

1 **MOTOR VEHICLE IMPOUNDMENT AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael G. Waddoups**

5 House Sponsor: Johnny Anderson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Traffic Code by amending provisions relating to the seizure and
10 impoundment of a vehicle.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires a peace officer to seize and impound a vehicle if the peace officer arrests,
14 cites, or refers for administrative action the operator of the vehicle for driving the
15 motor vehicle while the operator's license is denied, suspended, revoked, or
16 disqualified for violating certain drug or alcohol-related offenses with exception;
17 and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides an immediate effective date.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **41-6a-527**, as last amended by Laws of Utah 2009, Chapter 268

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



28 Section 1. Section **41-6a-527** is amended to read:

29 **41-6a-527. Seizure and impoundment of vehicles by peace officers -- Impound**
30 **requirements -- Removal of vehicle by owner -- Forfeiture.**

31 (1) If a peace officer arrests, cites, or refers for administrative action the operator of a
32 vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530,
33 41-6a-606, 53-3-231, 53-3-232, Subsection 53-3-227(3), or a local ordinance similar to Section
34 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and
35 impound the vehicle in accordance with Section 41-6a-1406, except as provided under
36 Subsection (2).

37 (2) If a registered owner of the vehicle, other than the operator, is present at the time of
38 arrest, the peace officer may release the vehicle to that registered owner, but only if:

39 (a) the registered owner:

40 (i) requests to remove the vehicle from the scene; and

41 (ii) presents to the peace officer sufficient identification to prove ownership of the
42 vehicle or motorboat;

43 (b) the registered owner identifies a driver with a valid operator's license who:

44 (i) complies with all restrictions of his operator's license; and

45 (ii) would not, in the judgment of the officer, be in violation of Section 41-6a-502,
46 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232, or a local ordinance
47 similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if permitted to
48 operate the vehicle; and

49 (c) the vehicle itself is legally operable.

50 (3) If necessary for transportation of a motorboat for impoundment under this section,
51 the motorboat's trailer may be used to transport the motorboat.

52 (4) A motor vehicle is subject to criminal or civil forfeiture under the procedures and
53 substantive protections established in Title 24, Chapter 1, Utah Uniform Forfeiture Procedures
54 Act, upon a finding by the court that:

55 (a) the motor vehicle was used in a violation of Section 41-6a-502, 41-6a-517, a local
56 ordinance which complies with the requirements of Subsection 41-6a-510(1), Subsection
57 58-37-8(2)(g), or Section 76-5-207;

58 (b) the operator of the vehicle has previously been convicted of a violation committed

59 after May 12, 2009, of:

60 (i) a felony driving under the influence violation under Section 41-6a-502;

61 (ii) a felony violation of Subsection 58-37-8(2)(g); or

62 (iii) automobile homicide under Section 76-5-207;

63 (c) the operator of the vehicle was driving on a denied, suspended, revoked, or
64 disqualified license; and

65 (d) (i) the denial, suspension, revocation, or disqualification under Subsection (4)(c)
66 was imposed because of a violation of:

67 (A) Section 41-6a-502;

68 (B) Section 41-6a-517;

69 (C) a local ordinance which complies with the requirements of Subsection
70 41-6a-510(1);

71 (D) Section 41-6a-520;

72 (E) Subsection 58-37-8(2)(g);

73 (F) Section 76-5-207; or

74 (G) a criminal prohibition that the person was charged with violating as a result of a
75 plea bargain after having been originally charged with violating one or more of the sections or
76 ordinances described in Subsections (4)(d)(i)(A) through (F); or

77 (ii) (A) the denial, suspension, revocation, or disqualification described in Subsection
78 (4)(c) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension,
79 revocation, or disqualification; and

80 (B) the original denial, suspension, revocation, or disqualification was imposed
81 because of a violation described in Subsection (4)(d)(i)(A) through (G).

82 **Section 2. Effective date.**

83 If approved by two-thirds of all the members elected to each house, this bill takes effect
84 upon approval by the governor, or the day following the constitutional time limit of Utah
85 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
86 the date of veto override.

Legislative Review Note
as of 1-30-12 1:04 PM

Office of Legislative Research and General Counsel