

**AMENDMENTS TO VEHICLE IMMOBILIZATION DEVICE
PROVISIONS**

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to vehicle immobilization devices.

Highlighted Provisions:

This bill:

- ▶ prohibits a vehicle immobilizer from charging a fee for the immobilization of a vehicle for any period in which the vehicle has been towed and custody of the vehicle has been transferred to a vehicle impound yard; and
- ▶ makes technical corrections.

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 2013, Chapter 328

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

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

41-6a-1409. Vehicle immobilization devices -- Definitions -- Notice requirements



28 -- **Maximum removal fee.**

29 (1) As used in this section:

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

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

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

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

41 (i) a mobile home park as defined in Section 57-16-3; or

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

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

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

45 (ii) one of the following:

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

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

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

52 (i) that is prohibited by law; or

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

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

57 (3) (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the
58 immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to

59 operate the vehicle.

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

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

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

64 (iii) applicable fees.

65 (4) (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle
66 immobilization device may not exceed:

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

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

69 (b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer
70 may charge to remove a vehicle immobilization device may not exceed \$150 for each instance.

71 (c) A vehicle immobilizer may not charge a fee for the removal of a vehicle
72 immobilization device or any service rendered, performed, or supplied in connection with the
73 removal of the immobilization device in addition to the fees specified under this Subsection
74 (4).

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

78 [~~(d)~~] (e) A vehicle immobilizer shall accept payment by cash and debit or credit card
79 for the removal of a vehicle immobilization device or any service rendered, performed, or
80 supplied in connection with the removal of the immobilization device.

81 (5) A county or municipal legislative or governing body may not enact or enforce any
82 ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts
83 with this part.

Legislative Review Note
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Office of Legislative Research and General Counsel