

VEHICLE IMPOUND AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

This act modifies the Motor Vehicle Code by requiring a court to order restitution for towing and impound expenses. This act prohibits the use of vehicle immobilization devices unless they are authorized by a municipal or county ordinance. This act requires a local authority to allow parking for the delivery of goods for a minimum period. This act provides that ordinances may allow tenant vehicles with expired plates to be towed under certain conditions. This act provides for exemptions and penalties.

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

ENACTS:

41-6-102.8, Utah Code Annotated 1953

41-6-102.9, Utah Code Annotated 1953

41-6-102.10, Utah Code Annotated 1953

41-6-102.11, Utah Code Annotated 1953

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

Section 1. Section **41-6-102.8** is enacted to read:

41-6-102.8. Restitution for towing and impound expenses required -- Additional restitution.

(1) If a person who removes or causes a vehicle to be removed or impounded under this article is convicted of a crime in connection with the removal or impoundment, the court shall order the defendant to pay restitution, on behalf of the registered owner of the vehicle, for towing, seizure, storage, and impoundment expenses.

(2) The court may order additional restitution up to double the restitution under Subsection (1) to compensate for any other losses of the registered owner of the vehicle.

Section 2. Section **41-6-102.9** is enacted to read:



28 **41-6-102.9. Definitions -- Vehicle immobilization device ordinance required prior to**
29 **use -- Penalties.**

30 (1) As used in this section:

31 (a) "Local jurisdiction" means a municipality for the corporate limits of the municipality
32 and a county for the unincorporated limits of the county.

33 (b) "Vehicle immobilization device" means a device or mechanism which, when attached
34 to a vehicle, makes the vehicle inoperable.

35 (2) A person may not use a vehicle immobilization device on a vehicle owned by another
36 person unless the local jurisdiction where the vehicle is located has an ordinance regulating the:

37 (a) conditions of use of the immobilization device;

38 (b) fees that may be charged and conditions that must be met prior to release of a vehicle
39 that has been immobilized; and

40 (c) qualifications of a person who uses an immobilization device on a vehicle owned by
41 another person.

42 (3) A person who uses a vehicle immobilization device in violation of this section is guilty
43 of a class C misdemeanor.

44 Section 3. Section **41-6-102.10** is enacted to read:

45 **41-6-102.10. Parking for the delivery of goods -- Time period.**

46 A local authority shall allow a person engaged in the delivery of goods to park a vehicle
47 used in the delivery for at least 12 minutes in designated parking, delivery, or loading areas and
48 in street parking areas where a parking permit is required.

49 Section 4. Section **41-6-102.11** is enacted to read:

50 **41-6-102.11. Ordinances allowing tenant contracts to tow vehicles with expired plates**
51 **-- Notice -- Exemptions -- Penalties for violation.**

52 (1) A local authority may provide by ordinance that the owner of a condominium or
53 apartment building may require that each motor vehicle parked on the property display a current
54 license plate or registration if the requirement is included in the tenant or resident's contract.

55 (2) If a provision under Subsection (1) is included in the tenant or resident's contract, the
56 motor vehicle may be towed away or immobilized, at the motor vehicle owner's expense, by order
57 of the property owner or his designee only if:

58 (a) the motor vehicle license plate or registration has expired for more than three months;

59 and
60 (b) (i) at least two written notices of the intent to tow or immobilize the motor vehicle have
61 been:
62 (A) mailed to the last-known address of the registered owner of the motor vehicle; and
63 (B) posted on the windshield of the motor vehicle.
64 (ii) (A) The last notice is mailed and posted at least 15 days prior to the tow; and
65 (B) other notice is mailed and posted at least 15 days prior to the last notice.
66 (3) A property owner of a condominium or apartment building under this section shall
67 provide an exemption from the tenant or resident's contract provision for towing for expired
68 license plates or registration for a person who is serving as an active duty member in the U.S.
69 military.
70 (4) Any expenses for a tow or immobilization performed in violation of this section is the
71 responsibility of the property owner of the condominium or apartment building.

Legislative Review Note
as of 1-25-01 8:55 AM

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

Office of Legislative Research and General Counsel