

1 **IMPOUNDMENT OF MOTOR VEHICLE AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lincoln Fillmore**

5 House Sponsor: Norman K. Thurston

7 **LONG TITLE**

8 **General Description:**

9 This bill clarifies situations where a peace officer may use discretion whether to
10 impound a motor vehicle.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ clarifies that a peace officer may use discretion whether to impound a motor vehicle
14 in situations where public safety may be jeopardized.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **41-1a-1101**, as last amended by Laws of Utah 2017, Chapter 416

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

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

25 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

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

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

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

- 30 (c) that has been abandoned in accordance with Section 41-6a-1408;
- 31 (d) for which the applicant has written a check for registration or title fees that has not
32 been honored by the applicant's bank and that is not paid within 30 days;
- 33 (e) that is placed on the water with improper registration;
- 34 (f) that is being operated on a highway:
 - 35 (i) with registration that has been expired for more than three months;
 - 36 (ii) having never been properly registered by the current owner; or
 - 37 (iii) with registration that is suspended or revoked; or
- 38 (g) (i) that the division or the peace officer has reason to believe has been involved in
39 an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
 - 40 (ii) whose operator did not remain at the scene of the accident until the operator
41 fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7.
- 42 (2) (a) Subject to the restriction in Subsection (2)(b), the division or any peace officer,
43 without a warrant:
 - 44 (i) shall seize and take possession of any vehicle that is being operated on a highway
45 without owner's or operator's security in effect for the vehicle as required under Section
46 41-12a-301 and the vehicle was involved in an accident; or
 - 47 (ii) may seize and take possession of any vehicle that is being operated on a highway
48 without owner's or operator's security in effect for the vehicle as required under Section
49 41-12a-301 [if] after the division or any peace officer makes a reasonable determination [~~that~~
50 whether the vehicle would:
 - 51 (A) [~~the seizure of the vehicle would~~] present a public safety concern to the operator
52 or any of the occupants in the vehicle; or
 - 53 (B) [~~the impoundment of the vehicle would~~] prevent the division or the peace officer
54 from addressing other public safety considerations.
 - 55 (b) The division or any peace officer may not seize and take possession of a vehicle
56 under Subsection (2)(a):
 - 57 (i) if the operator of the vehicle is not carrying evidence of owner's or operator's

58 security as defined in Section 41-12a-303.2 in the vehicle unless the division or peace officer
59 verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured
60 Motorist Identification Database created in accordance with Section 41-12a-803; or

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

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

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

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

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

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

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

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

84 (8) The division or the peace officer who seizes a vehicle shall record the mileage
85 shown on the vehicle's odometer at the time of seizure, if:

86 (a) the vehicle is equipped with an odometer; and

87 (b) the odometer reading is accessible to the division or the peace officer.