

**ELECTRONIC PROOF OF OWNER'S OR OPERATOR'S
SECURITY**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek E. Brown

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Financial Responsibility of Motor Vehicle Owners and Operators Act by amending provisions relating to evidence of owner's or operator's security.

Highlighted Provisions:

This bill:

- provides that a person may provide evidence of owner's or operator's security to a peace officer in a hard copy format or in an electronic format using a mobile electronic device;

- provides that if a person provides evidence of owner's or operator's security in an electronic format using a mobile electronic device, 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; ~~H~~→ [and]

- provides that a peace officer is not subject to civil liability or criminal penalties if the peace officer inadvertently views content other than the evidence of owner's or operator's security on the mobile electronic device; and ←~~H~~

- makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



90 Identification Database Program created under Title 41, Chapter 12a, Part 8.

91 (c) (i) A person may provide to a peace officer evidence of owner's or operator's
 92 security described in this Subsection (2) in:

93 (A) a hard copy format; or

94 (B) an electronic format using a mobile electronic device.

95 (ii) If a person provides evidence of owner's or operator's security in an electronic
 96 format using a mobile electronic device under this Subsection (2)(c), the peace officer viewing
 97 the owner's or operator's security on the mobile electronic device may not view any other
 98 content on the mobile electronic device.

98a **Ĥ→ (iii) Notwithstanding any other provision under this section, a peace officer is not**
 98b **subject to civil liability or criminal penalties under this section if the peace officer**
 98c **inadvertently views content other than the evidence of owner's or operator's security on the**
 98d **mobile electronic device. ←Ĥ**

99 [~~ĉ~~] (d) (i) Evidence of owner's or operator's security from the Uninsured Motorist
 100 Identification Database Program described under Subsection (2)(b)(vi) supercedes any
 101 evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).

102 (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if
 103 the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a,
 104 Part 8, information indicates that the vehicle or driver is insured.

105 (3) It is an affirmative defense to a charge under this section that the person had
 106 owner's or operator's security in effect for the vehicle the person was operating at the time of
 107 the person's citation or arrest.

108 (4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or
 109 a written statement from an insurance producer or company verifying that the person had the
 110 required motor vehicle insurance coverage on the date specified is considered proof of owner's
 111 or operator's security for purposes of Subsection (3) and Section 41-12a-804.

112 (b) The court considering a citation issued under this section shall allow the evidence
 113 or a written statement under Subsection (4)(a) and a copy of the citation to be faxed or mailed
 114 to the clerk of the court to satisfy Subsection (3).

115 (c) The notice under Section 41-12a-804 shall specify that the written statement under
 116 Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to
 117 satisfy the proof of owner's or operator's security required under Section 41-12a-804.

118 (5) A violation of this section is a class B misdemeanor, and the fine shall be not less
 119 than: