S.B. 194

1 # RENTAL VEHICLE PROOF OF REGISTRATION AND

2 # INSURANCE

3 ## 2016 GENERAL SESSION

4 ## STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: Don L. Ipson

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to providing proof of vehicle registration and

11 insurance.

12 **Highlighted Provisions:**

13 This bill:

14 ▸ provides that a person operating a vehicle owned by a rental company may have in

15 the person's possession or display, as proof of vehicle registration or insurance, the

16 vehicle's rental agreement.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-1a-214**, as last amended by Laws of Utah 2015, Chapter 412

24 **41-12a-303.2**, as last amended by Laws of Utah 2015, Chapter 412

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

27 Section 1. Section **41-1a-214** is amended to read:

28   **41-1a-214.   Registration card to be signed, carried, and exhibited.**

29   (1) A registration card shall be signed by the owner in ink in the space provided.

30   (2) A registration card shall be carried at all times in the vehicle to which it was issued.

31   (3) The person driving or in control of a vehicle shall display the registration card upon

32   demand of a peace officer or any officer or employee of the division.

33   (4) For a vehicle owned by a rental company, as defined in Section 31A-22-311, a

34   person driving or in control of the vehicle may display the vehicle's rental agreement, as

35   defined in Section 31A-22-311, in place of a registration card for compliance with Subsection

36   (3).

37   [(4)] (5) A violation of this section is an infraction.

38   Section 2. Section **41-12a-303.2** is amended to read:

39   **41-12a-303.2.   Evidence of owner's or operator's security to be carried when**

40   **operating motor vehicle -- Defense -- Penalties.**

41   (1) As used in this section:

42   (a) "Division" means the Motor Vehicle Division of the State Tax Commission.

43   (b) "Registration materials" means the evidences of motor vehicle registration,

44   including all registration cards, license plates, temporary permits, and nonresident temporary

45   permits.

46   (2) (a) (i) A person operating a motor vehicle shall:

47   (A) have in the person's immediate possession evidence of owner's or operator's

48   security for the motor vehicle the person is operating; and

49   (B) display it upon demand of a peace officer.

50   (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is

51   operating:

52   (A) a government-owned or leased motor vehicle; or

53   (B) an employer-owned or leased motor vehicle and is driving it with the employer's

54   permission.

55   (iii) A person operating a vehicle that is owned by a rental company, as defined in

56   Section 31A-22-311, may comply with Subsection (2)(a)(i) by having in the person's

57   immediate possession, or displaying, the rental vehicle's rental agreement, as defined in Section

58   31A-22-311.

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

60   (i) a copy of the operator's valid:

61   (A) insurance policy;

62   (B) insurance policy declaration page;

63   (C) binder notice;

64   (D) renewal notice; or

65   (E) card issued by an insurance company as evidence of insurance;

66   (ii) a certificate of insurance issued under Section 41-12a-402;

67   (iii) a certified copy of a surety bond issued under Section 41-12a-405;

68   (iv) a certificate of the state treasurer issued under Section 41-12a-406;

69   (v) a certificate of self-funded coverage issued under Section 41-12a-407; or

70   (vi) information that the vehicle or driver is insured from the Uninsured Motorist

71   Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured

72   Motorist Identification Database Program.

73   (c) A card issued by an insurance company as evidence of owner's or operator's

74   security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or

75   operator's address on the card.

76   (d) (i) A person may provide to a peace officer evidence of owner's or operator's

77   security described in this Subsection (2) in:

78   (A) a hard copy format; or

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

80   (ii) If a person provides evidence of owner's or operator's security in an electronic

81   format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing

82   the owner's or operator's security on the mobile electronic device may not view any other

83   content on the mobile electronic device.

84   (iii) Notwithstanding any other provision under this section, a peace officer is not

85   subject to civil liability or criminal penalties under this section if the peace officer inadvertently

86   views content other than the evidence of owner's or operator's security on the mobile electronic

87   device.

88   (e) (i) Evidence of owner's or operator's security from the Uninsured Motorist

89   Identification Database Program described under Subsection (2)(b)(vi) supercedes any

90   evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).

91   (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if

92   the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a,

93   Part 8, Uninsured Motorist Identification Database Program, information indicates that the

94   vehicle or driver is insured.

95   (3) It is an affirmative defense to a charge under this section that the person had

96   owner's or operator's security in effect for the vehicle the person was operating at the time of

97   the person's citation or arrest.

98   (4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or

99   a written statement from an insurance producer or company verifying that the person had the

100 required motor vehicle insurance coverage on the date specified is considered proof of owner's

101 or operator's security for purposes of Subsection (3) and Section 41-12a-804.

102   (b) The court considering a citation issued under this section shall allow the evidence

103 or a written statement under Subsection (4)(a) and a copy of the citation to be faxed or mailed

104 to the clerk of the court to satisfy Subsection (3).

105   (c) The notice under Section 41-12a-804 shall specify that the written statement under

106 Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to

107 satisfy the proof of owner's or operator's security required under Section 41-12a-804.

108   (5) A violation of this section is a class C misdemeanor, and the fine shall be not less

109 than:

110   (a) $400 for a first offense; and

111   (b) $1,000 for a second and subsequent offense within three years of a previous

112 conviction or bail forfeiture.

113   (6) Upon receiving notification from a court of a conviction for a violation of this

114 section, the department:

115   (a) shall suspend the person's driver license; and

116   (b) may not renew the person's driver license or issue a driver license to the person

117 until the person gives the department proof of owner's or operator's security.

118   (i) This proof of owner's or operator's security shall be given by any of the ways

119 required under Section 41-12a-401.

120   (ii) This proof of owner's or operator's security shall be maintained with the department

121   for a three-year period.

122   (iii) An insurer that provides a certificate of insurance as provided under Section

123   41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination

124   is filed with the department no later than 10 days after termination as required under Section

125   41-12a-404.

126   (iv) If a person who has canceled the certificate of insurance applies for a license

127   within three years from the date proof of owner's or operator's security was originally required,

128   the department shall refuse the application unless the person reestablishes proof of owner's or

129   operator's security and maintains the proof for the remainder of the three-year period.

Legislative Review Note
Office of Legislative Research and General Counsel