

1 **RESTRICTING THE MOVEMENT OF A MOTOR**
2 **VEHICLE**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brent H. Goodfellow**

6 House Sponsor: Bradley M. Daw

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Traffic Code by addressing vehicle immobilization devices.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ prohibits a motor vehicle from being immobilized in certain locations where
- 15 specified signage does not exist;
- 16 ▶ provides exceptions to the signage requirements;
- 17 ▶ provides that a notice with specified information must be affixed to an immobilized
- 18 vehicle; and
- 19 ▶ provides for a maximum fee that can be charged for removing a vehicle

20 immobilization device.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 ENACTS:

27 **41-6a-1409**, Utah Code Annotated 1953

28
29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **41-6a-1409** is enacted to read:

31 **41-6a-1409. Vehicle immobilization devices -- Definitions -- Notice requirements**

32 **-- Maximum removal fee.**

33 (1) As used in this section:

34 (a) "Immobilize" means to affix and lock a vehicle immobilization device to the
35 exterior of a motor vehicle.

36 (b) "Vehicle immobilization device" means a device that may be affixed and locked to
37 the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the
38 vehicle from its location.

39 (c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used
40 a vehicle immobilization device for the purpose of enforcing parking restrictions with prior
41 authorization from the owner or person in lawful possession or control of the real property.

42 (2) (a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle
43 owner's knowledge at either of the following locations without signage that meets the
44 requirements of Subsection (2)(b):

45 (i) a mobile home park as defined in Section 57-16-3; or

46 (ii) a multifamily dwelling of more than eight units.

47 (b) Signage under Subsection (2)(a) shall display:

48 (i) where parking is subject to being immobilized; and

49 (ii) one of the following:

50 (A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle
51 for the locations listed under Subsection (2)(a)(i); or

52 (B) the name of the mobile home park or multifamily dwelling and the phone number
53 of the mobile home park or multifamily dwelling manager or management office that
54 authorized the vehicle immobilizer to immobilize the motor vehicle.

55 (c) Signage is not required under Subsection (2)(b) for parking in a location:

56 (i) that is prohibited by law; or

57 (ii) if it is reasonably apparent that the location is not open to parking.

58 (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined
59 in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on
60 parking.

61 (3) (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the
62 immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to
63 operate the vehicle.

64 (b) The notice under Subsection (3)(a) shall include:

65 (i) the name and phone number of the vehicle immobilizer;

66 (ii) a phone number that the owner of the vehicle may call to arrange for release of the
67 vehicle; and

68 (iii) applicable fees.

69 (4) The maximum fee that a vehicle immobilizer may charge to remove a vehicle
70 immobilization device may not exceed \$75.

71 (5) A county or municipal legislative or governing body may not enact or enforce any
72 ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts
73 with this part.