

**IMPOUNDING UNINSURED VEHICLES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Craig W. Buttars**

AN ACT RELATING TO MOTOR VEHICLES; PERMITTING SEIZURE OF VEHICLES OPERATED WITHOUT EVIDENCE OF OWNER'S OR OPERATOR'S SECURITY.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**41-1a-1101**, as last amended by Chapters 59 and 170, Laws of Utah 1996

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

Section 1. Section **41-1a-1101** is amended to read:

**41-1a-1101. Seizure -- Circumstances where permitted.**

(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 on the public highways;
- (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; or
- (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
  - (iv) **h THE OPERATOR OF THE VEHICLE IS CITED AS A RESULT OF AN ACCIDENT, AND THE**

**VEHICLE WAS BEING OPERATED h** without evidence of owner's or operator's security as required under Section 41-12a-303.2.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized

1 to transport and store the vessel.

2 (3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor  
3 under this section shall immediately notify the division of the action.

4 (4) A vehicle or vessel seized under this section shall be moved by a peace officer or by  
5 a tow truck that meets the standards established:

6 (a) by the Department of Public Safety under [Subsection] Section 41-6-102[(4)(b)]; and

7 (b) under Title 27, Chapter 17, Motor Carrier Safety Act.

8 (5) (a) The commission shall make rules in accordance with Title 63, Chapter 46a, Utah  
9 Administrative Rulemaking Act, setting standards for impound yards that may be used by peace  
10 officers and the division.

11 (b) The impound yard standards shall be equitable, reasonable, and unrestrictive as to the  
12 number of impound yards per geographical area.

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**Legislative Review Note**  
**as of 12-18-97 10:20 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**