

41-12a-411 Duration of proof of owner's or operator's security.

- (1) Except as otherwise provided under this section, any person required to give proof of owner's or operator's security shall maintain that proof with the department for a period of three years from the date the filing of proof was last requested. Subject to Subsection (2), the department shall:
 - (a) upon request, consent to the immediate cancellation of any bond or certificate of insurance;
 - (b) direct the state treasurer to return to the person entitled to it any money or securities deposited pursuant to this chapter as proof of owner's or operator's security; or
 - (c) waive the requirement of filing proof, if the person on whose behalf the proof was filed dies or becomes permanently incapacitated to operate a motor vehicle or if the person who has given proof surrenders his registration to the department, except that if he applies for a registration within three years from the date proof was originally required, the application shall be refused unless the applicant reestablishes proof of owner's or operator's security and maintains the proof for the remainder of the three-year period.
- (2)
 - (a) The department may not consent to the cancellation of any bond or the return of any money or securities if any action for damages upon a liability covered by that proof is then pending, if:
 - (i) any judgment of liability is unsatisfied; or
 - (ii) the person who filed the bond or deposited the money or securities has, within one year immediately preceding the request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others.
 - (b) An affidavit of the applicant is sufficient evidence in the absence of contrary evidence in the records of the department if the affidavit declares:
 - (i) the nonexistence of liability or accidents;
 - (ii) that the person has been released from all liability; or
 - (iii) that the person has been finally adjudicated not to be liable for the injury or damage.

Amended by Chapter 216, 1999 General Session