

**VEHICLE IMPOUND AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

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

- whose operator is operating the vehicle with a suspended or revoked driver license or with a driver license that has been expired for more than one year; and

► makes technical corrections.

**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 2014, Chapter 382

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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) The division or any peace officer, without a warrant, may seize and take possession  
32 of any vehicle, vessel, or outboard motor:

33 (a) that the division or the peace officer has reason to believe has been stolen;

34 (b) on which any identification number has been defaced, altered, or obliterated;

35 (c) that has been abandoned in accordance with Section [41-6a-1408](#);

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

38 (e) that is placed on the water with improper registration;

39 (f) that is being operated on a highway:

40 (i) with registration that has been expired for more than three months;

41 (ii) having never been properly registered by the current owner; or

42 (iii) with registration that is suspended or revoked; [~~or~~]

43 (g) (i) that the division or the peace officer has reason to believe has been involved in  
44 an accident described in Section [41-6a-401](#), [41-6a-401.3](#), or [41-6a-401.5](#); and

45 (ii) whose operator did not remain at the scene of the accident until the operator  
46 fulfilled the requirements described in Section [41-6a-401](#) or [41-6a-401.7](#)[-];

47 (h) whose operator is operating the vehicle and has never been issued a valid driver  
48 license; or

49 (i) whose operator is operating the vehicle:

50 (i) with a suspended or revoked driver license; or

51 (ii) with a driver license that has been expired for more than one year.

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

**Office of Legislative Research and General Counsel**