

**REGULATION OF IMPOUNDED VEHICLES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carl R. Saunders**

AN ACT RELATING TO MOTOR VEHICLES; PROHIBITING OPERATING CERTAIN VEHICLES STORED IN A PUBLIC GARAGE OR IMPOUND LOT; PROVIDING EXCEPTIONS; PROVIDING PENALTIES; AND REQUIRING RECORDING OF CERTAIN VEHICLE MILEAGE.

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

**41-1a-1105**, as renumbered and amended by Chapter 1, Laws of Utah 1992

*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 -- 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 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.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

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

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

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

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

(5) (a) [~~The commission shall make rules in~~] In accordance with Title 63, Chapter 46a, 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 [~~impound yard~~] 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 this 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.

Section 2. Section **41-1a-1105** is amended to read:

**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; [and]

(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.