

1 **UNINSURED MOTORIST PROVISIONS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lyle W. Hillyard**

5 House Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to uninsured motorists.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that the Motor Vehicle Division or a peace officer shall seize and take  
13 possession of any vehicle ~~§~~ ~~→~~ [~~vessel, or outboard motor~~] ~~←~~ ~~§~~ that is being operated on a  
14 highway without owner's or operator's security in effect for the vehicle except in  
15 certain circumstances;

16 ▶ provides that money in the Uninsured Motorist Identification Restricted Account  
17 shall be appropriated to the Department of Public Safety to reimburse a person for  
18 the costs of towing and storing the person's vehicle in certain circumstances;

19 ▶ requires the Department of Public Safety to hold a hearing to determine whether a  
20 vehicle was wrongfully impounded;

21 ▶ grants the Department of Public Safety rulemaking authority to make rules  
22 establishing procedures for a person to apply for a reimbursement; and

23 ▶ makes technical corrections.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill takes effect on January 1, 2015.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **41-1a-1101**, as last amended by Laws of Utah 2011, Chapter 24631 **41-1a-1103**, as last amended by Laws of Utah 2010, Chapter 29532 **41-12a-806**, as last amended by Laws of Utah 2008, Chapter 322

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34 *Be it enacted by the Legislature of the state of Utah:*35 Section 1. Section **41-1a-1101** is amended to read:36 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**37 (1) ~~[(a)]~~ The division or any peace officer, without a warrant, may seize and take  
38 possession of any vehicle, vessel, or outboard motor:39 ~~[(i)]~~ (a) that the division or the peace officer has reason to believe has been stolen;40 ~~[(ii)]~~ (b) on which any identification number has been defaced, altered, or obliterated;41 ~~[(iii)]~~ (c) that has been abandoned in accordance with Section **41-6a-1408**;42 ~~[(iv)]~~ (d) for which the applicant has written a check for registration or title fees that  
43 has not been honored by the applicant's bank and that is not paid within 30 days;44 ~~[(v)]~~ (e) that is placed on the water with improper registration;45 ~~[(vi)]~~ (f) that is being operated on a highway:46 ~~[(A)]~~ (i) with registration that has been expired for more than three months;47 ~~[(B)]~~ (ii) having never been properly registered by the current owner; or48 ~~[(C)]~~ (iii) with registration that is suspended or revoked; or49 ~~[(D)]~~ subject to the restriction in Subsection (1)(b), without owner's or operator's  
50 security in effect for the vehicle as required under Section **41-12a-301**; or]51 ~~[(vii)-(A)]~~ (g) (i) that the division or the peace officer has reason to believe has been  
52 involved in an accident described in Section **41-6a-401**, **41-6a-401.3**, or **41-6a-401.5**; and53 ~~[(B)]~~ (ii) whose operator did not remain at the scene of the accident until the operator  
54 fulfilled the requirements described in Section **41-6a-401** or **41-6a-401.7**.55 (2) (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer,  
56 without a warrant, shall seize and take possession of any vehicle ~~§~~ **→ [vessel, or outboard**56a motor] ~~←~~ **§** that57 is being operated on a highway without owner's or operator's security in effect for the vehicle58 as required under Section **41-12a-301** unless the division or any peace officer makes a

59 reasonable determination that ~~§~~ :

59a (a) ~~§~~ the seizure of the vehicle ~~§~~ [~~,-vessel, or outboard motor~~] ~~§~~ would  
 60 present a public safety concern to the operator or any of the occupants in the vehicle ~~§~~ [~~,-vessel, or~~  
 61 outboard motor] ; or

61a (b) the impoundment of the vehicle would prevent the division or the peace officer from  
 61b addressing other public safety considerations ~~§~~ .

62 (b) The division or any peace officer may not seize and take possession of a vehicle  
 63 under Subsection ~~[(1)(a)(vi)(D)]~~ (2)(a):

64 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's  
 65 security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer  
 66 verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured  
 67 Motorist Identification Database created in accordance with Section 41-12a-803[-]; or

68 (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security  
 69 as defined in Section 41-12a-303.2 in the vehicle and the Uninsured Motorist Identification  
 70 Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's  
 71 security is not in effect for the vehicle, unless the division or a peace officer makes a  
 72 reasonable attempt to independently verify that owner's or operator's security is not in effect for  
 73 the vehicle.

74 ~~[(2)]~~ (3) If necessary for the transportation of a seized vessel, the vessel's trailer may be  
 75 seized to transport and store the vessel.

76 ~~[(3)]~~ (4) Any peace officer seizing or taking possession of a vehicle, vessel, or  
 77 outboard motor under this section shall comply with the provisions of Section 41-6a-1406.

78 ~~[(4)]~~ (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 79 Act, the commission shall make rules setting standards for public garages, impound lots, and  
 80 impound yards that may be used by peace officers and the division.

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

83 ~~[(5)]~~ (6) (a) Except as provided under Subsection ~~[(5)]~~ (6)(b), a person may not operate  
 84 or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard  
 85 regulated under this part without prior written permission of the owner of the vehicle.

86 (b) Incidental and necessary operation of a vehicle to move the vehicle from one  
 87 parking space to another within the facility and that is necessary for the normal management of  
 88 the facility is not prohibited under Subsection ~~[(5)]~~ (6)(a).

89 ~~[(6)]~~ (7) A person who violates the provisions of Subsection ~~[(5)]~~ (6) is guilty of a

152 wrongfully impounded under Subsection [41-1a-1101\(2\)](#).

153 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
154 division shall make rules establishing procedures for a person to apply for a reimbursement  
155 under Subsection (4)(d).

155a **§→ (c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the**  
155b **person applies for the reimbursement within six months from the date that the motor vehicle**  
155c **was impounded. ←§**

156 Section 4. **Effective date.**

157 This bill takes effect on January 1, 2015.

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**Legislative Review Note**  
**as of 2-20-14 8:26 AM**

**Office of Legislative Research and General Counsel**