

1 **VEHICLE IMPOUND AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lee B. Perry**

5 Senate Sponsor: Lyle W. Hillyard

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicle Act by amending provisions relating to vehicle
10 impoundment.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that the Motor Vehicle Division or any peace officer, without a warrant,
14 may seize and take possession of any vehicle, vessel, or outboard motor:

15 • whose operator is operating the vehicle and has never been issued a valid driver
16 license; or

17 • whose operator is operating the vehicle with a suspended or revoked driver
18 license or with a driver license that has been expired for more than one year; ~~and~~ **[and]**

18a ▶ authorizes a peace officer to release a vehicle that is subject to impoundment to another
18b licensed driver in certain circumstances; and ~~and~~

19 ▶ makes technical corrections.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-1a-1101**, as last amended by Laws of Utah 2014, Chapter 382



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

29 Section 1. Section **41-1a-1101** is amended to read:

30 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

31 (1) ~~Ĥ~~→ **(a)** ←~~Ĥ~~ The division or any peace officer, without a warrant, may seize and take
31a possession

32 of any vehicle, vessel, or outboard motor:

33 ~~Ĥ~~→ ~~[(a)]~~ **(i)** ←~~Ĥ~~ that the division or the peace officer has reason to believe has been stolen;

34 ~~Ĥ~~→ ~~[(b)]~~ **(ii)** ←~~Ĥ~~ on which any identification number has been defaced, altered, or
34a obliterated;

35 ~~Ĥ~~→ ~~[(c)]~~ **(iii)** ←~~Ĥ~~ that has been abandoned in accordance with Section [41-6a-1408](#);

36 ~~Ĥ~~→ ~~[(d)]~~ **(iv)** ←~~Ĥ~~ for which the applicant has written a check for registration or title fees
36a that has not

37 been honored by the applicant's bank and that is not paid within 30 days;

38 ~~Ĥ~~→ ~~[(e)]~~ **(v)** ←~~Ĥ~~ that is placed on the water with improper registration;

39 ~~Ĥ~~→ ~~[(f)]~~ **(vi)** ←~~Ĥ~~ that is being operated on a highway:

40 ~~Ĥ~~→ ~~[(g)]~~ **(A)** ←~~Ĥ~~ with registration that has been expired for more than three months;

41 ~~Ĥ~~→ ~~[(h)]~~ **(B)** ←~~Ĥ~~ having never been properly registered by the current owner; or

42 ~~Ĥ~~→ ~~[(i)]~~ **(C)** ←~~Ĥ~~ with registration that is suspended or revoked; ~~[or]~~

43 ~~Ĥ~~→ ~~[(g)-(h)]~~ **(v)(A)** ←~~Ĥ~~ that the division or the peace officer has reason to believe has been
43a involved in

44 an accident described in Section [41-6a-401](#), [41-6a-401.3](#), or [41-6a-401.5](#); and

45 ~~Ĥ~~→ ~~[(ii)]~~ **(B)** ←~~Ĥ~~ whose operator did not remain at the scene of the accident until the
45a operator

46 fulfilled the requirements described in Section [41-6a-401](#) or [41-6a-401.7](#)~~[-]~~;

47 ~~Ĥ~~→ ~~[(h)]~~ **(vi)** ←~~Ĥ~~ whose operator is operating the vehicle and has never been issued a valid
47a driver

48 license; or

49 ~~Ĥ~~→ ~~[(i)]~~ **(vii)** ←~~Ĥ~~ whose operator is operating the vehicle:

50 ~~Ĥ~~→ ~~[(j)]~~ **(A)** ←~~Ĥ~~ with a suspended or revoked driver license; or

51 ~~Ĥ~~→ ~~[(k)]~~ **(B)** ←~~Ĥ~~ with a driver license that has been expired for more than one year.

51a ~~Ĥ~~→ **(b)** Notwithstanding Subsection (1)(a), a peace officer may release a vehicle that is
51b subject to impoundment under Subsection (1)(a)(vi) or (vii) to another licensed driver who:

51c (i)(A) is in the vehicle; or

51d (B) is otherwise available within a reasonably short period of time; and ❖

51e ☛ **(ii) can legally operate the vehicle on a highway.** ←Ĥ

52 (2) (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer,
53 without a warrant, shall seize and take possession of any vehicle that is being operated on a
54 highway without owner's or operator's security in effect for the vehicle as required under
55 Section [41-12a-301](#) unless the division or any peace officer makes a reasonable determination
56 that:

57 (i) the seizure of the vehicle would present a public safety concern to the operator or
58 any of the occupants in the vehicle; or

59 (ii) the impoundment of the vehicle would prevent the division or the peace officer
60 from addressing other public safety considerations.

61 (b) The division or any peace officer may not seize and take possession of a vehicle
62 under Subsection (2)(a):

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

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

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

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

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

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

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

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

88 (7) A person who violates the provisions of Subsection (6) is guilty of a class C
89 misdemeanor.

- 90 (8) The division or the peace officer who seizes a vehicle shall record the mileage
91 shown on the vehicle's odometer at the time of seizure, if:
92 (a) the vehicle is equipped with an odometer; and
93 (b) the odometer reading is accessible to the division or the peace officer.
-
-

Legislative Review Note
as of 1-2-15 10:37 AM

Office of Legislative Research and General Counsel