient to prove ownership of the impounded or removed vehicle, vessel, or outboard motor;
 - (iii) completes the registration, if needed, and pays the appropriate fees;
 - (iv) if the impoundment was made under Section 41-6a-527 or Subsection 41-1a-1101(3), pays:
 - (A) an administrative impound fee of \$425; and
 - (B) in addition to the administrative fee described in Subsection (6)(a)(iv)(A), an administrative testing fee of \$30; and
 - (v) pays all towing and storage fees to the place where the vehicle, vessel, or outboard motor is stored.
 - (b)
 - (i) \$29 of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be dedicated credits to the Motor Vehicle Division.
 - (ii) One-hundred and forty-seven dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Department of Public Safety Restricted Account created in Section 53-3-106.

- (iii) Twenty dollars of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.
- (iv) After the distributions described in Subsections (7)(b)(i) through (iii), the remainder of the administrative impound fee assessed under Subsection (7)(a)(iv)(A) shall be deposited into the General Fund.
- (v) The administrative testing fee described in Subsection (6)(a)(iv)(B) shall be deposited into the State Laboratory Drug Testing Account created in Section 26B-1-304.
- (c) The administrative impound fee and the administrative testing fee assessed under Subsection (7)(a)(iv) shall be waived or refunded by the State Tax Commission if the registered owner, lien holder, or owner's agent presents written evidence to the State Tax Commission that:
 - (i) the Driver License Division determined that the arrested person's driver license should not be suspended or revoked under Section 53-3-223 or 41-6a-521 as shown by a letter or other report from the Driver License Division presented within 180 days after the day on which the Driver License Division mailed the final notification; or
 - (ii) the vehicle was stolen at the time of the impoundment as shown by a copy of the stolen vehicle report presented within 180 days after the day of the impoundment.
- (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept payment by cash and debit or credit card for a removal or impoundment under Subsection (1) or any service rendered, performed, or supplied in connection with a removal or impoundment under Subsection (1).
- (e) The owner of an impounded vehicle may not be charged a fee for the storage of the impounded vehicle, vessel, or outboard motor if:
 - (i) the vehicle, vessel, or outboard motor is being held as evidence; and
 - (ii) the vehicle, vessel, or outboard motor is not being released to a party described in Subsection (6)(a), even if the party satisfies the requirements to release the vehicle, vessel, or outboard motor under this Subsection (7).
- (8)
 - (a) For an impounded or a removed vehicle, vessel, or outboard motor not claimed by a party described in Subsection (6)(a) within the time prescribed by Section 41-1a-1103, the Motor Vehicle Division shall issue a certificate of sale for the impounded or removed vehicle, vessel, or outboard motor as described in Section 41-1a-1103.
 - (b) The date of impoundment or removal is considered the date of seizure for computing the time period provided under Section 41-1a-1103.
- (9) A party described in Subsection (6)(a) that pays all fees and charges incurred in the impoundment or removal of the owner's vehicle, vessel, or outboard motor has a cause of action for all the fees and charges, together with damages, court costs, and attorney fees, against the operator of the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.
- (10) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel, or outboard motor.
- (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules setting the performance standards for towing companies to be used by the department.
- (12)
 - (a) The Motor Vehicle Division may specify that a report required under Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and retrieval of the information.
 - (b)

- (i) Unless otherwise provided by statute, the Motor Vehicle Division or the administrator of the database may adopt a schedule of fees assessed for utilizing the database.
- (ii) The fees under this Subsection (12)(b) shall:
 - (A) be reasonable and fair; and
 - (B) reflect the cost of administering the database.

41-6a-1407 Removal of unattended vehicles prohibited without authorization -- Penalties.

- (1) In cases not amounting to burglary or theft of a vehicle, a person may not remove an unattended vehicle without prior authorization of:
 - (a) a peace officer;
 - (b) a law enforcement agency;
 - (c) a highway authority having jurisdiction over the highway on which there is an unattended vehicle; or
 - (d) the owner or person in lawful possession or control of the real property.
- (2)
 - (a) An authorization from a person specified under Subsection (1)(a), (b), or (c) shall be in a form specified by the Motor Vehicle Division.
 - (b) The removal of the unattended vehicle shall comply with requirements of Section 41-6a-1406.
- (3) The removal of the unattended vehicle authorized under Subsection (1)(d) shall comply with the requirements of Section 72-9-603.
- (4) A person who violates Subsection (1) or (3) is guilty of an infraction.

Amended by Chapter 298, 2017 General Session

41-6a-1408 Abandoned vehicles -- Removal by peace officer -- Report -- Vehicle identification.

- (1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a vehicle, vessel, or outboard motor that is left unattended:
 - (a) on a highway or on or in the waters of the state for a period in excess of 48 hours; or
 - (b) on public or private property for a period in excess of seven days without express or implied consent of the owner or person in lawful possession or control of the property.
- (2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on or in the waters of the state.
- (3) A person may not abandon a vehicle, vessel, or outboard motor on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.
- (4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.
- (5) If the motor number, manufacturer's number or identification mark of the abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the vehicle, vessel, or outboard motor may not be released or sold until:
 - (a) the original motor number, manufacturer's number or identification mark has been replaced; or
 - (b) a new number assigned by the Motor Vehicle Division has been stamped on the vehicle, vessel, or outboard motor.
- (6) A violation of this section is an infraction.

Amended by Chapter 412, 2015 General Session

41-6a-1409 Vehicle immobilization devices -- Definitions -- Notice requirements -- Maximum removal fee.

(1) As used in this section:

- (a) "Immobilize" means to affix and lock a vehicle immobilization device to the exterior of a motor vehicle.
- (b) "Vehicle immobilization device" means a device that may be affixed and locked to the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the vehicle from its location.
- (c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used a vehicle immobilization device for the purpose of enforcing parking restrictions with prior authorization from the owner or person in lawful possession or control of the real property.

(2)

- (a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle owner's knowledge at either of the following locations without signage that meets the requirements of Subsection (2)(b):
 - (i) a mobile home park as defined in Section 57-16-3; or
 - (ii) a multifamily dwelling of more than eight units.
- (b) Signage under Subsection (2)(a) shall display:
 - (i) where parking is subject to being immobilized; and
 - (ii) one of the following:
 - (A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle for the locations listed under Subsection (2)(a)(i); or
 - (B) the name of the mobile home park or multifamily dwelling and the phone number of the mobile home park or multifamily dwelling manager or management office that authorized the vehicle immobilizer to immobilize the motor vehicle.
- (c) Signage is not required under Subsection (2)(b) for parking in a location:
 - (i) that is prohibited by law; or
 - (ii) if it is reasonably apparent that the location is not open to parking.
- (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.

(3)

- (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to operate the vehicle.
- (b) The notice under Subsection (3)(a) shall include:
 - (i) the name and phone number of the vehicle immobilizer;
 - (ii) a phone number that the owner of the vehicle may call to arrange for release of the vehicle; and
 - (iii) applicable fees.

(4)

- (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed:
 - (i) \$75 for the first 24-hour period a vehicle is immobilized; plus
 - (ii) \$25 for each additional 24-hour period a vehicle is immobilized.

- (b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed \$150 for each instance.
 - (c) A vehicle immobilizer may not charge a fee for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device in addition to the fees specified under this Subsection (4).
 - (d) A vehicle immobilizer may not charge a fee under this Subsection (4) for the immobilization of a vehicle for any period in which the vehicle has been towed and custody of the vehicle has been transferred to a vehicle impound yard.
 - (e) A vehicle immobilizer shall accept payment by cash and debit or credit card for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device.
- (5) A county or municipal legislative or governing body may not enact or enforce any ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts with this part.

Amended by Chapter 249, 2014 General Session