

HB0024S02 compared with HB0024

{Omitted text} shows text that was in HB0024 but was omitted in HB0024S02

inserted text shows text that was not in HB0024 but was inserted into HB0024S02

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1

Criminal Penalty Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor:

2

LONG TITLE

3

General Description:

4

This bill addresses criminal penalties.

5

Highlighted Provisions:

6

This bill:

7

▶ reduces the criminal offense of operating a vehicle at a speed greater than 20 miles per hour in a school zone from a class C misdemeanor to an infraction if the person is operating the vehicle from 21 miles per hour to 29 miles per hour;

11

▶ **merges the criminal offenses of:**

14

▶ {~~repeals the criminal offense of~~} operating a motor vehicle without an owner's or operator's security;and

16

▶ {~~increases the penalty for the criminal offense of~~} failing to {~~have~~} carry evidence of {~~an~~} owner's or operator's security {~~for the~~} to be carried when operating a motor vehicle {~~an individual is operating from an infraction to a class C misdemeanor~~} ;

19

▶ reduces the penalty for the criminal offense of careless driving from a class C misdemeanor to an infraction; and

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21 ▸ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 **AMENDS:**

24 **31A-22-302 , as last amended by Laws of Utah 2013, Chapter 91**

25 **41-1a-109 , as last amended by Laws of Utah 2013, Chapter 138**

26 **41-1a-110 , as last amended by Laws of Utah 2025, Chapter 285**

27 **41-1a-1101 , as last amended by Laws of Utah 2025, Chapter 220**

28 **41-6a-403 , as last amended by Laws of Utah 2024, Chapter 251**

29 **41-6a-604 , as last amended by Laws of Utah 2024, Chapter 346**

30 **41-6a-1715 , as last amended by Laws of Utah 2021, Chapter 120**

31 **41-12a-302 , as last amended by Laws of Utah 2015, Chapter 412**

30 **{41-12a-303.2 , as last amended by Laws of Utah 2024, Chapter 236}**

32 **41-12a-303.3 , as enacted by Laws of Utah 1994, Chapter 220**

33 **41-12a-804 , as last amended by Laws of Utah 2025, Chapter 285**

34 **73-18c-304 , as last amended by Laws of Utah 2024, Chapter 236**

32 **{77-40a-101 , as last amended by Laws of Utah 2025, Chapters 173, 239}**

35 **REPEALS:**

34 **{41-12a-302 , as last amended by Laws of Utah 2015, Chapter 412}**

36 **41-12a-303.2 , as last amended by Laws of Utah 2024, Chapter 236**

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

39 **Section 1. Section 31A-22-302 is amended to read:**

40 **31A-22-302. Required components of motor vehicle insurance policies -- Exceptions.**

42 (1) Every policy of insurance or combination of policies purchased to satisfy the owner's or operator's

security requirement of Section 41-12a-301 shall include:

44 (a) motor vehicle liability coverage under Sections 31A-22-303 and 31A-22-304;

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45 (b) uninsured motorist coverage under Section 31A-22-305, unless affirmatively waived under
46 Subsection 31A-22-305(5);
47 (c) underinsured motorist coverage under Section 31A-22-305.3, unless affirmatively waived under
48 Subsection 31A-22-305.3(3); and
49 (d) except as provided in Subsection (2) and subject to Subsection (4), personal injury protection under
50 Sections 31A-22-306 through 31A-22-309.

51 (2) A policy of insurance or combination of policies, purchased to satisfy the owner's or operator's
52 security requirement of Section 41-12a-301 for a motorcycle, off-highway vehicle, street-legal
53 all-terrain vehicle, trailer, or semitrailer is not required to have personal injury protection under
54 Sections 31A-22-306 through 31A-22-309.

55 (3) A card issued by an insurance company as evidence of owner's or operator's security under Section
56 ~~[41-12a-303.2 on or after July 1, 2014,]~~ 41-12a-302 may not display the owner's or operator's
57 address on the card.

58 (4)
59 (a) First party medical coverages may be offered or included in policies issued to motorcycle, off-
60 highway vehicle, street-legal all-terrain vehicle, trailer, and semitrailer owners or operators.
61 (b) Owners and operators of motorcycles, off-highway vehicles, street-legal all-terrain vehicles, trailers,
62 and semitrailers are not covered by personal injury protection coverages in connection with injuries
63 incurred while operating any of these vehicles.

64 (5) First party medical coverage expenses shall be governed by the relative value study provisions under
65 Subsections 31A-22-307(2) and (3).

66 **Section 2. Section 41-1a-109 is amended to read:**

67 **41-1a-109. Grounds for division refusing registration or certificate of title.**

68 (1) The division shall refuse registration or issuance of a certificate of title or any transfer of registration
69 upon any of the following grounds:
70 (a) the application contains any false or fraudulent statement;
71 (b) the applicant has failed to furnish required information or reasonable additional information
72 requested by the division;
73 (c) the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under
74 this chapter;

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- (d) the division has reasonable grounds to believe that the vehicle is a stolen vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle;
- 79 (e) the registration of the vehicle is suspended or revoked for any reason provided in the motor vehicle laws of this state; or
- 81 (f) the required fees have not been paid.
- 82 (2) The division shall also refuse registration or any transfer of registration if the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways.
- 84 (3) The division shall refuse registration or any transfer of registration of a vehicle upon notification by the Department of Transportation that the vehicle or owner is not in compliance with Title 72, Chapter 9, Motor Carrier Safety Act.
- 87 (4) The division may not register a vehicle if the registration of the vehicle is revoked under Subsection 41-1a-110(2) until the applicant provides proof:
 - 89 (a) of owner's or operator's security in a form allowed under [Subsection 41-12a-303.2(2)] Section 41-12a-302;
 - 91 (b) of exemption from the owner's or operator's security requirements; or
 - 92 (c) that the applicant was not an owner of the vehicle at the time of the alleged violation or on the day following the time limit provided after the second notice under Subsection 41-12a-804(2).

Section 3. Section 41-1a-110 is amended to read:

41-1a-110. Authority of division to suspend or revoke registration, certificate of title, license plate, or permit.

- (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke a registration, certificate of title, license plate, or permit if:
 - 98 (a) the division is satisfied that a registration, certificate of title, license plate, or permit was fraudulently procured or erroneously issued;
 - 100 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
 - 102 (c) a registered vehicle has been dismantled;
 - 104 (d) the division determines that the required fee has not been paid and the fee is not paid upon reasonable notice and demand;

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- (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle other than the one for which issued;
- (f) the division determines that the owner has committed any offense under this chapter involving the registration, certificate of title, registration card, license plate, registration decal, or permit; or
- (g) the division receives notification by the Department of Transportation that the owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

(2)

- (a) The division shall revoke the registration of a vehicle if the division receives notification by the:
 - (i) Department of Public Safety that a person:
 - (A) has been convicted of operating a registered motor vehicle in violation of Section 41-12a-301 or [41-12a-303.2] 41-12a-302; or
 - (B) is under an administrative action taken by the Department of Public Safety for operating a registered motor vehicle in violation of Section 41-12a-301;
 - (ii) designated agent that the owner of a motor vehicle:
 - (A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or
 - (B) provided a false or fraudulent statement to the designated agent; or
 - (iii) designated agent that, during the months of April through October, the owner of a motorboat:
 - (A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section 41-12a-804; or
 - (B) provided a false or fraudulent statement to the designated agent.
 - (b) The division shall notify the Driver License Division if the division revokes the registration of a vehicle under Subsection (2)(a)(ii)(A).

(3) The division may not suspend or revoke the registration of a vessel or outboard motor unless authorized under Section 73-18-7.3.

(4) The division may not suspend or revoke the registration of an off-highway vehicle unless authorized under Section 41-22-17.

(5) The division shall charge a registration reinstatement fee under Section 41-1a-1220, if the registration is revoked under Subsection (2).

(6) Except as provided in Subsections (3), (4), and (7), the division may suspend or revoke a registered vehicle's registration if the division is notified by a local health department, as defined in Section

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26A-1-102, that the registered vehicle is unable to meet state or local air emissions standards or violates Subsection 41-6a-1626(2)(a) or (b).

142 (7) The division may not suspend or revoke a registered vehicle's registration under Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is greater than 26,000 pounds.

145 **Section 4. Section 41-1a-1101 is amended to read:**

146 **41-1a-1101. Seizure -- Circumstances where permitted -- Impound lot standards.**

147 (1) As used in this section:

148 (a)

(i) "Criminal offense" means a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense.

150 (ii) "Criminal offense" includes:

151 (A) a class B misdemeanor offense, a class A misdemeanor offense, or a felony offense described in Chapter 6a, Traffic Code, Title 53, Chapter 3, Part 2, Driver Licensing Act, Title 73, Chapter 18, State Boating Act, or Title 76, Utah Criminal Code; and

155 (B) a local ordinance that is a class B misdemeanor and is substantially similar to an offense listed in Subsection (1)(a)(ii)(A).

157 (b) "Operator" means the same as that term is defined in Section 41-6a-102.

158 (c) "Road rage event" means the commission of a criminal offense:

159 (i) by an operator of a vehicle;

160 (ii) in response to an incident that occurs or escalates upon a roadway; and

161 (iii) with the intent to endanger or intimidate an individual in another vehicle.

162 (d) "Roadway" means:

163 (i) a highway; or

164 (ii) a private road or driveway as defined in Section 41-6a-102.

165 (2) The division or any peace officer, without a warrant, may seize and take possession of any vehicle, vessel, or outboard motor:

167 (a) that the division or the peace officer has probable cause to believe has been stolen;

168 (b) on which any identification number has been defaced, altered, or obliterated;

169 (c) that has been abandoned in accordance with Section 41-6a-1408;

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- (d) for which the applicant has written a check for registration or title fees that has not been honored by the applicant's bank and that is not paid within 30 days;
- (e) that is placed on the water with improper registration;
- (f) that is being operated on a highway:
 - (i) with registration that has been expired for more than three months;
 - (ii) having never been properly registered by the current owner; or
 - (iii) with registration that is suspended or revoked;
- (g)
 - (i) that the division or the peace officer has probable cause to believe has been involved in an accident described in Section 41-6a-401, 41-6a-401.3, or 41-6a-401.5; and
 - (ii) whose operator did not remain at the scene of the accident until the operator fulfilled the requirements described in Section 41-6a-401 or 41-6a-401.7; or
- (h) if the division or peace officer has probable cause to believe that the operator:
 - (i) failed to properly display the license plate on a motorcycle as described in Section 41-1a-404.1; or
 - (ii) used the motorcycle:
 - (A) to perform a wheelie in violation of Section 41-6a-606.1; or
 - (B) to engage in lane splitting in violation of Section 41-6a-704.1.
- (3)
 - (a) The division or a peace officer shall seize and take possession of a vehicle, without a warrant, when:
 - (i) the division or the peace officer has probable cause to believe that an operator of the vehicle engaged in a road rage event; and
 - (ii) the operator of the vehicle has been arrested in conjunction with the road rage event.
 - (b) A peace officer may release a vehicle seized and possessed under Subsection (3)(a) to the registered owner of the vehicle if the registered owner is not the individual subject to arrest under Subsection (3)(a) and is immediately available, at the location of the arrest, to take possession of the vehicle.
- (4)
 - (a) Subject to the restriction in Subsection (4)(b), the division or any peace officer, without a warrant:
 - (i) shall seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 and the vehicle was involved in an accident; or

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- (ii) may seize and take possession of any vehicle that is being operated on a highway without owner's or operator's security in effect for the vehicle as required under Section 41-12a-301 after the division or any peace officer makes a reasonable determination whether the vehicle would:
 - (A) present a public safety concern to the operator or any of the occupants in the vehicle; or
 - (B) prevent the division or the peace officer from addressing other public safety considerations.
- (b) The division or any peace officer may not seize and take possession of a vehicle under Subsection (4)(a):
 - (i) if the operator of the vehicle is not carrying evidence of owner's or operator's security as defined in Section [41-12a-303.2] 41-12a-302 in the vehicle unless the division or peace officer verifies that owner's or operator's security is not in effect for the vehicle through the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803; or
 - (ii) if the operator of the vehicle is carrying evidence of owner's or operator's security as defined in Section [41-12a-303.2] 41-12a-302 in the vehicle and the Uninsured Motorist Identification Database created in accordance with Section 41-12a-803 indicates that the owner's or operator's security is not in effect for the vehicle, unless the division or a peace officer makes a reasonable attempt to independently verify that owner's or operator's security is not in effect for the vehicle.
- (5) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.
- (6) Any peace officer seizing or taking possession of a vehicle, vessel, or outboard motor under this section shall comply with the provisions of Section 41-6a-1406.
- (7)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules setting standards for public garages, impound lots, and impound yards that may be used by peace officers and the division.
 - (b) The standards shall be equitable, reasonable, and unrestrictive as to the number of public garages, impound lots, or impound yards per geographical area.
 - (c) A crusher, dismantler, or salvage dealer may not operate as a state impound yard unless the crusher, dismantler, or salvage dealer meets all of the requirements for a state impound yard set forth in this section and rules made in accordance with Subsection (7)(a).
- (d)

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- (i) Rules made by the commission shall include a requirement that a state impound yard have opaque fencing on any side of the state impound yard that has frontage with a highway.
- 240 (ii) The opaque fencing described in Subsection (7)(d)(i) may be opaque chain link fencing.
- 242 (8)
 - (a) Except as provided under Subsection (8)(b), a person may not operate or allow to be operated a vehicle stored in a public garage, impound lot, or impound yard regulated under this part without prior written permission of the owner of the vehicle.
 - 245 (b) Incidental and necessary operation of a vehicle to move the vehicle from one parking space to another within the facility and that is necessary for the normal management of the facility is not prohibited under Subsection (8)(a).
 - 248 (9) A person who violates the provisions of Subsection (8) is guilty of a class C misdemeanor.
 - 250 (10) The division or the peace officer who seizes a vehicle shall record the mileage shown on the vehicle's odometer at the time of seizure, if:
 - 252 (a) the vehicle is equipped with an odometer; and
 - 253 (b) the odometer reading is accessible to the division or the peace officer.

Section 5. Section 41-6a-403 is amended to read:

41-6a-403. Vehicle accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of plates -- Penalties.

- 257 (1)
 - (a) Upon request of a peace officer investigating an accident involving a motor vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301.
 - 260 (b) The evidence of owner's or operator's security includes information specified under Section [41-12a-303.2] 41-12a-302.
- 262 (2) The peace officer shall record on a form approved by the department:
 - 263 (a) the information provided by the operator;
 - 264 (b) whether the operator provided insufficient or no information;
 - 265 (c) whether the officer finds reasonable cause to believe that any information given is not correct; and
 - 267 (d) whether other information available to the peace officer indicates that owner's or operator's security is in effect.

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(3) The peace officer shall deposit all completed forms with the peace officer's law enforcement agency, which shall forward the forms to the department no later than 10 days after receipt.

272 (4)

(a) The department shall within 10 days of receipt of the forms from the law enforcement agency take action as follows:

274 (i) if the operator provided no information under Subsection (1) and other information available to the peace officer does not indicate that owner's or operator's security is in effect, the department shall take direct action under Subsection 53-3-221(13); or

278 (ii) if the peace officer noted or the department determines that there is reasonable cause to believe that the information given under Subsection (1) is not correct, the department shall contact directly the insurance company or other provider of security as described in Section 41-12a-303.2 and request verification of the accuracy of the information submitted as of the date of the accident.

283 (b) The department may require the verification under Subsection (4)(a)(ii) to be in a form specified by the department.

285 (c) The insurance company or other provider of security shall return the verification to the department within 30 days of receipt of the request.

287 (d) If the department does not receive verification within 35 days after sending the request, or within the 35 days receives notice that the information was not correct, the department shall take action under Subsection 53-3-221(13).

290 (5)

(a) The owner of a vehicle with an unexpired license plate for which security is not provided as required under this chapter shall return the plates for the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain them.

293 (b) If the owner fails to return the plates as required, the plates shall be confiscated under Section 53-3-226.

295 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the enforcement of this section.

297 (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:

298 (a) when requested to provide security information under Subsection (1), or Section 41-12a-303.2, provides false information;

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300 (b) falsely represents to the department that security required under this chapter is in effect; or
302 (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or a third party.

304 Section 6. Section **41-6a-604** is amended to read:

305 **41-6a-604. Maximum speed in a school zone -- Penalty -- Minimum fines -- Compensatory
service -- Waiver -- Recordkeeping.**

40 (1) A person may not operate a vehicle at a speed greater than 20 miles per hour in a reduced speed
school zone as defined in Section 41-6a-303.

42 (2)
43 (a) [A] Except as provided in Subsection (2)(b), a violation of Subsection (1) is an infraction subject to
the minimum fine described in Subsection (3)(a).
44 (b) A violation of Subsection (1) is a class C misdemeanor [and] if the vehicle speed is 30 miles per
hour or more and subject to the minimum fine[:] described in Subsection (3)(a).

47 (3)
48 (a) The minimum fine for a violation of Subsection (1):

49	Vehicle Speed	Minimum Fine
50	21 - 29 MPH	\$ 260
51	30 - 39 MPH	\$ 420
52	40 MPH and greater	\$ 760

53 (ii) for a second and subsequent offense within three years of a previous conviction [or bail
forfeiture] shall be calculated according to the following schedule:

55	Vehicle Speed	Minimum Fine
56	21 - 29 MPH	\$ 320
57	30 - 39 MPH	\$ 560
58	40 MPH and greater	\$ 960

59 (b)
60 (i) Except as provided under Subsection [(2)(a)(ii)] (3)(a)(ii), the court may order the person to perform
compensatory service in lieu of the fine or any portion of the fine.
61 (ii) The court shall order the person to perform compensatory service observing a crossing guard if the
conviction is for a:
62 (A) first offense with a vehicle speed of 30 miles per hour or more; or

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65 (B) second and subsequent offense within three years of a previous conviction [or bail forfeiture].

67 (iii) The court may waive the compensatory service required under Subsection [(2)(b)(ii)] (3)(b)(ii) if
the court makes the reasons for the waiver part of the record.

69 [(3)] (4) The Driver License Division shall develop and implement a record system to distinguish:

71 (a) a conviction [or bail forfeiture] under this section from other convictions; and

72 (b) between a first and subsequent conviction [or bail forfeiture] under this section.

73 [(4)] (5) The provisions of this section take precedence over the provisions of Sections 41-6a-601,
41-6a-602, 41-6a-603, and 76-3-301.

342 Section 7. Section **41-6a-1715** is amended to read:

343 **41-6a-1715. Careless driving defined and prohibited.**

77 (1) A person operating a motor vehicle is guilty of careless driving if the person:

78 (a) commits two or more moving traffic violations under this chapter in a series of acts within a single
continuous period of driving covering three miles or less in total distance; or

81 (b) commits a moving traffic violation under this chapter other than a moving traffic violation under
Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the
vehicle that are not related to the operation of a motor vehicle, including:

85 (i) searching for an item in the vehicle; or

86 (ii) attending to personal hygiene or grooming.

87 (2) A violation of this section is [a class C misdemeanor] an infraction.

88 (3) In addition to the penalty provided under this section or any other section, a judge may order the
revocation of the convicted person's driver license if the violation causes or results in the death of
another person in accordance with Subsection 53-3-218(7).

358 Section 8. Section 41-12a-302 is amended to read:

359 **41-12a-302. Operating motor vehicle without owner's or operator's security -- Penalty.**

361 [(1)]

(a) Except as provided in Subsection (1)(b), an owner of a motor vehicle on which owner's or operator's
security is required under Section 41-12a-301, who operates the owner's vehicle or permits it to be
operated on a highway in this state without owner's security being in effect is guilty of a class C
misdemeanor, and the fine shall be not less than:]

366 [(i) \$400 for a first offense; and]

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[~~(ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.~~]

369 [~~(b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.~~]

373 [~~(2)~~]

~~(a) Except as provided under Subsection (2)(b), any other person who operates a motor vehicle upon a highway in Utah with the knowledge that the owner does not have owner's security in effect for the motor vehicle is also guilty of a class C misdemeanor, and the fine shall be not less than:]~~

377 [~~(i) \$400 for a first offense; and]~~]

378 [~~(ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.~~]

380 [~~(b) A person that has in effect owner's security on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle in question is exempt from this Subsection (2).~~]

383 (1) As used in this section:

384 (a) "Evidence of owner's or operator's security" means the following information regarding a motor vehicle:

386 (i) a copy of an operator's valid:

387 (A) insurance policy;

388 (B) insurance policy declaration page;

389 (C) binder notice;

390 (D) renewal notice; or

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

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

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

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

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

396 (vi) if the motor vehicle is owned by a rental company, the rental vehicle's rental agreement; or

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(vii) 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.

(b) "Rental agreement" means the same as that term is defined in Section 31A-22-311.

(c) "Rental company" means the same as that term is defined in Section 31A-22-311.

(2) An actor commits operating a motor vehicle without owner's or operator's security if the actor:

(a)

(i) is the owner of a motor vehicle for which owner's or operator's security is required under Section 41-12a-301; and

(ii)

(A) operates the vehicle on a highway in Utah without owner's or operator's security being in effect; or

(B) permits the vehicle to be operated on a highway in Utah without owner's or operator's security being in effect;

(b)

(i) operates a motor vehicle for which owner's or operator's security is required under Section 41-12a-301 upon a highway in Utah; and

(ii) knows that the owner of the motor vehicle does not have owner's or operator's security in effect; or

(c)

(i) operates a motor vehicle for which owner's or operator's security is required under Section 41-12a-301 upon a highway in Utah;

(ii) does not have evidence of owner's or operator's security in the actor's immediate possession for the motor vehicle; and

(iii) fails to display evidence of owner's or operator's security upon demand of a peace officer.

(3) A violation of Subsection (2) is a class C misdemeanor.

(4)

(a)

(i) Except as provided in Subsection (4)(b), for a conviction under this section, a court shall order a fine of not less than \$400.

(ii) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle under Subsection (4)(a)(i) if, before sentencing, the owner demonstrates that owner's or operator's security required under Section 41-12a-301 was obtained after the violation.

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428 (b) For a second and subsequent offense within three years of a previous conviction under this section, a
court shall order a fine of not less than \$1,000.

430 (5) An actor does not violate Subsection (2)(b) if the actor has in effect owner's security on a Utah-
registered motor vehicle or an equivalent that covers the operation, by the actor, of the motor vehicle
the actor is operating.

433 (6)

437 (a) It is an affirmative defense to a charge or in an administrative action for a violation of Subsection
(2)(c) that the actor had owner's or operator's security in effect for the vehicle that the actor was
operating at the time of the actor's citation or arrest.

438 (b) Subsection (2)(c) does not apply to an individual operating:

439 (i) a government-owned or government-leased motor vehicle; or

440 (ii) an employer-owned or employer-leased motor vehicle and is driving the motor vehicle with the
employer's permission.

441 (c)

443 (i) An actor may provide to a peace officer evidence of owner's or operator's security as described in
Subsection (2)(c) in:

444 (A) a hard copy format; or

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

(ii)

450 (A) If an actor provides evidence of owner's or operator's security in an electronic format using a
mobile electronic device under Subsection (6)(c)(i)(B), 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.

453 (B) 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, while viewing the owner's or
operator's security on the mobile electronic device under Subsection (6)(c)(i)(B) inadvertently views
content other than the evidence of owner's or operator's security on the mobile electronic device.

456 (d) Information from the Uninsured Motorist Identification Database Program described under
Subsection (1)(a)(vii) supersedes any evidence of owner's or operator's security described under
Subsection (1)(a)(i)(D) or (E).

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(e) A peace officer may not cite or arrest an actor for a violation of Subsection (2)(c) 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.

463 (7)

(a) The following are proof of owner's or operator's security that can be submitted as part of the affirmative defense described in Subsection (6)(a) and under Section 41-12a-804:

466 (i) evidence of owner's or operator's security;

467 (ii) a written statement from an insurance producer or company verifying that the actor had the required motor vehicle insurance coverage on the date specified; or

469 (iii) a written statement from an insurance producer or company, or provision in an insurance policy, indicating that the policy provides coverage for a newly purchased car and the coverage extended to the date specified.

472 (b) A court considering a citation for a violation of Subsection (2)(c) shall allow the evidence or a written statement under Subsection (7)(a) and a copy of the citation to be electronically submitted or mailed to the clerk of the court to satisfy Subsection (6)(a).

476 (c) The notice under Section 41-12a-804 shall specify that the written statement under Subsection (7)(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.

480 (8)

(a) Upon receiving notification from a court of a conviction for a violation of this section, the department:

482 (i) shall suspend the actor's driver license; and

483 (ii) may not renew the actor's driver license or issue a driver license to the actor until the actor gives the department proof of owner's or operator's security.

485 (b) The proof of owner's or operator's security described in Subsection (8)(a)(ii) shall:

486 (i) be given by any of the ways required under Section 41-12a-401; and

487 (ii) be maintained with the department for a three-year period.

488 (c) 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.

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(d) If an actor who has canceled the certificate of insurance applies for a license within three years from the date of 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.

497 (9) A card issued by an insurance company as evidence of owner's or operator's security under Subsection (1)(a)(i)(E) may not display the owner's or operator's address on the card.

91 {Section 3. Section 41-12a-303.2 is amended to read: }

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

94 (1) As used in this section:

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

96 (b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.

99 (2)

(a)

(i) A person operating a motor vehicle shall:

100 (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

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

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

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

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

108 (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.

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

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

114 (A) insurance policy;

115 (B) insurance policy declaration page;

116 (C) binder notice;

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117 (D) renewal notice; or

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

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

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

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

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

123 (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.

126 (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.

129 (d)

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

132 (A) a hard copy format; or

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

137 (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.

141 (e)

144 (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:

145 (A) Subsection (2)(b)(i)(D) or (E); or

146 (B) for a motorboat, Subsection 73-18c-304(1)(b).

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- (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.
- 150 (3) It is an affirmative defense to a charge or in an administrative action 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.
- 153 (4)
 - (a) The following are considered proof of owner's or operator's security for purposes of Subsection (3) and Section 41-12a-804:
 - (i) evidence defined in Subsection (2)(b);
 - 155 (ii) a written statement from an insurance producer or company verifying that the person had the required motor vehicle insurance coverage on the date specified; or
 - 156 (iii) a written statement from an insurance producer or company, or provision in an insurance policy, indicating that the policy provides coverage for a newly purchased car and the coverage extended to the date specified.
 - 161 (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 electronically submitted or mailed to the clerk of the court to satisfy Subsection (3).
 - 164 (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.
- 168 (5)
 - (a) A person who is convicted of violating Subsection (2)(a)(i)[:]
169 [(:)] is guilty of [an infraction for a first offense] a class C misdemeanor and subject to a fine of:
 - 171 (i) on the person's first offense, not less than \$400; and
 - 172 (ii) on the person's second or subsequent offense if committed within three years after the day on which the person committed the first offense, a fine of not less than \$1,000.
 - 175 [(ii) is guilty of a class C misdemeanor for each offense subsequent to the first offense that is committed within three years after the day on which the person commits the first offense and subject to a fine of not less than \$1,000.]

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(b) A court may waive up to \$300 of a fine charged under Subsection (5)(a) if the person demonstrates that the owner's or operator's security required under Section 41-12a-301 was obtained after the violation but before sentencing.

(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.

Section 9. Section 41-12a-303.3 is amended to read:

41-12a-303.3. Providing false evidence of owner's or operator's security -- Penalty.

A person who provides evidence of owner's or operator's security to a peace officer under Section [41-12a-303.2] 41-12a-302 knowing or having reason to believe that the evidence of owner's or operator's security is false or that it is evidence of owner's or operator's security that is not in effect is guilty of a class B misdemeanor.

Section 10. Section 41-12a-804 is amended to read:

41-12a-804. Notice -- Proof -- Revocation of registration -- False statements -- Penalties -- Exemptions -- Sales tax enforcement.

(1) Subject to Subsection (3), if the comparison under Section 41-12a-803 shows that a motor vehicle is not insured for three consecutive months, or a motorboat is not insured for two consecutive months,

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the Motor Vehicle Division shall direct that the designated agent provide notice to the owner of the motor vehicle or motorboat that the owner has 15 days to provide:

- 207 (a) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2) Section 41-12a-302; or
- 209 (b) proof of exemption from the owner's or operator's security requirements.
- 210 (2) Subject to Subsection (3), if an owner of a motor vehicle or motorboat fails to provide satisfactory proof of owner's or operator's security to the designated agent, the designated agent shall:
- 213 (a) provide a second notice to the owner of the motor vehicle or motorboat that the owner now has 15 days to provide:
 - 215 (i) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2) Section 41-12a-302; or
 - 217 (ii) proof of exemption from the owner's or operator's security requirements;
- 218 (b) for each notice provided, indicate information relating to the owner's failure to provide proof of owner's or operator's security in the database; and
- 220 (c) provide this information to state and local law enforcement agencies as requested in accordance with the provisions under Section 41-12a-805.

222 (3)

- 224 (a) Except as provided in Subsection (3)(b), for a motorboat, Subsections (1) and (2) only apply during the months of April through October.
- 226 (b) For a motorboat, the designated agent shall comply with the requirement described in Subsection (2) (c) year-round.
- 229 (c) For a notice required under Subsection (1) for a motorboat, the requirement for the Motor Vehicle Division and the designated agent to send notice begins on January 1, 2026.

230 (4)

- 232 (a) The Motor Vehicle Division:
 - 235 (i) shall revoke the registration upon receiving notification under Subsection 41-1a-110(2);
 - 237 (ii) shall provide appropriate notices of the revocation, the legal consequences of operating a vehicle with revoked registration and without owner's or operator's security, and instructions on how to get the registration reinstated; and
 - (iii) may direct the designated agent to provide the notices under this Subsection (4)(a).
- (b) For a motorboat, Subsection (4)(a) only applies during the months of April through October.

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239 (5) Any action by the Motor Vehicle Division to revoke the registration of a motor vehicle or motorboat
under this section may be in addition to an action by a law enforcement agency to impose the
penalties under Section {41-12a-302}[-or-]{41-12a-303.2].

242 (6)
(a) A person may not provide a false or fraudulent statement to the Motor Vehicle Division or
designated agent.
(b) In addition to any other penalties, a person who violates Subsection (6)(a) is guilty of a class B
misdemeanor.
(7) The department and the Motor Vehicle Division shall direct the designated agent to exempt from
this section a farm truck that:
(a) meets the definition of a farm truck under Section 41-1a-102; and
(b) is registered as a farm truck under Title 41, Chapter 1a, Motor Vehicle Act.
(8) This part does not affect other actions or penalties that may be taken or imposed for violation of the
owner's and operator's security requirements of this chapter.
(9) If a comparison under Section 41-12a-803 shows that a motor vehicle or motorboat may not be
in compliance with motor vehicle or motorboat registration or sales and use tax laws, the Motor
Vehicle Division may direct that the designated agent provide notice to the owner of a motor vehicle
or motorboat that information exists which indicates the possible violation.

565 **Section 11. Section 73-18c-304 is amended to read:**

566 **73-18c-304. Evidence of owner's or operator's security to be carried when operating
motorboat -- Defense -- Penalties.**

568 (1)
(a)
(i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat shall:
570 (A) have in the person's immediate possession evidence of owner's or operator's security for the
motorboat the person is operating; and
572 (B) display it upon demand of a peace officer.
573 (ii) A person operating a government-owned or government-leased motorboat is exempt from the
requirements of Subsection (1)(a)(i).
575 (b) Evidence of owner's or operator's security includes any one of the following:
576 (i) the operator's:

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577 (A) insurance policy;

578 (B) binder notice;

579 (C) renewal notice; or

580 (D) card issued by an insurance company as evidence of insurance;

581 (ii) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;

583 (iii) a certificate of the state treasurer issued under Section 73-18c-305;

584 (iv) a certificate of self-funded coverage issued under Section 73-18c-306;

585 (v) a digital copy or photograph of the evidence of owner's or operator's security described in Subsections (1)(b)(i) through (iv); or

587 (vi) a mobile application displaying evidence of owner's or operator's security described in Subsections (1)(b)(i) through (iv).

589 (2) 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 motorboat the person was operating at the time of the person's citation or arrest.

592 (3)

595 (a) A letter from an insurance producer or company verifying that the person had the required liability insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of Subsection (2).

598 (b) The court considering a citation issued under this section shall allow the letter under Subsection (3) (a) and a copy of the citation to be faxed or mailed to the clerk of the court to satisfy Subsection (2).

599 (4) A violation of this section is a class C misdemeanor.

601 (5) If a person is convicted of a violation of this section and if the person is the owner of a motorboat, the court shall:

602 (a) require the person to surrender the person's registration materials to the court; and

604 (b) forward the registration materials, together with a copy of the conviction, to the division.

606 (6)

607 (a) Upon receiving notification from a court of a conviction for a violation of this section, the division shall revoke the person's motorboat registration.

(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

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(7) Information from the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, supersedes any evidence of owner's or operator's security described under Subsection (1)(b).

611

Section 12. Repealer.

This Bill Repeals:

362

Section 41-12a-302, Operating motor vehicle without owner's or operator's security --

363

Penalty.

612

This bill repeals:

613

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

257

{Section 5. Section 77-40a-101 is amended to read: }

258

77-40a-101. Definitions.

260

As used in this chapter:

263

(1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an investigation, arrest, detention, or conviction for an offense for which expungement may be ordered.

265

(2) "Automatic expungement" means the expungement of records of an investigation, arrest, detention, or conviction of an offense without the filing of a petition.

267

(3) "Bureau" means the Bureau of Criminal Identification of the Department of Public Safety established in Section 53-10-201.

270

(4) "Certificate of eligibility" means a document issued by the bureau stating that the criminal record and all records of arrest, investigation, and detention associated with a case that is the subject of a petition for expungement is eligible for expungement.

272

(5) "Civil accounts receivable" means the same as that term is defined in Section 77-32b-102.

274

(6) "Civil judgment of restitution" means the same as that term is defined in Section 77-32b-102.

275

(7) "Civil protective order" means the same as that term is defined in Section 78B-7-102.

277

(8) "Clean slate eligible case" means a case that is eligible for automatic expungement under Section 77-40a-205.

279

(9) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after trial, a plea of guilty, or a plea of nolo contendere.

(10) "Court" means a district court or a justice court.

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280 (11) "Criminal accounts receivable" means the same as that term is defined in Section 77-32b-102.

282 (12) "Criminal protective order" means the same as that term is defined in Section 78B-7-102.

284 (13) "Criminal stalking injunction" means the same as that term is defined in Section 78B-7-102.

286 (14) "Department" means the Department of Public Safety established in Section 53-1-103.

287 (15) "Drug possession offense" means:

288 (a) an offense described in Subsection 58-37-8(2), except for:

289 (i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more of marijuana;

291 (ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional facility; or

293 (iii) an offense for driving with a controlled substance illegally in the person's body and negligently
causing serious bodily injury or death of another, as codified before May 4, 2022, Laws of Utah
2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);

297 (b) an offense described in Subsection 58-37a-5(1), use or possession of drug paraphernalia;

299 (c) an offense described in Section 58-37b-6, possession or use of an imitation controlled substance; or

301 (d) any local ordinance which is substantially similar to any of the offenses described in this Subsection
(15).

303 (16)

304 (a) "Expunge" means to remove a record from public inspection by:

305 (i) sealing the record; or

305 (ii) restricting or denying access to the record.

306 (b) "Expunge" does not include the destruction of a record.

307 (17) "Indigent" means a financial status that results from a court finding that a petitioner is financially
unable to pay the fee to file a petition for expungement under Section 78A-2-302.

310 (18) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the
United States or any foreign country.

312 (19)

314 (a) "Minor regulatory offense" means a class B or C misdemeanor offense or a local ordinance.

314 (b) "Minor regulatory offense" includes an offense under Section 76-9-110 or 76-9-1106.

315 (c) "Minor regulatory offense" does not include:

316 (i) any drug possession offense;

317 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;

319 (iii) an offense under Sections 73-18-13 through 73-18-13.6;

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320 (iv) except as provided in Subsection (19)(b), an offense under Title 76, Utah Criminal Code; or
322 (v) any local ordinance that is substantially similar to an offense listed in Subsections (19)(c)(i) through
323 (iv).

324 (20) "Petitioner" means an individual applying for expungement under this chapter.

325 (21) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.

326 (22) "Record" means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording,
327 electronic data, or other documentary material, regardless of physical form or characteristics, that:
328 (a) is contained in the agency's file regarding the arrest, detention, investigation, conviction, sentence,
329 incarceration, probation, or parole of an individual; and
330 (b) is prepared, owned, received, or retained by an agency, including a court.

331 (23) "Special certificate" means a document issued as described in Subsection 77-40a-304(1)(c) by
332 the bureau stating that the criminal record and all records of arrest, investigation, and detention
333 associated with the case do not clearly demonstrate whether the case is eligible for expungement.

334 (24)

335 (a) "Traffic offense" means:
336 (i) an infraction or a class C misdemeanor offense under Title 41, Chapter 1a, Motor Vehicle Act;
337 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 41,
338 Chapter 6a, Traffic Code;
339 (iii) an infraction or a class C misdemeanor offense under Title 41, Chapter 12a, Financial
340 Responsibility of Motor Vehicle Owners and Operators Act;
341 (iv) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 53,
342 Chapter 3, Part 2, Driver Licensing Act;
343 (v) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense under Title 73,
344 Chapter 18, State Boating Act; and
345 (vi) all local ordinances that are substantially similar to an offense listed in Subsections (24)(a)(i)
346 through (iii).

347 (b) "Traffic offense" does not include:
348 (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;
349 [(ii) an offense under Section 41-12a-302 for operating a motor vehicle without owner's or operator's
350 security;]

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[~~(iii)~~] (ii) an offense under Section 41-12a-303.3 for providing false evidence of owner's or operator's security;

356 [~~(iv)~~] (iii) an offense under Sections 73-18-13 through 73-18-13.6; or

357 [~~(v)~~] (iv) any local ordinance that is substantially similar to an offense listed in Subsection (24)(b)(i)[-or
615 ~~(ii)~~].

359 (25) "Traffic offense case" means that each offense in the case is a traffic offense.

Section 13. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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