

Representative Perry L. Buckner proposes to substitute the following bill:

1 **IMPOUNDING UNINSURED MOTOR VEHICLES**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Perry L. Buckner**

5 AN ACT RELATING TO MOTOR VEHICLES; PERMITTING VEHICLES OPERATED
6 WITHOUT EVIDENCE OF OWNER'S OR OPERATOR'S SECURITY TO BE SEIZED;
7 ESTABLISHING CONDITIONS OF RELEASE; PROVIDING FOR REIMBURSEMENT OF
8 CERTAIN COSTS; AND PROVIDING AN EFFECTIVE DATE.

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

10 AMENDS:

11 **41-1a-1101**, as last amended by Chapters 270 and 281, Laws of Utah 1998

12 **41-1a-1102**, as renumbered and amended by Chapter 1, Laws of Utah 1992

13 **41-12a-806**, as last amended by Chapter 269, Laws of Utah 1997

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

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

16 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

17 (1) The division or any peace officer, without a warrant, may seize and take possession of
18 any vehicle, vessel, or outboard motor:

19 (a) that the division or the peace officer has reason to believe has been stolen;

20 (b) on which any identification number has been defaced, altered, or obliterated;

21 (c) that has been abandoned on [the] a public [highways] highway;

22 (d) for which the applicant has written a check for registration or title fees that has not
23 been honored by the applicant's bank and that is not paid within 30 days;

24 (e) that is placed on the water with improper registration; or

25 (f) that is being operated on a highway:

- 26 (i) with registration that has been expired for more than three months;
- 27 (ii) having never been properly registered by the current owner; [or]
- 28 (iii) with registration that is suspended or revoked[-]; or
- 29 (iv) without evidence of owner's or operator's security as required under Section
- 30 41-12a-303.2 if owner's or operator's security is required under Subsection 41-12a-301(2)(a) or
- 31 (2)(b)(ii).

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

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

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

- 38 (a) by the Department of Public Safety under Subsection 41-6-102(4)(b); and
- 39 (b) under Title 72, Chapter 9, Motor Carrier Safety Act.

40 (5) (a) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
41 commission shall make rules setting standards for public garages, impound lots, and impound
42 yards that may be used by peace officers and the division.

43 (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of
44 public garages, impound lots, or impound yards per geographical area.

45 (6) (a) Except as provided under Subsection (6)(b), a person may not operate or allow to
46 be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this
47 part without prior written permission of the owner of the vehicle.

48 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking
49 space to another within the facility and that is necessary for the normal management of the facility
50 is not prohibited under this Subsection (6)(a).

51 (7) A person who violates the provisions of Subsection (6) is guilty of a class C
52 misdemeanor.

53 (8) The division or the peace officer who seizes a vehicle shall record the mileage shown
54 on the vehicle's odometer at the time of seizure, if:

- 55 (a) the vehicle is equipped with an odometer; and
- 56 (b) the odometer reading is accessible to the division or the peace officer.

57 Section 2. Section **41-1a-1102** is amended to read:

58 **41-1a-1102. Storage -- Establishing conditions of release.**

59 (1) The division may store a seized vehicle, vessel, or outboard motor in a public or private
60 garage, state impound lot, or other approved storage facility until:

61 (a) the vehicle's, vessel's, or outboard motor's registration has been properly completed and
62 the appropriate fees have been paid [or until];

63 (b) the ownership of the vehicle, vessel, or outboard motor is established to the satisfaction
64 of the division[-]; or

65 (c) if the vehicle is seized under Subsection 41-1a-1101(1)(e)(iv):

66 (i) evidence of owner's or operator's security that meets the requirements of Section
67 41-12a-303.2 is presented to the division; and

68 (ii) a \$5 administrative impound fee is paid to the division.

69 (2) If the identification number has been defaced, altered, or obliterated, the vehicle,
70 vessel, or outboard motor may not be released until the identification number has been replaced
71 or until a new number assigned by the division has been provided and has been affixed to the
72 vehicle, vessel, or outboard motor.

73 (3) The Driver License Division of the Department of Public Safety shall provide a
74 reimbursement of all vehicle towing and storage fees and of the administrative impound fees
75 required under Subsection (1)(c) from the Uninsured Motorist Identification Restricted Account
76 to a person whose vehicle was seized under Subsection 41-1a-1101(1)(f)(iv) if:

77 (a) the person had owner's or operator's security in effect for the vehicle the person was
78 operating at the time of seizure;

79 (b) information from the Uninsured Motorist Identification Database Program created
80 under Title 41, Chapter 12a, Part 8, incorrectly identified the vehicle as being uninsured at the time
81 of seizure; and

82 (c) the person applies to the Driver License Division of the Department of Public Safety
83 and provides evidence of the costs eligible for reimbursement under this Subsection (3).

84 Section 3. Section **41-12a-806** is amended to read:

85 **41-12a-806. Restricted Account -- Creation -- Funding -- Interest -- Purposes.**

86 (1) There is created within the Transportation Fund a restricted account known as the
87 "Uninsured Motorist Identification Restricted Account."

88 (2) The account consists of monies generated from the following revenue sources:

89 (a) monies received by the state under Section 41-1a-1218, the uninsured motorist
90 identification fee; and

91 (b) appropriations made to the account by the Legislature.

92 (3) (a) The account shall earn interest.

93 (b) All interest earned on account monies shall be deposited into the account.

94 (4) Monies shall be appropriated from the account by the Legislature to the department to:

95 (a) fund the contract with the designated agent; [and]

96 (b) offset the costs to state and local law enforcement agencies of using the information
97 for the purposes authorized under this part[-]; and

98 (c) reimburse a person's fees as required under Subsection 41-1a-1102(3).

99 Section 4. **Effective date.**

100 This act takes effect on July 1, 1999.