

FUEL SURCHARGE AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Edward H. Redd

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code to authorize a vehicle immobilizer to charge a fuel surcharge fee.

Highlighted Provisions:

This bill:

- ▶ authorizes a vehicle immobilizer to charge a fuel surcharge fee at a rate and when authorized by the Department of Transportation in administrative rule;
- ▶ grants the Department of Transportation rulemaking authority to set maximum fuel surcharge fee rates that a vehicle immobilizer may charge to remove a vehicle immobilization device; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1409, as last amended by Laws of Utah 2014, Chapter 249

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



28 Section 1. Section **41-6a-1409** is amended to read:

29 **41-6a-1409. Vehicle immobilization devices -- Definitions -- Notice requirements**
30 **-- Maximum removal fee -- Rulemaking.**

31 (1) As used in this section:

32 (a) "Immobilize" means to affix and lock a vehicle immobilization device to the
33 exterior of a motor vehicle.

34 (b) "Vehicle immobilization device" means a device that may be affixed and locked to
35 the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the
36 vehicle from its location.

37 (c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used
38 a vehicle immobilization device for the purpose of enforcing parking restrictions with prior
39 authorization from the owner or person in lawful possession or control of the real property.

40 (2) (a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle
41 owner's knowledge at either of the following locations without signage that meets the
42 requirements of Subsection (2)(b):

43 (i) a mobile home park as defined in Section [57-16-3](#); or

44 (ii) a multifamily dwelling of more than eight units.

45 (b) Signage under Subsection (2)(a) shall display:

46 (i) where parking is subject to being immobilized; and

47 (ii) one of the following:

48 (A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle
49 for the locations listed under Subsection (2)(a)(i); or

50 (B) the name of the mobile home park or multifamily dwelling and the phone number
51 of the mobile home park or multifamily dwelling manager or management office that
52 authorized the vehicle immobilizer to immobilize the motor vehicle.

53 (c) Signage is not required under Subsection (2)(b) for parking in a location:

54 (i) that is prohibited by law; or

55 (ii) if it is reasonably apparent that the location is not open to parking.

56 (d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined
57 in Section [57-16-3](#) or a multifamily dwelling from instituting and enforcing regulations on
58 parking.

59 (3) (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the
60 immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to
61 operate the vehicle.

62 (b) The notice under Subsection (3)(a) shall include:

63 (i) the name and phone number of the vehicle immobilizer;

64 (ii) a phone number that the owner of the vehicle may call to arrange for release of the
65 vehicle; and

66 (iii) applicable fees.

67 (4) (a) ~~[The]~~ Except as provided in Subsection (5), the maximum fee that a vehicle
68 immobilizer may charge to remove a vehicle immobilization device may not exceed:

69 (i) \$75 for the first 24-hour period a vehicle is immobilized; plus

70 (ii) \$25 for each additional 24-hour period a vehicle is immobilized.

71 (b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer
72 may charge to remove a vehicle immobilization device may not exceed \$150 plus the fuel
73 surcharge fee authorized in Subsection (5) for each instance.

74 (c) A vehicle immobilizer may not charge a fee for the removal of a vehicle
75 immobilization device or any service rendered, performed, or supplied in connection with the
76 removal of the immobilization device in addition to the fees specified under ~~[this Subsection~~
77 ~~(4)]~~ Subsections (4) and (5).

78 (d) A vehicle immobilizer may not charge a fee under this Subsection (4) or
79 Subsection (5) for the immobilization of a vehicle for any period in which the vehicle has been
80 towed and custody of the vehicle has been transferred to a vehicle impound yard.

81 (e) A vehicle immobilizer shall accept payment by cash and debit or credit card for the
82 removal of a vehicle immobilization device or any service rendered, performed, or supplied in
83 connection with the removal of the immobilization device.

84 (5) (a) In addition to the fees under Subsection (4)(a), a vehicle immobilizer may
85 charge a fuel surcharge fee at a rate and when authorized by the Department of Transportation
86 in rules made under Subsection (5)(b).

87 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
88 Department of Transportation shall set maximum fuel surcharge fee rates that a vehicle
89 immobilizer may charge to remove a vehicle immobilization device.

90 [~~5~~] (6) A county or municipal legislative or governing body may not enact or enforce
91 any ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that
92 conflicts with this part.

Legislative Review Note
as of 2-24-15 7:26 PM

Office of Legislative Research and General Counsel