

336 **41-1a-1103. Sale.**

337 (1) (a) To determine the model year of a vehicle, vessel, or outboard motor as
 338 described in this section, the division shall use the model year assigned to a vehicle, vessel, or
 339 outboard motor based on ~~§~~→ **[the vehicle identification number.] :**

339a **(i) the vehicle identification number assigned by the division; or**
 339b **(ii) if the division has not assigned a vehicle identification number, the vehicle**
 339c **identification number assigned by the manufacturer. ←~~§~~**

340 (b) To determine the age of a vehicle, vessel, or outboard motor as described in this
 341 section, the division shall use the date of the impoundment of the vehicle, vessel, or outboard
 342 motor.

343 (2) (a) [H] For a vehicle, vessel, or outboard motor with a model year of eight years old
 344 or older, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
 345 recover the vehicle, vessel, or outboard motor within 30 days from the date of [seizure,] the
 346 original notice described in Section 41-6a-1406, or if the division is unable to determine the
 347 owner or lienholder through reasonable efforts, the division shall [set] issue a certificate of
 348 sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in possession of
 349 the vehicle, vessel, or outboard motor upon request by the tow truck motor carrier.

350 ~~§~~→ ~~(b)~~ (i) ←~~§~~ For a vehicle, vessel, or outboard motor with a model year of eight years old
 350a or
 351 older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
 352 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
 353 vessel, or outboard motor and satisfy the amount due to the place of storage within 30 days
 354 from the date of release, the division shall ~~§~~→ [:

355 ~~—— (i) 20 days from the date of original notice described in Section 41-6a-1406, renotify~~
 356 ~~the owner or lienholder; and~~

357 ~~—— (ii)] , ←~~§~~~~ 30 days from the date of the original notice described in Section 41-6a-1406, issue
 358 a certificate of sale for the vehicle, vessel, or outboard motor to the tow truck motor carrier in
 359 possession of the vehicle, vessel, or outboard motor upon request by the tow truck motor
 360 carrier, in accordance with this section.

360a ~~§~~→ (ii) For a vehicle, vessel, or outboard motor with a model year of eight years old or
 360b older, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
 360c 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
 360d vessel, or outboard motor and satisfy the amount due to the place of storage within 20 days
 360e from the original notice described in Section 41-6a-1406, the tow truck motor carrier⊙

360f **⊕shall notify the division, and the division shall renotify the owner or lienholder. ←§**

361 (3) For a vehicle, vessel, or outboard motor with a model year seven years old or
362 newer, if the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
363 recover the vehicle, vessel, or outboard motor within 60 days from the date of the original
364 notice described in Section 41-6a-1406, or if the division is unable to determine the owner or
365 lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard
366 motor as described in Subsection (4).

367 ~~[(2)]~~ (4) The sale of a vehicle, vessel, or outboard motor described in Subsection (3)
368 shall:

369 (a) be held in the form of a public auction at the place of storage; and

370 (b) at the discretion of the division, be conducted by:

371 (i) an authorized representative of the division; or

372 (ii) a public garage, impound lot, or impound yard that:

373 (A) is authorized by the division;

374 (B) meets the standards under Subsection 41-1a-1101(5); and

375 (C) complies with the requirements of Section 72-9-603.

376 ~~[(3)]~~ (5) At least five days prior to the date set for sale described in Subsection (4), the
377 division shall publish a notice of sale setting forth the date, time, and place of sale and a
378 description of the vehicle, vessel, or outboard motor to be sold:

379 (a) on the division's website; and

380 (b) as required in Section 45-1-101.

381 ~~[(4)]~~ (6) At the time of sale described in Subsection (4) the division or other person
382 authorized to conduct the sale shall tender to the highest bidder a certificate of sale conveying
383 all rights, title, and interest in the vehicle, vessel, or outboard motor.

384 ~~[(5)]~~ (7) The proceeds from the sale of a vehicle, vessel, or outboard motor under [~~this~~
385 ~~section]~~ Subsection (4) shall be distributed as provided under Section 41-1a-1104.

386 ~~[(6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under~~
387 ~~Section 41-1a-1101 and subsequently released by the division fails to take possession of the~~
388 ~~vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30~~
389 ~~days from the date of release, the division shall renotify the owner or lienholder and sell the~~
390 ~~vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of the~~
391 ~~notice.]~~

392 (8) For a vehicle, vessel, or outboard motor with a model year seven years old or
393 newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section
394 41-1a-1101 and subsequently released by the division fails to take possession of the vehicle,
395 vessel, or outboard motor and satisfy the amount due to the place of storage within 60 days
396 from the date of release, the division shall ~~S→~~ [∴

397 ~~(a) 45 days from date of the original notice described in Section 41-6a-1406, renotify~~⊕

398 ~~the owner or lienholder; and~~

399 ~~(b)] , ←§ 60 days from the date of the original notice described in Section 41-6a-1406, sell~~
 400 ~~the vehicle, vessel, or outboard motor as described in Subsection (4).~~

400a ~~§→ For a vehicle, vessel, or outboard motor with a model year of seven years old or~~
 400b ~~newer, if the owner or lienholder of a vehicle, vessel, or outboard motor seized under Section~~
 400c ~~41-1a-1101 and subsequently released by the division fails to take possession of the vehicle~~
 400d ~~vessel or outboard motor within 45 days of the original notice described in Section 41-1a-1406,~~
 400e ~~the tow truck motor carrier shall notify the division, and the division shall renotify the owner~~
 400f ~~or lienholder. ←§~~

401 Section 3. Section **41-1a-1104** is amended to read:

402 **41-1a-1104. Disposition of proceeds from sale.**

403 (1) If, for purposes of this part and Section 41-1a-1301, the ownership of a vehicle,
 404 vessel, or outboard motor seized cannot be determined, the excess of the proceeds of any sale
 405 described in Subsection 41-1a-1103(4), over the fees for registration or transfer and penalties
 406 and costs, shall be deposited with the state treasurer in a suspense account.

407 (2) (a) If the owner or the owner's heirs or assigns file a claim for the excess of the
 408 proceeds within one year of date of sale of the vehicle, vessel, or outboard motor, the excess of
 409 the proceeds shall be refunded to the claimant.

410 (b) If a claim is not filed in accordance with Subsection (2)(a), then the money shall be
 411 deposited in the General Fund.

412 Section 4. Section **41-6a-102** is amended to read:

413 **41-6a-102. Definitions.**

414 As used in this chapter:

415 (1) "Alley" means a street or highway intended to provide access to the rear or side of
 416 lots or buildings in urban districts and not intended for through vehicular traffic.

417 (2) "All-terrain type I vehicle" means the same as that term is defined in Section
 418 41-22-2.

419 (3) "Authorized emergency vehicle" includes:

420 (a) fire department vehicles;

421 (b) police vehicles;

422 (c) ambulances; and

423 (d) other publicly or privately owned vehicles as designated by the commissioner of the
 424 Department of Public Safety.

425 (4) "Autocycle" means the same as that term is defined in Section 53-3-102.

426 (5) (a) "Bicycle" means a wheeled vehicle:

427 (i) propelled by human power by feet or hands acting upon pedals or cranks;

428 (ii) with a seat or saddle designed for the use of the operator;

863 stolen vehicle report presented within 180 days after the day of the impoundment.

864 (d) A tow truck operator, a tow truck motor carrier, and an impound yard shall accept
865 payment by cash and debit or credit card for a removal or impoundment under Subsection (1)
866 or any service rendered, performed, or supplied in connection with a removal or impoundment
867 under Subsection (1).

868 (e) The owner of an impounded vehicle may not be charged a fee for the storage of the
869 impounded vehicle, vessel, or outboard motor if:

870 (i) the vehicle, vessel, or outboard motor is being held as evidence; and

871 (ii) the vehicle, vessel, or outboard motor is not being released to a party described in
872 Subsection 5(a), even if the party satisfies the requirements to release the vehicle, vessel, or
873 outboard motor under this Subsection (6).

874 (7) (a) ~~[An]~~ For an impounded vehicle, vessel, or outboard motor not claimed by a
875 party described in Subsection (5)(a) within the time prescribed by Section 41-1a-1103 ~~[shall be~~
876 ~~sold in accordance with that section and the proceeds, if any, shall be disposed of as provided~~
877 ~~under Section 41-1a-1104], the Motor Vehicle Division shall~~ **§→ [transfer title of] issue a**
877a **certificate of sale for ←§** the impounded
878 vehicle, vessel, or outboard motor as described in Section 41-1a-1103.

879 (b) The date of impoundment is considered the date of seizure for computing the time
880 period provided under Section 41-1a-1103.

881 (8) A party described in Subsection (5)(a) that pays all fees and charges incurred in the
882 impoundment of the owner's vehicle, vessel, or outboard motor has a cause of action for all the
883 fees and charges, together with damages, court costs, and attorney fees, against the operator of
884 the vehicle, vessel, or outboard motor whose actions caused the removal or impoundment.

885 (9) Towing, impound fees, and storage fees are a possessory lien on the vehicle, vessel,
886 or outboard motor.

887 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
888 the department shall make rules setting the performance standards for towing companies to be
889 used by the department.

890 (11) (a) The Motor Vehicle Division may specify that a report required under
891 Subsection (4) be submitted in electronic form utilizing a database for submission, storage, and
892 retrieval of the information.

893 (b) (i) Unless otherwise provided by statute, the Motor Vehicle Division or the

1204 enforcement agency, the tow truck motor carrier or impound yard shall make personnel
1205 available:

1206 (a) by phone 24 hours a day, seven days a week; and

1207 (b) to release the impounded vehicle, vessel, or outboard motor to the owner within
1208 one hour of when the owner calls the tow truck motor carrier or impound yard.

1209 (20) A tow truck motor carrier or a tow truck operator may not:

1210 (a) share contact or other personal information of an owner of a vehicle, vessel, or
1211 outboard motor for which the tow truck motor carrier or tow truck operator has performed a
1212 tow service; ~~§~~→ [or] and ←~~§~~

1213 (b) receive payment for referring a person for whom the tow truck motor carrier or tow
1214 truck operator has performed a tow service to another service, including:

1215 (i) a lawyer referral service;

1216 (ii) a medical provider;

1217 (iii) a funding agency;

1218 (iv) a marketer for any service described in Subsections (20)(b)(i) through (iii);

1219 (v) a marketer for any other service; or

1220 (vi) a third party vendor.

1221 Section 9. **Effective date.**

1222 This bill takes effect on October 15, 2022.