

1 **IMPOUNDED VEHICLES AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Eric K. Hutchings**

5

LONG TITLE

6 **General Description:**

7 This bill modifies the Motor Vehicles Code to amend provisions relating to seizing and
8 taking possession of a vehicle.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ provides that the division or a peace officer may seize a vehicle, vessel, or outboard
12 motor parked on a public highway if it is in violation of certain registration
13 provisions and the division or a peace officer has made a reasonable effort to
14 contact the last known registered owner within 24 hours before the seizure; and

15 ▶ makes technical changes.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **41-1a-1101**, as last amended by Chapter 202, Laws of Utah 2001

23

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

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

25 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**



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

- 30 (a) that the division or the peace officer has reason to believe has been stolen;
- 31 (b) on which any identification number has been defaced, altered, or obliterated;
- 32 (c) that has been abandoned on the public highways;
- 33 (d) for which the applicant has written a check for registration or title fees that has not
34 been honored by the applicant's bank and that is not paid within 30 days;

- 35 (e) that is placed on the water with improper registration; [~~or~~]
- 36 (f) that is being operated on a highway:
 - 37 (i) with registration that has been expired for more than three months;
 - 38 (ii) having never been properly registered by the current owner; or
 - 39 (iii) with registration that is suspended or revoked[-]; or

40 (g) that is parked on a public highway if:
41 (i) the division or a peace officer has made a reasonable effort to contact the last known
42 registered owner within 24 hours before the seizure; and

- 43 (ii) (A) the registration has been expired for more than three months;
44 (B) the vehicle, vessel, or outboard motor has never been properly registered by the
45 current owner; or

46 (C) the registration is suspended or revoked.

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

49 (3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard
50 motor under this section shall comply with the provisions of Section 41-6-102.5.

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

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

56 (5) (a) Except as provided under Subsection (5)(b), a person may not operate or allow
57 to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated
58 under this part without prior written permission of the owner of the vehicle.

59 (b) Incidental and necessary operation of a vehicle to move the vehicle from one
60 parking space to another within the facility and that is necessary for the normal management of
61 the facility is not prohibited under this Subsection (5)(a).

62 (6) A person who violates the provisions of Subsection (5) is guilty of a class C
63 misdemeanor.

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

66 (a) the vehicle is equipped with an odometer; and

67 (b) the odometer reading is accessible to the division or the peace officer.

Legislative Review Note

as of 2-17-04 11:02 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0327

Impounded Vehicles Amendments

19-Feb-04

9:09 AM

State Impact

The provisions of this bill can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst