

41-12a-805 Disclosure of insurance information -- Penalty.

- (1) Information in the database established under Section 41-12a-803 provided by a person to the designated agent is considered to be the property of the person providing the information.
- (2) The information may not be disclosed from the database under Title 63G, Chapter 2, Government Records Access and Management Act, or otherwise, except as follows:
 - (a) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall verify insurance information through the state computer network for a state or local government agency or court;
 - (b) for the purpose of investigating, litigating, or enforcing the owner's or operator's security requirement under Section 41-12a-301, the designated agent shall, upon request, issue to any state or local government agency or court a certificate documenting the insurance information, according to the database, of a specific individual or motor vehicle for the time period designated by the government agency;
 - (c) upon request, the department or its designated agent shall disclose whether or not a person is an insured individual and the insurance company name to:
 - (i) that individual or, if that individual is deceased, any interested person of that individual, as defined in Section 75-1-201;
 - (ii) the parent or legal guardian of that individual if the individual is an unemancipated minor;
 - (iii) the legal guardian of that individual if the individual is legally incapacitated;
 - (iv) a person who has power of attorney from the insured individual;
 - (v) a person who submits a notarized release from the insured individual dated no more than 90 days before the date the request is made; or
 - (vi) a person suffering loss or injury in a motor vehicle accident in which the insured individual is involved, but only as part of an accident report as authorized in Section 41-12a-202;
 - (d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations by state or local law enforcement agencies related to the:
 - (i) registration and renewal of registration of a motor vehicle under Title 41, Chapter 1a, Motor Vehicle Act;
 - (ii) purchase of a motor vehicle under Title 59, Chapter 12, Sales and Use Tax Act; and
 - (iii) owner's or operator's security requirements under Section 41-12a-301;
 - (e) upon request of a peace officer acting in an official capacity under the provisions of Subsection (2)(d), the department or the designated agent shall, upon request, disclose relevant information for investigation, enforcement, or prosecution;
 - (f) for the purpose of the state auditor, the legislative auditor general, or other auditor of the state conducting audits of the program;
 - (g) upon request of a financial institution as defined under Section 7-1-103 for the purpose of protecting the financial institution's bona fide security interest in a motor vehicle; and
 - (h) upon the request of a state or local law enforcement agency for the purpose of investigating and prosecuting identity theft and other crimes.
- (3)
 - (a) The department may allow the designated agent to prepare and deliver upon request, a report on the insurance information of a person or motor vehicle in accordance with this section.
 - (b) The report may be in the form of:
 - (i) a certified copy that is considered admissible in any court proceeding in the same manner as the original; or

- (ii) information accessible through the Internet or through other electronic medium if the department determines that sufficient security is provided to ensure compliance with this section.
- (c) The department may allow the designated agent to charge a fee established by the department under Section 63J-1-504 for each:
 - (i) document authenticated, including each certified copy;
 - (ii) record accessed by the Internet or by other electronic medium; and
 - (iii) record provided to a financial institution under Subsection (2)(g).
- (4) A person who knowingly releases or discloses information from the database for a purpose other than those authorized in this section or to a person who is not entitled to it is guilty of a third degree felony.
- (5) An insurer is not liable to any person for complying with Sections 31A-22-315 and 31A-22-315.5 by providing information to the designated agent.
- (6) Neither the state nor the department's designated agent is liable to any person for gathering, managing, or using the information in the database as provided in Sections 31A-22-315 and 31A-22-315.5 and this part.

Amended by Chapter 243, 2012 General Session