

MOTOR VEHICLE REVISIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

Senate Sponsor: Sheldon L. Killpack

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to the removal and impoundment of a vehicle.

Highlighted Provisions:

This bill:

- ▶ authorizes the Motor Vehicle Division or a peace officer to seize and take possession of a vehicle if the vehicle is being operated on a highway without owner's or operator's security;
- ▶ provides that the Motor Vehicle Division or a peace officer may not seize and take possession of a vehicle if the operator of the vehicle is not carrying evidence of owner's or operator's security unless the division or peace officer verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification Database;
- ▶ provides that a vehicle that is seized or impounded for not having owner's or operator's security is subject to certain seizure or impoundment procedures and requirements; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

30 AMENDS:

31 **41-1a-1101**, as last amended by Laws of Utah 2005, Chapters 2 and 56



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

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

35 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

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

38 [~~(a)~~] (i) that the division or the peace officer has reason to believe has been stolen;

39 [~~(b)~~] (ii) on which any identification number has been defaced, altered, or obliterated;

40 [~~(c)~~] (iii) that has been abandoned in accordance with Section 41-6a-1408;

41 [~~(d)~~] (iv) for which the applicant has written a check for registration or title fees that
42 has not been honored by the applicant's bank and that is not paid within 30 days;

43 [~~(e)~~] (v) that is placed on the water with improper registration; or

44 [~~(f)~~] (vi) that is being operated on a highway:

45 [(+)] (A) with registration that has been expired for more than three months;

46 [(+)] (B) having never been properly registered by the current owner; [~~or~~]

47 [(+)] (C) with registration that is suspended or revoked[-]; or

48 (D) subject to the restriction in Subsection (1)(b), without owner's or operator's
49 security in effect for the vehicle as required under Section 41-12a-301.

50 (b) The division or any peace officer may not seize and take possession of a vehicle
51 under Subsection (1)(a)(vi)(D) if the operator of the vehicle is not carrying evidence of owner's
52 or operator's security as defined in Section 41-12a-303.2 in the vehicle unless the division or
53 peace officer verifies that owner's or operator's security is not in effect for the vehicle through
54 the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803.

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

57 (3) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard

58 motor under this section shall comply with the provisions of Section 41-6a-1406.

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

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

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

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

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

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

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

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