

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

3 2010 GENERAL SESSION

4 STATE OF UTAH

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

6 House Sponsor: R. Curt Webb

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Traffic Code by amending provisions relating to vehicle
11 immobilization devices.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides that the maximum fee that a vehicle immobilizer may charge to remove a
15 vehicle immobilization device may not exceed:

- 16 • \$75 for the first 24-hour period a vehicle is immobilized; plus
- 17 • \$25 for each additional 24-hour period a vehicle is immobilized;

18 ▶ provides that the maximum fee that a vehicle immobilizer may charge to remove a
19 vehicle immobilization device may not exceed \$150 per instance; and

20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-6a-1409**, as enacted by Laws of Utah 2009, Chapter 317

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

30 Section 1. Section **41-6a-1409** is amended 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) (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle
70 immobilization device may not exceed:

71 (i) \$75[-] for the first 24-hour period a vehicle is immobilized; plus

72 (ii) \$25 for each additional 24-hour period a vehicle is immobilized.

73 (b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer
74 may charge to remove a vehicle immobilization device may not exceed \$150 for each instance.

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