

## **Part 8**

### **Uninsured Motorist Identification Database Program**

#### **41-12a-801 Title.**

This part is known as the "Uninsured Motorist Identification Database Program."

Enacted by Chapter 59, 1994 General Session

#### **41-12a-802 Definitions.**

As used in this part:

- (1) "Account" means the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.
- (2) "Database" means the Uninsured Motorist Identification Database created in Section 41-12a-803.
- (3) "Designated agent" means the third party the department contracts with under Section 41-12a-803.
- (4) "Division" means the Driver License Division created in Section 53-3-103.
- (5) "Motor vehicle" has the same meaning as set forth in Section 41-1a-102.
- (6) "Motor Vehicle Division" means the Motor Vehicle Division of the State Tax Commission created in Section 41-1a-106.
- (7) "Program" means the Uninsured Motorist Identification Database Program created in Section 41-12a-803.

Amended by Chapter 36, 1998 General Session

#### **41-12a-803 Program creation -- Administration -- Selection of designated agent -- Duties -- Rulemaking -- Audits.**

- (1) There is created the Uninsured Motorist Identification Database Program to:
  - (a) establish an Uninsured Motorist Identification Database to verify compliance with motor vehicle owner's or operator's security requirements under Section 41-12a-301 and other provisions under this part;
  - (b) assist in reducing the number of uninsured motor vehicles on the highways of the state;
  - (c) assist in increasing compliance with motor vehicle registration and sales and use tax laws;
  - (d) assist in protecting a financial institution's bona fide security interest in a motor vehicle; and
  - (e) assist in the identification and prevention of identity theft and other crimes.
- (2) The program shall be administered by the department with the assistance of the designated agent and the Motor Vehicle Division.
- (3)
  - (a) The department shall contract in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with a third party to establish and maintain an Uninsured Motorist Identification Database for the purposes established under this part.
  - (b) The contract may not obligate the department to pay the third party more money than is available in the account.
- (4)
  - (a) The third party under contract under this section is the department's designated agent, and shall develop and maintain a computer database from the information provided by:
    - (i) insurers under Section 31A-22-315;

- (ii) the division under Subsection (6); and
  - (iii) the Motor Vehicle Division under Section 41-1a-120.
- (b)
- (i) The database shall be developed and maintained in accordance with guidelines established by the department so that state and local law enforcement agencies and financial institutions as defined in Section 7-1-103 can efficiently access the records of the database, including reports useful for the implementation of the provisions of this part.
  - (ii)
    - (A) The reports shall be in a form and contain information approved by the department.
    - (B) The reports may be made available through the Internet or through other electronic medium, if the department determines that sufficient security is provided to ensure compliance with Section 41-12a-805 regarding limitations on disclosure of information in the database.
- (5) With information provided by the department and the Motor Vehicle Division, the designated agent shall, at least monthly for submissions under Subsection 31A-22-315(2)(b) or at least twice a month for submissions under Subsection 31A-22-315(2)(a):
- (a) update the database with the motor vehicle insurance information provided by the insurers in accordance with Section 31A-22-315; and
  - (b) compare all current motor vehicle registrations against the database.
- (6) The division shall provide the designated agent with the name, date of birth, address, and driver license number of all persons on the driver license database.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules and develop procedures in cooperation with the Motor Vehicle Division to use the database for the purpose of administering and enforcing this part.
- (8)
- (a) The designated agent shall archive computer data files at least semi-annually for auditing purposes.
  - (b) The internal audit unit of the tax commission provided under Section 59-1-206 shall audit the program at least every three years.
  - (c) The audit under Subsection (8)(b) shall include verification of:
    - (i) billings made by the designated agent; and
    - (ii) the accuracy of the designated agent's matching of vehicle registration with insurance data.
- (9) Upon request, the designated agent shall make available the information provided by insurers under Section 31A-22-315.5 to:
- (a) state and local law enforcement agencies; and
  - (b) financial institutions as defined in Section 7-1-103.

Amended by Chapter 243, 2012 General Session

Amended by Chapter 347, 2012 General Session

Amended by Chapter 347, 2012 General Session

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

- (1) If the comparison under Section 41-12a-803 shows that a motor vehicle is not insured for three consecutive months, the Motor Vehicle Division shall direct that the designated agent provide notice to the owner of the motor vehicle that the owner has 15 days to provide:
- (a) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2); or
  - (b) proof of exemption from the owner's or operator's security requirements.

- (2) If an owner of a motor vehicle fails to provide satisfactory proof of owner's or operator's security to the designated agent, the designated agent shall:
  - (a) provide a second notice to the owner of the motor vehicle that the owner now has 15 days to provide:
    - (i) proof of owner's or operator's security in a form allowed under Subsection 41-12a-303.2(2);  
or
    - (ii) proof of exemption from the owner's or operator's security requirements;
  - (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
  - (c) provide this information to state and local law enforcement agencies as requested in accordance with the provisions under Section 41-12a-805.
- (3) The Motor Vehicle Division:
  - (a) shall revoke the registration upon receiving notification under Subsection 41-1a-110(2);
  - (b) 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
  - (c) may direct the designated agent to provide the notices under this Subsection (3).
- (4) Any action by the Motor Vehicle Division to revoke the registration of a motor vehicle 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.
- (5)
  - (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 (5)(a) is guilty of a class B misdemeanor.
- (6) 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.
- (7) 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.
- (8) If a comparison under Section 41-12a-803 shows that a motor vehicle may not be in compliance with motor vehicle 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 that information exists which indicates the possible violation.

Amended by Chapter 138, 2013 General Session

**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

**41-12a-806 Restricted account -- Creation -- Funding -- Interest -- Purposes.**

- (1) There is created within the Transportation Fund a restricted account known as the "Uninsured Motorist Identification Restricted Account."
- (2) The account consists of money generated from the following revenue sources:
  - (a) money received by the state under Section 41-1a-1218, the uninsured motorist identification fee;
  - (b) money received by the state under Section 41-1a-1220, the registration reinstatement fee; and
  - (c) appropriations made to the account by the Legislature.
- (3)
  - (a) The account shall earn interest.
  - (b) All interest earned on account money shall be deposited into the account.
- (4) The Legislature shall appropriate money from the account to:
  - (a) the department to fund the contract with the designated agent;
  - (b) the department to offset the costs to state and local law enforcement agencies of using the information for the purposes authorized under this part;
  - (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii); and
  - (d) the department to reimburse a person for the costs of towing and storing the person's vehicle if:
    - (i) the person's vehicle was impounded in accordance with Subsection 41-1a-1101(2);
    - (ii) the impounded vehicle had owner's or operator's security in effect for the vehicle at the time of the impoundment;
    - (iii) the database indicated that owner's or operator's security was not in effect for the impounded vehicle; and
    - (iv) the department determines that the person's vehicle was wrongfully impounded.
- (5) The Legislature may appropriate not more than \$500,000 annually from the account to the Peace Officer Standards and Training Division, created under Section 53-6-103, for use in law enforcement training, including training on the use of the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program.
- (6)
  - (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the department shall hold a hearing to determine whether a person's vehicle was wrongfully impounded under Subsection 41-1a-1101(2).
  - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing procedures for a person to apply for a reimbursement under Subsection (4)(d).

(c) A person is not eligible for a reimbursement under Subsection (4)(d) unless the person applies for the reimbursement within six months from the date that the motor vehicle was impounded.

Amended by Chapter 109, 2015 General Session