

DRAFT

R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

R873-22M-17. Standards for a State Impound Lot[s] or Yard Pursuant to Utah Code Ann. Sections 41-1a-1101 and 41-6a-1406.

(1) As used in this section:

(a) "Life essential item" means the same as that term is defined in Section 72-9-603.

(b) "Lot or yard" means a state impound lot or yard designated by the division.

~~[(1)]~~ (2) A ~~[n-impound]~~ lot or yard may be used by the ~~[Motor Vehicle Division]~~ division and peace officers ~~[only if all of the following requirements are satisfied]~~ if:

(a) ~~[(F)]~~ the lot or yard ~~[must be]~~ is identified by a conspicuously placed, well-maintained sign that:

(i) is at least 24 square feet in size;

(ii) includes the business name, address, phone number, and hours of business; ~~[and]~~

(iii) displays the ~~[impound]~~ lot or yard identification number issued by the ~~[Motor Vehicle Division]~~ division in characters at least four inches high;

(iv) is visible from the nearest highway; and

(v) is adequately lit so the sign is always readable from the center of the nearest highway;

(b) ~~[(F)]~~ the lot or yard ~~[shall]~~ maintains a hard-surfaced storage area of concrete, black top, gravel, road base, or other similar material~~[-]~~;

(c) ~~[(F)]~~ the entire lot or yard ~~[must have]~~ has adequate lighting, as determined from a point within the lot or yard that is the farthest distance from the nearest source of light~~[-]~~;

(d) ~~[(A)]~~ the entire perimeter of the lot or yard is fenced:

(i) separately from any other personal or business activity that is not directly related to state impounds; and

(ii) with six-foot chain link or other similar fence or wall ~~[that is]~~ topped with three strands of barbed wire or razor security wire ~~[must surround the yard]~~ that are properly affixed to the fence or wall~~[-]~~;

(e) ~~[(F)]~~ the lot or yard ~~[must have]~~ has opaque fencing, which may be opaque chain link fencing, on any side that has frontage with a highway~~[-]~~;

(f) ~~[(S)]~~ the lot or yard has spacing between vehicles ~~[must be]~~ that is adequate to allow opening of vehicle doors without interfering with other vehicles or objects~~[-]~~;

(g) ~~[An office shall be located on the premises of the yard]~~ except as provided in Subsection (2), the lot or yard has an office on the premises~~[-]~~;

~~[(1)-(F)]~~ (h) the lot or yard office ~~[shall be]~~ is staffed and open for public business during normal business hours, Monday through Friday, except for designated state and federal holidays~~[-]~~;

~~[(ii) If the yard maintains multiple storage areas, authorization may be requested from the Motor Vehicle Division to maintain a central office facility in a location not to exceed a 10 mile radius from any of its storage areas.~~

~~— (iii) If a central office facility is authorized under Subsection (1)(g)(ii), the signs of all storage areas must provide the location and phone number of the office.~~

~~— (h) T](i) the lot or yard [shall] provide compressed air and battery boosting capabilities at no additional cost[-]; and~~

(i) any weeds in the lot or yard do not exceed six inches in height.

(2) Upon request, the division may authorize a lot or yard to maintain multiple storage areas managed by a central office facility, if each storage area is within a 10 mile radius of the central office facility.

(i) An operator of a lot or yard with a central office facility authorized under this Subsection (2) shall appear at an appropriate storage area within 60 minutes of notification to release a vehicle held at that storage area.

(ii) If an operator fails to appear as described in Subsection (2)(i), the division may revoke the lot or yard's authorization to operate as a lot or yard for six months or more.

(iii) In addition to the requirements of Subsection (1)(a), each sign at a storage area affiliated with a central office facility shall provide the location and phone number of the central office facility.

~~[(2) Persons who can demonstrate an ownership interest in a car held at a state impound yard are allowed to enter the vehicle during normal business hours and remove personal property not attached to the vehicle upon signing a receipt for the property with the yard.~~

~~— (a) An individual has ownership interest in the vehicle if he:~~

~~— (i) is listed as a registered owner or lessee of the vehicle; or~~

~~— (ii) has possession of the vehicle title.~~

~~— (b) An individual must show picture identification as evidence of his ownership interest.~~

~~— (c)The storage] (3) An operator of a lot or yard shall:~~

(a) allow an individual authorized by Section 41-6a-1406, access to a vehicle, vessel, or outboard motor during normal business hours to take possession of a life essential item or other personal property if the individual:

(i) presents the individual's driver license or other government-issued identification;

(ii) shows evidence that the individual is authorized under Section 41-6a-1406 to take possession of the life essential item or other personal property; and

(iii) signs a receipt for any personal property removed from a vehicle, vessel, or outboard motor;

(b) allow an individual to access a vehicle, vessel, or outboard motor, if necessary to obtain the individual's driver license or other government-issued identification for the purpose of showing that individual is authorized to take possession of a life essential item or other personal property under Section 41-6a-1406; and

(c) maintain a log of individuals who have been given access to vehicles for the purpose of removing personal property.

~~[(3) Impounds holding five or less vehicles in a month may be required to tow those vehicles to another yard for the purpose of centralizing sales of vehicles or, at the discretion of the Motor Vehicle Division, be required to hold the vehicles until additional impounded vehicles~~

~~may be included.]~~ (4) The division may require an operator of a lot or yard holding five or fewer vehicles in a month to tow those vehicles to another lot or yard to centralize vehicle sales.

~~[(4) Operators of impound yards]~~ (5) An operator of a lot or yard shall remove license plates from an impounded vehicle~~[s]~~ prior to the time of sale and turn ~~[them]~~ the plates over to the ~~[commission]~~ division at the time the vehicles are sold.

~~[(5)]~~ (6) The ~~[Motor Vehicle D]~~ division ~~[has the authority to]~~ may review the qualifications of ~~[state impound yards]~~ a lot or yard to assure compliance with the requirements ~~[set forth in this rule]~~ of this section.

~~[Any]~~ (a) The division shall provide written notice to an operator of a lot or yard not in compliance ~~[shall be notified in writing]~~ and give~~[n]~~ 30 days from that notice to rectify any noncompliance.

(b) If no action or insufficient action is taken by the ~~[impound]~~ operator of the lot or yard, the ~~[Motor Vehicle D]~~ division may order ~~[it]~~ the lot or yard to be suspended as a ~~[state impound]~~ lot or yard.

(7) Any lot or yard contesting suspension, or any lot or yard directly and adversely affected by the ~~[Motor Vehicle D]~~ division's refusal to designate ~~[it]~~ the lot or yard as a state impound lot or yard, ~~[has the right to]~~ may appeal that suspension or designation refusal to the commission.