

VEHICLE IMPOUND AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jeremy A. Peterson

Senate Sponsor: Stuart C. Reid

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Act by amending provisions relating to circumstances where a peace officer is permitted to seize a vehicle, vessel, or outboard motor.

Highlighted Provisions:

This bill:

- ▶ provides that a peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:
 - that the division or the peace officer has reason to believe has been involved in an accident involving property damage, injury, or death; and
 - whose operator did not remain at the scene of the accident until the operator fulfilled certain requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-1101, as last amended by Laws of Utah 2008, Chapters 164 and 382



28

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **41-1a-1101** is amended to read:31 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**32 (1) (a) The division or any peace officer, without a warrant, may seize and take
33 possession of any vehicle, vessel, or outboard motor:

34 (i) that the division or the peace officer has reason to believe has been stolen;

35 (ii) on which any identification number has been defaced, altered, or obliterated;

36 (iii) that has been abandoned in accordance with Section 41-6a-1408;

37 (iv) for which the applicant has written a check for registration or title fees that has not
38 been honored by the applicant's bank and that is not paid within 30 days;

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

40 (vi) that is being operated on a highway:

41 (A) with registration that has been expired for more than three months;

42 (B) having never been properly registered by the current owner;

43 (C) with registration that is suspended or revoked; or

44 (D) subject to the restriction in Subsection (1)(b), without owner's or operator's security
45 in effect for the vehicle as required under Section 41-12a-301[-]; or46 (vii) (A) that the division or the peace officer has reason to believe has been involved
47 in an accident described in Section 41-6a-401, 41-6a-401.3,47a ~~H~~ → ~~S~~ → [f] or [F] ← ~~S~~ ← ~~H~~ 41-6a-401.5 ~~S~~ → [~~H~~ → , or 73-18-13 ← ~~H~~] ← ~~S~~ ; and48 (B) whose operator did not remain at the scene of the accident until the operator49 fulfilled the requirements described in Section ~~H~~ → 41-6a-401 or ← ~~H~~ 41-6a-401.7.50 (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 63G, Chapter 3, 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 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.

Legislative Review Note
as of 12-1-10 2:23 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 45, 2011 General Session

SHORT TITLE: **Vehicle Impound Amendments**

SPONSOR: **Peterson, J.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Up to 1,200 Individuals may experience an increase in costs of up to \$200 per occurrence related to retrieving their vehicle after it has been seized. Depending upon the situation, the costs associated with retrieving a vehicle comprise towing costs, impound and storage fees, and certain other fees.