

Part 3

Owner's or Operator's Security Requirement

41-12a-301 Definitions -- Requirement of owner's or operator's security -- Exceptions.

- (1) As used in this section:
 - (a) "Highway" means the same as that term is defined in Section 41-1a-102.
 - (b) "Local education agency" or "LEA" means the same as that term is defined in Section 53E-1-102.
 - (c) "Quasi-public road or parking area" means the same as that term is defined in Section 41-6a-214.
- (2) Except as provided in Subsection (5):
 - (a) every resident owner of a motor vehicle shall maintain owner's or operator's security in effect at any time that the motor vehicle is operated on a highway or on a quasi-public road or parking area within the state; and
 - (b) every nonresident owner of a motor vehicle that has been physically present in this state for:
 - (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of owner's or operator's security required in his place of residence, in effect continuously throughout the period the motor vehicle remains within Utah; or
 - (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's or operator's security in effect continuously throughout the period the motor vehicle remains within Utah.
- (3)
 - (a) Except as provided in Subsection (5), the state and all of the state's political subdivisions and their respective departments, institutions, or agencies shall maintain owner's or operator's security in effect continuously for their motor vehicles.
 - (b) Any other state is considered a nonresident owner of its motor vehicles and is subject to Subsection (2)(b).
- (4) The United States, any political subdivision of it, or any of its agencies may maintain owner's or operator's security in effect for their motor vehicles.
- (5) Owner's or operator's security is not required for any of the following:
 - (a) off-highway vehicles registered under Section 41-22-3 when operated either:
 - (i) on a highway designated as open for off-highway vehicle use; or
 - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3);
 - (b) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5);
 - (c) electric assisted bicycles as defined under Section 41-6a-102;
 - (d) motor assisted scooters as defined under Section 41-6a-102;
 - (e) electric personal assistive mobility devices as defined under Section 41-6a-102; or
 - (f) an LEA, for a school bus that the LEA authorizes a state entity or political subdivision of the state to use.
- (6) If an LEA authorizes a state entity or political subdivision of the state to use a school bus:
 - (a) the state entity or political subdivision shall maintain owner's or operator's security during the term of the school bus use in an amount that is greater than or equal to any governmental immunity liability limit;
 - (b) the state entity or the political subdivision shall indemnify and defend the LEA for any claim that arises from the school bus use including a claim directed at the LEA, unless the claim arises from the sole negligence of the LEA; and

- (c) if the school district maintains owner's or operator's security for the school bus during the term of school bus use, the owner's and operator's security maintained by the state entity or political subdivision of the state is primary to the owner's and operator's security maintained by the LEA.

Amended by Chapter 295, 2026 General Session

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

(1) As used in this section:

- (a) "Evidence of owner's or operator's security" means the following information regarding a motor vehicle:
 - (i) a copy of an operator's valid:
 - (A) insurance policy;
 - (B) insurance policy declaration page;
 - (C) binder notice;
 - (D) renewal notice; or
 - (E) card issued by an insurance company as evidence of insurance;
 - (ii) a certificate of insurance issued under Section 41-12a-402;
 - (iii) a certified copy of a surety bond issued under Section 41-12a-405;
 - (iv) a certificate of the state treasurer issued under Section 41-12a-406;
 - (v) a certificate of self-funded coverage issued under Section 41-12a-407;
 - (vi) if the motor vehicle is owned by a rental company, the rental vehicle's rental agreement; or
 - (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.
 - (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.
- (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.
- (6)
 - (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.
 - (b) Subsection (2)(c) does not apply to an individual operating:
 - (i) a government-owned or government-leased motor vehicle; or
 - (ii) an employer-owned or employer-leased motor vehicle and is driving the motor vehicle with the employer's permission.
 - (c)
 - (i) An actor may provide to a peace officer evidence of owner's or operator's security as described in Subsection (2)(c) in:
 - (A) a hard copy format; or
 - (B) an electronic format using a mobile electronic device.
 - (ii)
 - (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.
 - (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.
 - (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).
 - (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.
- (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:
 - (i) evidence of owner's or operator's security;
 - (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

- (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.
 - (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).
 - (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.
- (8)
- (a) Upon receiving notification from a court of a conviction for a violation of this section, the department:
 - (i) shall suspend the actor's driver license; and
 - (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.
 - (b) The proof of owner's or operator's security described in Subsection (8)(a)(ii) shall:
 - (i) be given by any of the ways required under Section 41-12a-401; and
 - (ii) be maintained with the department for a three-year period.
 - (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.
 - (d) The department shall:
 - (i) suspend the actor's driver license for the remainder of the three-year period if the department is notified that security required in Subsection (8)(b) is no longer valid; and
 - (ii) may not reinstate 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 for the remainder of the three-year period.
- (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.

Amended by Chapter 382, 2026 General Session

41-12a-303 Condition to obtaining registration, license plates, or safety inspection.

The owner of a motor vehicle required to maintain owner's security under Section 41-12a-301 may be required to swear or affirm, in a manner specified by the State Tax Commission, or present other reasonable evidence that he has owner's security in effect at the time of registering, obtaining a license plate for, or a safety inspection of the motor vehicle.

Amended by Chapter 251, 2024 General Session

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-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.

Amended by Chapter 382, 2026 General Session

41-12a-304 No-fault tort immunity ineffective.

The owner of a motor vehicle on which owner's or operator's security is required under Section 41-12a-301 who fails to have the security in effect at the time of an accident does not have immunity from tort liability under Subsection 31A-22-309(1). This owner is personally liable for the payment of the benefits provided for under Section 31A-22-307 to persons entitled to receive them under Section 31A-22-308.

Enacted by Chapter 242, 1985 General Session

41-12a-305 Assigned risk plan.

Section 31A-22-310 applies to an assigned risk plan. This continues the assigned risk plan established under Chapter 242, Laws of Utah 1985, with any modifications from Title 31A, Insurance Code.

Amended by Chapter 306, 2007 General Session

41-12a-306 Claims adjustment by persons with owner's or operator's security other than insurance.

- (1) An owner or operator of a motor vehicle with respect to whom owner's or operator's security is maintained by a means other than an insurance policy under Subsection 41-12a-103(9)(a) or (b), shall refer all bodily injury claims against the owner's or operator's security to an independent adjuster licensed under Title 31A, Chapter 26, Insurance Adjusters, or to an attorney.
- (2) Unless otherwise provided by contract, any motor vehicle claim adjustment expense incurred by a person maintaining owner's or operator's security by a means other than an insurance policy under Subsection 41-12a-103(9)(a) or (b), shall be paid by the person who maintains this type of owner's or operator's security.
- (3) Owners and operators of motor vehicles maintaining owner or operator's security by a means other than an insurance policy under Subsection 41-12a-103(9)(a) or (b) are subject to the claim adjustment provisions of Title 31A, Chapter 26, Part 3, Claim Practices, in connection with claims against such persons which arise out of the ownership, maintenance, or use of a motor vehicle.
- (4) In addition to other penalties and remedies available for failure to abide by this section, the department may require any person violating this section to maintain owner's or operator's security only in the manner specified under Subsection 41-12a-103(9)(a).

Amended by Chapter 371, 2008 General Session