

1st Sub. S.B. 187
RECLASSIFICATION OF MISDEMEANORS

Senator **Daniel W. Thatcher** proposes the following amendments:

1. *Page 2, Line 42*

Senate 2nd Reading Amendments

2-29-2016:

42 { ~~41-12a-303.2, as last amended by Laws of Utah 2015, Chapter 412~~ }

2. *Page 22, Line 670 through Page 25, Line 757:*

670 { ~~Section 22. Section 41-12a-303.2 is amended to read:~~

671 ~~—— 41-12a-303.2. Evidence of owner's or operator's security to be carried when~~

672 ~~operating motor vehicle -- Defense -- Penalties:~~

673 ~~—— (1) As used in this section:~~

674 ~~—— (a) "Division" means the Motor Vehicle Division of the State Tax Commission.~~

675 ~~—— (b) "Registration materials" means the evidences of motor vehicle registration,~~

676 ~~including all registration cards, license plates, temporary permits, and nonresident temporary~~
677 ~~permits.~~

678 ~~—— (2) (a) (i) A person operating a motor vehicle shall:~~

679 ~~—— (A) have in the person's immediate possession evidence of owner's or operator's~~
680 ~~security for the motor vehicle the person is operating; and~~

681 ~~—— (B) display it upon demand of a peace officer.~~

682 ~~—— (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is~~
683 ~~operating:~~

684 ~~—— (A) a government-owned or leased motor vehicle; or~~

685 ~~—— (B) an employer-owned or leased motor vehicle and is driving it with the employer's~~
686 ~~permission.~~

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

688 ~~—— (i) a copy of the operator's valid:~~

689 ~~—— (A) insurance policy;~~

690 ~~—— (B) insurance policy declaration page;~~

691 ~~—— (C) binder notice;~~

692 ~~—— (D) renewal notice; or~~

693 ~~—— (E) card issued by an insurance company as evidence of insurance;~~

694 ~~—— (ii) a certificate of insurance issued under Section 41-12a-402;~~

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

~~696 (iv) a certificate of the state treasurer issued under Section 41-12a-406;~~
~~697 (v) a certificate of self-funded coverage issued under Section 41-12a-407; or~~
~~698 (vi) information that the vehicle or driver is insured from the Uninsured Motorist~~
~~699 Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured~~
~~700 Motorist Identification Database Program.~~
~~701 (c) A card issued by an insurance company as evidence of owner's or operator's~~
~~702 security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or~~
~~703 operator's address on the card.~~
~~704 (d) (i) A person may provide to a peace officer evidence of owner's or operator's~~
~~705 security described in this Subsection (2) in:~~
~~706 (A) a hard copy format; or~~
~~707 (B) an electronic format using a mobile electronic device.~~
~~708 (ii) If a person provides evidence of owner's or operator's security in an electronic~~
~~709 format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing~~
~~710 the owner's or operator's security on the mobile electronic device may not view any other~~
~~711 content on the mobile electronic device.~~
~~712 (iii) Notwithstanding any other provision under this section, a peace officer is not~~
~~713 subject to civil liability or criminal penalties under this section if the peace officer inadvertently~~
~~714 views content other than the evidence of owner's or operator's security on the mobile electronic~~
~~715 device.~~
~~716 (e) (i) Evidence of owner's or operator's security from the Uninsured Motorist~~
~~717 Identification Database Program described under Subsection (2)(b)(vi) supercedes any~~
~~718 evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).~~
~~719 (ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if~~
~~720 the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a,~~
~~721 Part 8, Uninsured Motorist Identification Database Program, information indicates that the~~
~~722 vehicle or driver is insured.~~
~~723 (3) It is an affirmative defense to a charge under this section that the person had~~
~~724 owner's or operator's security in effect for the vehicle the person was operating at the time of~~
~~725 the person's citation or arrest.~~
~~726 (4) (a) Evidence of owner's or operator's security as defined under Subsection (2)(b) or~~
~~727 a written statement from an insurance producer or company verifying that the person had the~~
~~728 required motor vehicle insurance coverage on the date specified is considered proof of owner's~~
~~729 or operator's security for purposes of Subsection (3) and Section 41-12a-804.~~
~~730 (b) The court considering a citation issued under this section shall allow the evidence~~
~~731 or a written statement under Subsection (4)(a) and a copy of the citation to be faxed or mailed~~
~~732 to the clerk of the court to satisfy Subsection (3).~~
~~733 (c) The notice under Section 41-12a-804 shall specify that the written statement under~~
~~734 Subsection (4)(a) and a copy of the notice shall be faxed or mailed to the designated agent to~~
~~735 satisfy the proof of owner's or operator's security required under Section 41-12a-804.~~

736 ~~—— (5) A violation of this section is [a class C misdemeanor] an infraction, and the fine~~
737 ~~shall be not less than:~~
738 ~~—— (a) \$400 for a first offense; and~~
739 ~~—— (b) \$1,000 for a second and subsequent offense within three years of a previous~~
740 ~~conviction or bail forfeiture.~~
741 ~~—— (6) Upon receiving notification from a court of a conviction for a violation of this~~
742 ~~section, the department:~~
743 ~~—— (a) shall suspend the person's driver license; and~~
744 ~~—— (b) may not renew the person's driver license or issue a driver license to the person~~
745 ~~until the person gives the department proof of owner's or operator's security.~~
746 ~~—— (i) This proof of owner's or operator's security shall be given by any of the ways~~
747 ~~required under Section 41-12a-401.~~
748 ~~—— (ii) This proof of owner's or operator's security shall be maintained with the department~~
749 ~~for a three-year period.~~
750 ~~—— (iii) An insurer that provides a certificate of insurance as provided under Section~~
751 ~~41-12a-402 or 41-12a-403 may not terminate the insurance policy unless notice of termination~~
752 ~~is filed with the department no later than 10 days after termination as required under Section~~
753 ~~41-12a-404.~~
754 ~~—— (iv) If a person who has canceled the certificate of insurance applies for a license~~
755 ~~within three years from the date proof of owner's or operator's security was originally required,~~
756 ~~the department shall refuse the application unless the person reestablishes proof of owner's or~~
757 ~~operator's security and maintains the proof for the remainder of the three-year period.}~~

Renumber remaining sections accordingly.