

Effective 5/10/2016

41-12a-303.2 Evidence of owner's or operator's security to be carried when operating motor vehicle -- Defense -- Penalties.

(1) As used in this section:

- (a) "Division" means the Motor Vehicle Division of the State Tax Commission.
- (b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.

(2)

- (a)
 - (i) A person operating a motor vehicle shall:
 - (A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and
 - (B) display it upon demand of a peace officer.
 - (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:
 - (A) a government-owned or leased motor vehicle; or
 - (B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.
 - (iii) A person operating a vehicle that is owned by a rental company, as defined in Section 31A-22-311, may comply with Subsection (2)(a)(i) by having in the person's immediate possession, or displaying, the rental vehicle's rental agreement, as defined in Section 31A-22-311.

(b) Evidence of owner's or operator's security includes any one of the following:

- (i) a copy of the operator's valid:
 - (A) insurance policy;
 - (B) insurance policy declaration page;
 - (C) binder notice;
 - (D) renewal notice; or
 - (E) card issued by an insurance company as evidence of insurance;
- (ii) a certificate of insurance issued under Section 41-12a-402;
- (iii) a certified copy of a surety bond issued under Section 41-12a-405;
- (iv) a certificate of the state treasurer issued under Section 41-12a-406;
- (v) a certificate of self-funded coverage issued under Section 41-12a-407; or
- (vi) information that the vehicle or driver is insured from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program.

(c) A card issued by an insurance company as evidence of owner's or operator's security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or operator's address on the card.

(d)

- (i) A person may provide to a peace officer evidence of owner's or operator's security described in this Subsection (2) in:
 - (A) a hard copy format; or
 - (B) an electronic format using a mobile electronic device.
- (ii) If a person provides evidence of owner's or operator's security in an electronic format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing the owner's or operator's security on the mobile electronic device may not view any other content on the mobile electronic device.

- (iii) Notwithstanding any other provision under this section, a peace officer is not subject to civil liability or criminal penalties under this section if the peace officer inadvertently views content other than the evidence of owner's or operator's security on the mobile electronic device.
- (e)
 - (i) Evidence of owner's or operator's security from the Uninsured Motorist Identification Database Program described under Subsection (2)(b)(vi) supercedes any evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).
 - (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, information indicates that the vehicle or driver is insured.
- (3) It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the vehicle the person was operating at the time of the person's citation or arrest.
- (4)
 - (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or a written statement from an insurance producer or company verifying that the person had the required motor vehicle insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of Subsection (3) and Section 41-12a-804.
 - (b) The court considering a citation issued under this section shall allow the evidence or a written statement under Subsection (4)(a) and a copy of the citation to be faxed or mailed to the clerk of the court to satisfy Subsection (3).
 - (c) The notice under Section 41-12a-804 shall specify that the written statement under Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to satisfy the proof of owner's or operator's security required under Section 41-12a-804.
- (5) A violation of this section is an infraction, and the fine shall be not less than:
 - (a) \$400 for a first offense; and
 - (b) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.
- (6) Upon receiving notification from a court of a conviction for a violation of this section, the department:
 - (a) shall suspend the person's driver license; and
 - (b) may not renew the person's driver license or issue a driver license to the person until the person gives the department proof of owner's or operator's security.
 - (i) This proof of owner's or operator's security shall be given by any of the ways required under Section 41-12a-401.
 - (ii) This proof of owner's or operator's security shall be maintained with the department for a three-year period.
 - (iii) An insurer that provides a certificate of insurance as provided under Section 41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination is filed with the department no later than 10 days after termination as required under Section 41-12a-404.
 - (iv) If a person who has canceled the certificate of insurance applies for a license within three years from the date proof of owner's or operator's security was originally required, the department shall refuse the application unless the person reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.

Amended by Chapter 303, 2016 General Session
Amended by Chapter 356, 2016 General Session