

Chapter 12a

Financial Responsibility of Motor Vehicle Owners and Operators Act

Part 1

General Provisions

41-12a-101 Short title.

This chapter may be cited as the "Financial Responsibility of Motor Vehicle Owners and Operators Act."

Enacted by Chapter 242, 1985 General Session

41-12a-102 References to former provisions.

References to the former "Safety Responsibility Act" under former Title 41, Chapter 12, are considered to refer to the corresponding provisions under this chapter.

Enacted by Chapter 242, 1985 General Session

41-12a-103 Definitions.

As used in this chapter:

- (1) "Department" means the Department of Public Safety.
- (2) "Judgment" means any judgment that is final by:
 - (a) expiration without appeal of the time within which an appeal might have been perfected; or
 - (b) final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:
 - (i) arising out of the ownership, maintenance, or use of any motor vehicle, including damages for care and loss of services because of bodily injury to or death of any person, or because of injury to or destruction of property including the loss of use of the property; or
 - (ii) on a settlement agreement.
- (3) "License" or "license certificate" have the same meanings as under Section 53-3-102.
- (4)
 - (a) "Motor vehicle" means every self-propelled vehicle that is designed for use upon a highway, including trailers and semitrailers designed for use with other motorized vehicles.
 - (b) "Motor vehicle" does not include traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails.
- (5) "Nonresident" means every person who is not a resident of Utah.
- (6) "Nonresident's operating privilege" means the privilege conferred upon a person who is not a resident of Utah by the laws of Utah pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in Utah.
- (7) "Operator" means every person who is in actual physical control of a motor vehicle.
- (8) "Owner" means:
 - (a) a person who holds legal title to a motor vehicle;
 - (b) a lessee in possession;
 - (c) a conditional vendee or lessee if a motor vehicle is the subject of a conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession in the conditional vendee or lessee; or

- (d) a mortgagor if a motor vehicle is the subject of a mortgage with the mortgagor entitled to possession.
- (9) "Owner's or operator's security," "owner's security," or "operator's security" means any of the following:
 - (a) an insurance policy or combination of policies conforming to Section 31A-22-302, which is issued by an insurer authorized to do business in Utah;
 - (b) an insurance policy or combination of policies issued or renewed prior to January 1, 2009 that:
 - (i) conformed to the minimum coverage limits of Section 31A-22-304 prior to January 1, 2009; and
 - (ii) conform to the current requirements other than the minimum coverage limits of policies issued in accordance with Section 31A-22-302;
 - (c) a surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to Section 31A-22-302, which names the department as a creditor under the bond for the use of persons entitled to the proceeds of the bond;
 - (d) a deposit with the state treasurer of cash or securities complying with Section 41-12a-406;
 - (e) maintaining a certificate of self-funded coverage under Section 41-12a-407; or
 - (f) a policy conforming to Section 31A-22-302 issued by the Risk Management Fund created in Section 63A-4-201.
- (10) "Registration" means the issuance of the certificates and registration plates issued under the laws of Utah pertaining to the registration of motor vehicles.
- (11) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

Amended by Chapter 371, 2008 General Session

41-12a-104 Rules of construction.

- (1) If a person maintains owner's security under this chapter, it does not limit his liability to the face amount of the owner's security.
- (2) Nothing in this chapter prevents the plaintiff in any action at law from relying for relief upon the other processes provided by law.
- (3) This chapter is cumulative with the requirements of the laws of this state requiring policies of motor vehicle insurance against liability. This subsection does not preclude compliance through a single policy which, by its terms or by an appropriate endorsement, satisfies the requirements of both applicable laws.

Amended by Chapter 204, 1986 General Session

**Part 2
Administration**

41-12a-201 Administration of laws under Title 41, Chapter 12a -- Compliance with Administrative Procedures Act.

- (1) The department shall administer and enforce the provisions of this chapter and may adopt rules as necessary for its administration.

- (2) The department shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

41-12a-202 Access to accident reports.

- (1) Accident reports and supplemental information as required under this chapter are protected and are for the confidential use of the department and other state, local, or federal government agencies and may be disclosed only as provided in Section 41-6a-404.

- (2)
 - (a) Any person entitled to the disclosure of an accident report, as provided in Section 41-6a-404, may obtain a photocopy by paying the department a fee established under Section 63J-1-504.
 - (b) These fees shall be deposited in the General Fund.

Amended by Chapter 183, 2009 General Session

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 its 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 94, 2023 General Session

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

- (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:
 - (i) \$400 for a first offense; and
 - (ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.
 - (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.
- (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:
 - (i) \$400 for a first offense; and
 - (ii) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture.
 - (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).

Amended by Chapter 412, 2015 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 license plates for, or a safety inspection of the motor vehicle.

Amended by Chapter 85, 2001 General Session

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

(1) As used in this section:

- (a) "Division" means the Motor Vehicle Division of the State Tax Commission.
- (b) "Registration materials" means the evidences of motor vehicle registration, including all registration cards, license plates, temporary permits, and nonresident temporary permits.

(2)

- (a)
 - (i) A person operating a motor vehicle shall:
 - (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
 - (B) display it upon demand of a peace officer.
 - (ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating:
 - (A) a government-owned or leased motor vehicle; or
 - (B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.
 - (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.

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

- (i) a copy of the 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; or
 - (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.
- (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.

(d)

- (i) A person may provide to a peace officer evidence of owner's or operator's security described in this Subsection (2) in:
 - (A) a hard copy format; or
 - (B) an electronic format using a mobile electronic device.
 - (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.
 - (iii) 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 inadvertently views content other than the evidence of owner's or operator's security on the mobile electronic device.
- (e)
- (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 Subsection (2)(b)(i)(D) or (E).
 - (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.
- (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.
- (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);
 - (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
 - (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) 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).
 - (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.
- (5)
- (a) A person who is convicted of violating Subsection (2)(a)(i):
 - (i) is guilty of an infraction for a first offense and subject to a fine of not less than \$400; and
 - (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.
 - (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.

Amended by Chapter 30, 2018 General Session
Amended by Chapter 160, 2018 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-303.2 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.

Enacted by Chapter 220, 1994 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

Part 4

Proof of Owner's or Operator's Security

41-12a-401 Means of providing proof of owner's or operator's security.

- (1) Whenever proof of owner's or operator's security is required under this chapter, it may be provided by filing with the department any of the following:
 - (a) a certificate of insurance under Section 41-12a-402 or 41-12a-403;
 - (b) a copy of a surety bond under Section 41-12a-405;
 - (c) a certificate of deposit of money or securities issued by the state treasurer under Section 41-12a-406; or
 - (d) a certificate of self-funded coverage under Section 41-12a-407.
- (2) Whenever the term "proof of financial responsibility" is used in this title, it shall be read as "proof of owner's or operator's security."

Amended by Chapter 203, 1991 General Session

41-12a-402 Insurance certificate as proof of owner's or operator's security -- Resident.

Proof of owner's or operator's security may be furnished by filing with the department the written certificate of any insurer licensed in Utah certifying that there is in effect an insurance policy or combination of policies conforming to Section 31A-22-302 for the benefit of the person required to furnish proof of owner's or operator's security. This certificate shall be furnished to the department in the form of an SR-22 issued by any insurer licensed in Utah. The certificate shall give each policy number and the effective date of each policy. The effective date of the policy may not be later than the effective date of the certificate. The certificate shall designate by explicit description or by appropriate reference all motor vehicles covered, unless the policy is issued to a person who is not the owner of a motor vehicle. Certificates filed under this section continue in force

until cancelled under Section 41-12a-404, or until the requirement for a certificate is waived under Section 41-12a-411.

Enacted by Chapter 242, 1985 General Session

41-12a-403 Insurance certificate as proof of owner's or operator's security -- Nonresident.

- (1) The nonresident owner of a motor vehicle not registered in Utah may give proof of owner's or operator's security by filing with the department the written certificate of an insurer licensed in the state in which the motor vehicle described in the certificate is registered, or if the nonresident does not own a motor vehicle, then in the state in which the insured resides, provided the certificate otherwise conforms to the provisions of this chapter. The department shall accept the certificate if the insurer:
 - (a) executes a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in Utah; and
 - (b) agrees in writing that the policies certified are considered to conform with the provisions required under Sections 31A-22-303 and 31A-22-304.
- (2) If an insurer which is not licensed in Utah but which has qualified to furnish proof of owner's or operator's security under Subsection (1), defaults in any such undertaking or agreement, the department may not thereafter accept as proof of security any certificate of the insurer, so long as the default continues.

Enacted by Chapter 242, 1985 General Session

41-12a-404 Limitation on cancellation of coverage specified in certificate.

When an insurer has certified an insurance policy under Sections 41-12a-402 or 41-12a-403, the policy may not be terminated unless notice of termination is filed with the department no later than 10 days after termination. However, this type of policy which is subsequently procured and certified shall, on the effective date of its certificate, terminate the insurance previously certified.

Enacted by Chapter 242, 1985 General Session

41-12a-405 Surety bond as proof of owner's or operator's security.

- (1) Proof of owner's or operator's security may be furnished by filing with the department a copy of a surety bond, certified by the surety, which conforms to Subsection 41-12a-103(9)(c). The bond may not be canceled except after 10 days' written notice to the department.
- (2) If a judgment rendered against the principal within the coverage of the bond is not satisfied within 60 days after judgment becomes final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the department against the surety executing the bond.

Amended by Chapter 371, 2008 General Session

41-12a-406 State treasurer's certificate as proof of owner's or operator's security.

- (1) Proof of owner's or operator's security may be furnished by delivering to the department the certificate of the state treasurer certifying that the person named in it has deposited in trust with the state treasurer cash in an amount equal to twice the single limit under Subsection 31A-22-304(2) or securities with a fair market value of a similar amount, which securities are legal investments for insurers under Section 31A-18-105. The state treasurer may not accept a

deposit and issue a certificate for it, unless the deposit is accompanied by evidence that there are no unsatisfied liens of any character on the assets deposited.

- (2) The deposit shall be held by the state treasurer in trust to satisfy any execution on a judgment that would be paid under an insurance policy conforming to Section 31A-22-302 had the treasurer issued such a policy.
- (3) Except as provided under Subsection (2), assets deposited with the treasurer under this chapter are exempt from attachment or execution.

Enacted by Chapter 242, 1985 General Session

41-12a-407 Certificate of self-funded coverage as proof of owner's or operator's security.

- (1) The department may, upon the application of any person, issue a certificate of self-funded coverage when it is satisfied that the person has:
 - (a) more than 24 motor vehicles; and
 - (b) deposits, in a form approved by the department, securities in an amount of \$200,000 plus \$100 for each motor vehicle up to and including 1,000 motor vehicles and \$50 for every motor vehicle over 1,000 motor vehicles.
- (2) Persons holding a certificate of self-funded coverage under this chapter shall pay benefits to persons injured from the self-funded person's operation, maintenance, and use of motor vehicles as would an insurer issuing a policy to the self-funded person containing the coverages under Section 31A-22-302.
- (3) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the department may, upon reasonable grounds, cancel the certificate. Failure to pay any judgment up to the limit under Subsection 31A-22-304(2) within 30 days after the judgment is final is a reasonable ground to cancel the certificate.
- (4) Any government entity with self-funded coverage for government-owned motor vehicles under Title 63G, Chapter 7, Governmental Immunity Act of Utah, meets the requirements of this section.

Amended by Chapter 382, 2008 General Session

41-12a-408 Substitution of forms of proof of owner's or operator's security.

The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled to them upon the substitution and acceptance of other adequate proof of owner's or operator's security in a manner allowed under Section 41-12a-401.

Enacted by Chapter 242, 1985 General Session

41-12a-409 Power to require proof of owner's or operator's security in other form.

If, after a hearing, the department determines that a particular proof of owner's or operator's security filed under this chapter no longer fulfills the purposes for which it is required, the department shall require proof of security in another permitted form. Pending the filing of the other proof, the department shall suspend the license and registration or the nonresident's operating privilege.

Enacted by Chapter 242, 1985 General Session

41-12a-410 Employee and family relationships.

Whenever any person required to give proof of owner's or operator's security is an operator in the employ of any owner, or is a member of the immediate family or household of the owner, the department shall accept proof of security by the owner in lieu of proof by the employee, family, or household member. The department shall indicate by restriction on the operator's license the vehicles the operator may operate on the basis of that proof of security.

Enacted by Chapter 242, 1985 General Session

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

Part 5
Post-Accident Security Requirements and Satisfaction of Judgments

41-12a-501 Post-accident security.

- (1)
- (a) Unless excepted under Subsection (2), the operator of a motor vehicle involved in an accident in the state and any owner who has not previously satisfied the requirement of security under Section 41-12a-301 shall file post-accident security with the department for the benefit of

- persons obtaining judgments against the operator on account of bodily injury, death, or property damage caused by the accident.
- (b) The security shall be in an amount determined by the department to be sufficient to satisfy judgments arising from bodily injury, death, or property damage resulting from the accident that may be recovered against the operator, but may not exceed the minimum single limit under Subsection 31A-22-304(2).
 - (c) The department shall determine the amount of post-accident security on the basis of reports and other evidence submitted to the department by interested parties, including officials investigating the accident.
 - (d) In setting the amount of post-accident security, the department may not take into account alleged damages resulting from pain and suffering.
 - (e) Persons who fail to file required post-accident security are subject to the penalties under Subsection (3).
- (2) The operator is exempted from the post-accident requirement under Subsection (1) if any of the following conditions are satisfied:
- (a) No bodily injury, death, or damage to the property of one person in excess of the damage limit specified under Section 41-6a-401 resulted from the accident.
 - (b) No injury, death, or property damage was suffered by any person other than the owner or operator.
 - (c) The owner of the motor vehicle was in compliance with the owner's security requirement under Section 41-12a-301 at the time of the accident and the operator had permission from the owner to operate the motor vehicle.
 - (d) The operator was in compliance with the operator's security requirement under Section 41-12a-301 at the time of the accident.
 - (e) The operator has filed satisfactory evidence with the department that the operator has been released from liability, has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident and is not in default on that agreement.
 - (f) The motor vehicle involved in the accident was operated by a nonresident who had an insurance policy or bond covering the accident, but not fully complying with the policy provision requirements under Section 31A-22-302, if the policy or bond is sufficient to provide full recovery for claimants and the policy or bond is issued by an insurer licensed in the state.
 - (g) The operator at the time of the accident was operating a motor vehicle owned or leased by the operator's employer and driven with the employer's permission.
 - (h) Evidence as to the extent of injuries or property damage caused by the accident has not been submitted by or on behalf of any person affected by the accident within three years following the date of the accident.
 - (i) The motor vehicle was legally parked at the time of the accident.
 - (j) The motor vehicle was an emergency vehicle acting in the line of duty at the time of the accident.
 - (k) The motor vehicle involved in the accident is owned by the United States, this state, or any political subdivision of this state, if the operator was using the vehicle with the permission of the owner.
 - (l) The motor vehicle was legally stopped at a stop sign, traffic signal, or at the direction of a peace officer at the time of the accident.
- (3)

- (a) If an operator who is required to file post-accident security under Subsection (1) does not do so within 10 days after receiving notice of the requirement of security, the department shall suspend the driver's license of the operator and all registrations of the owner, if he is a resident of the state.
- (b) If the operator is not a resident of Utah, the department shall suspend the privilege of operating a motor vehicle within the state and of using, in the state, any owned motor vehicle.
- (c) Notice of these suspensions shall be sent to the owner or operator no less than 15 days prior to the effective date of the suspension.

Amended by Chapter 416, 2017 General Session

41-12a-502 Accident reports.

- (1)
 - (a) Accident reports required under Section 41-6a-402 shall contain information to enable the department to determine whether the owner and operator of the automobile involved in the accident were in compliance with the security requirement of Section 41-12a-301.
 - (b) The information may consist of identifying the policy, bond, or certificate's issuer and number.
 - (c) The department may rely upon the accuracy of the information unless it has reason to believe that it is erroneous.
- (2)
 - (a) The operator of a motor vehicle involved in an accident shall, unless physically incapable, make an accident report.
 - (b) If the operator is physically incapable, the owner shall, if physically capable, make a report within 10 days of learning of the accident.
 - (c) The operator and owner shall furnish any additional relevant information the department reasonably requests.
- (3) Failure to report an accident as required under Section 41-6a-402 shall be punished as set forth under Subsection 41-6a-402(5).

Amended by Chapter 2, 2005 General Session

41-12a-503 Conditions to license, registration, and privilege renewal.

The license, registration, and nonresident's operating privilege suspended under Subsection 41-12a-501(3) remain suspended and may not be renewed nor may that license or registration be issued until one of the following is satisfied:

- (1) The person deposits or has deposited on his behalf the post-accident security required under Subsection 41-12a-501(1).
- (2) One year has elapsed following the effective date of the suspension and evidence satisfactory to the department has been filed that during that period no action for damages arising out of the accident has been commenced.
- (3) Evidence satisfactory to the department has been filed with it of a release from liability, of a final adjudication of nonliability, or of a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident. In the event of default in the payment of any installment under such an agreement, upon receiving notice of the default, the department shall suspend the license and registration or nonresident's operating privilege of the person defaulting. This license, registration, or nonresident's operating privilege may not be restored until either:

- (a) The person deposits and thereafter maintains security as required under Subsection 41-12a-501(1).
- (b) One year has elapsed following the date when the security was required and during that period no action upon the agreement has been instituted in a Utah court.

Enacted by Chapter 242, 1985 General Session

41-12a-504 Payments by insurers as evidence to the department.

- (1) The department may accept evidence of a payment to an operator or owner of a motor vehicle involved in an accident by the insurer of any other person involved in the accident on account of damage to property as effective to relieve the operator from the post-accident security and suspension provisions of this chapter in respect to any claim for property damage by the person on whose behalf the payment has been made. A payment to the insurer of an operator or owner under its right of subrogation is the equivalent of a payment to the operator or owner.
- (2) The department may accept evidence of a payment on account of bodily injury to a person involved in an accident by the insurer of any other person involved in the accident as effective to relieve the person to whom the payment is made from the post-accident security and suspension provisions of this chapter in respect to any claim for bodily injury by the person on whose behalf the payment is made.

Enacted by Chapter 242, 1985 General Session

41-12a-505 Effect upon nonresident of use of state highways.

- (1)
 - (a) The use and operation by a nonresident or his agent, or of a resident who has departed Utah, of a motor vehicle on Utah highways is an appointment of the Division of Corporations and Commercial Code as the true and lawful attorney for service of legal process in any action or proceeding against the person arising from the use or operation of a motor vehicle over Utah highways which use or operation results in damages or loss to person or property.
 - (b) The use or operation referenced in Subsection (1) is an agreement that process shall, in any action against the person in which there is such service, be of the same legal force and validity as if served upon him personally in Utah.
- (2)
 - (a) Service of process under Subsection (1) is made by serving a copy upon the Division of Corporations and Commercial Code or by filing a copy in that office with payment of a reasonable fee.
 - (b) The plaintiff shall, within 10 days after service of process, send notice of the process together with plaintiff's affidavit of compliance with this section to the defendant by registered mail at the defendant's last-known address.
- (3)
 - (a) The court in which the action is pending may order any continuance necessary to afford the defendant reasonable opportunity to defend the action, but not exceeding 90 days from the date of filing the action in court.
 - (b) The reasonable fee paid by the plaintiff to the Division of Corporations and Commercial Code is taxed as costs if the plaintiff prevails.
 - (c) The division shall keep a record of all process served showing the day and hour of service.

Amended by Chapter 127, 2006 General Session

41-12a-506 Application to persons without license or registration.

If the operator or the owner of a motor vehicle involved in an accident in Utah has no license or registration in Utah, or is a nonresident, he may not obtain a license or registration in Utah until he has complied with the requirements of this chapter to the extent that would be necessary if, at the time of the accident, he held a Utah license and registration.

Enacted by Chapter 242, 1985 General Session

41-12a-507 Cooperation with other states.

- (1) When a nonresident's operating privilege is suspended under this chapter, the department shall send a certified copy of the record of the action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of the other state provides for action similar to that provided for in Subsection (2).
- (2) Upon receipt of certification from the official of another state that the operating privilege of a Utah resident has been suspended in the other state for failure to deposit post-accident security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the deposit in Utah, the department shall suspend the license of the resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in the accident. These suspensions continue until the Utah resident furnishes evidence of his compliance with the law of the other state relating to the deposit of post-accident security.

Enacted by Chapter 242, 1985 General Session

41-12a-508 Form and amount of post-accident security.

- (1) The post-accident security required under Subsection 41-12a-501(1) shall be in the form of cash, cashier's check, a national or Utah bank's clean and irrevocable letter of credit, or the assignment of a bank's certificate of deposit. The department may not require a deposit in excess of the minimum single limit under Subsection 31A-22-304(2). The person depositing security shall specify in a manner specified by the department the persons on whose behalf the deposit is made and may, at any time while the deposit is in the custody of the department or state treasurer, in a manner specified by the department amend the specification of the persons on whose behalf the deposit is made. However, a single deposit of security is applicable only on behalf of persons required to furnish security because of the same accident.
- (2) Subject to Subsection (1), the department may alter the amount of post-accident security required if, in its judgment, the amount previously ordered is excessive or inadequate. If the security originally ordered is determined to be excessive, the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative as soon as possible, notwithstanding the provisions of Section 41-12a-509. If the security originally ordered is determined to be inadequate, the depositor may be required to increase the deposit within 20 days or be subject to the penalties under Subsection 41-12a-501(3).

Amended by Chapter 85, 2001 General Session

41-12a-509 Custody and terms of post-accident security deposits.

Post-accident security deposited in compliance with Subsection 41-12a-501(1) shall be placed by the department in the custody of the state treasurer and may be applied only to the payment

of judgments rendered against the persons on whose behalf the deposit was made, for damages arising out of the accident in question in an action at law, begun not later than one year after the date of the accident, or within one year after the date of deposit of any security under Subsection 41-12a-503(3)(a), or to the payment in settlement, agreed to by the depositor, of claims arising out of the accident. The deposit or any balance of it shall be returned to the depositor or his personal representative when evidence satisfactory to the department has been provided that the conditions of either Subsection 41-12a-503(2) or (3) have been satisfied.

Enacted by Chapter 242, 1985 General Session

41-12a-510 Report, findings, action, and security as evidence.

Neither the report required under Section 41-12a-502, nor the department's findings, action, or requirement of post-accident security under this chapter may be referred to in any way, nor be any evidence of negligence or due care of either party, at the trial of any action at law to recover damages.

Enacted by Chapter 242, 1985 General Session

41-12a-511 Failure to satisfy judgment.

- (1) Whenever any person fails within 60 days to satisfy any judgment, it is the duty of the clerk of the court or of the judge of a court which has no clerk in which any such judgment is rendered in Utah, upon the written request of the judgment creditor or his attorney, to forward to the department immediately after the expiration of the 60 days, a certified copy of the judgment.
- (2) The department, upon the receipt of a certified copy of a judgment, shall suspend the license and registration and any nonresident's operating privilege of any person against whom the judgment was rendered, except as provided in Subsection (5) and Section 41-12a-513.
- (3) Except as provided under Subsection (5) and Section 41-12a-513, a license, registration, and nonresident's operating privilege suspended under Subsection (2) remains suspended and may not be renewed nor may that license or registration be thereafter issued in the name of the same person, including a person not previously licensed, unless every such judgment is stayed or satisfied in full within the meaning of Section 41-12a-512, and until the person files proof of owner's or operator's security.
- (4) If the judgment debtor named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the judgment debtor is a resident.
- (5) If the judgment creditor consents in writing, in a form the department prescribes, that the judgment debtor be allowed license and registration or nonresident's operating privilege, they may be allowed by the department for six months from the date of the consent and thereafter until that consent is revoked in writing, notwithstanding the default in the payment of the judgment or of any installments thereof prescribed in Section 41-12a-513, if the judgment debtor furnishes proof of owner's security.

Enacted by Chapter 242, 1985 General Session

41-12a-512 When judgments deemed satisfied.

Judgments arising from a single accident which in the aggregate are in excess of the minimum single limit under Subsection 31A-22-304(2) shall be considered satisfied in full, for the purpose

of this chapter only, when payments equal to that limit have been credited to the judgment. Payments made by the judgment debtor prior to the judgment, but on the claim which arose out of the bodily injury, death, or property damage caused by a motor vehicle accident shall be credited in reduction of the amount necessary for the judgment to be considered satisfied in full for purposes of this chapter. If multiple judgments against a depositor of post-accident security arise out of the same accident, and in the aggregate the several claims exceed the amount deposited, then the deposit shall be distributed pro rata, based upon each judgment creditor's portion of the total judgments arising from the accident. Any punitive or exemplary damages awarded a judgment creditor may not be considered in determining the claimant's pro rata share.

Enacted by Chapter 242, 1985 General Session

41-12a-513 Payment of judgment in installments.

- (1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments. The court, in its discretion and without prejudice to any other legal remedies the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.
- (2) Subject to Subsection (3), the department may not suspend a license, registration, or a nonresident's operating privilege, and it shall restore them if previously suspended for nonpayment of a judgment, if the judgment debtor:
 - (a) obtains orders under Subsection (1) as to all unsatisfied judgments; and
 - (b) provides and maintains proof of owner's or operator's security.
- (3) If the judgment debtor fails to pay any installment as specified by an order under Subsection (1), then upon notice of that default, the department shall suspend the license, registration, or nonresident's operating privilege of the judgment debtor until the judgment is satisfied.

Enacted by Chapter 242, 1985 General Session

Part 6
Miscellaneous Enforcement Provisions

41-12a-601 Collusive transfers prohibited.

If an owner's registration has been suspended under this chapter, the registration may not be transferred nor the motor vehicle registered in any other name until the department is satisfied that the transfer or registration is proposed in good faith and not with the intent or the effect of defeating the purposes of this chapter. This section does not affect the rights of a conditional vendor, chattel mortgagee, or lessor of a motor vehicle registered in the name of another as owner who becomes subject to the provisions of this chapter.

Enacted by Chapter 242, 1985 General Session

41-12a-602 Filing of false report.

Any person who gives information required in a report provided for under Section 41-12a-502, knowing or having reason to believe that the information is false, or who shall forge or, without authority, sign any evidence of proof of owner's or operator's security, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without

authority, or who falsely swears or affirms when obtaining license plates, a safety inspection, or a registration under Section 41-12a-303, is guilty of a class A misdemeanor.

Enacted by Chapter 242, 1985 General Session

41-12a-603 Operating motor vehicle without license or registration.

Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this chapter and who, during the suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by the person to be operated by another upon any highway, except as permitted under this chapter, is guilty of a class C misdemeanor.

Amended by Chapter 241, 1991 General Session

41-12a-604 Suspension of license.

- (1) A person convicted of a class A or a class B misdemeanor under this chapter, in addition to any other penalties which are imposed by law, shall have his operator's license suspended by the department.
- (2) Whenever any person is convicted of an offense for which this chapter mandates the suspension of his license or the registration of his motor vehicle, and that person does not produce proof of owner's or operator's security at the time of his appearance, the court in which the conviction takes place shall require the surrender to it of all pertinent evidences of registration, including all registration cards, license plates, nonresident temporary permits, and other similar materials then held by the person so convicted. This court shall then forward the registration materials to the Motor Vehicle Division of the State Tax Commission and send the Driver License Division a record of the conviction. If the person so convicted secures a judgment of acquittal or reversal of this conviction in any appellate court, the department shall reinstate his driver license or privilege and the Motor Vehicle Division shall reinstate the registration of his motor vehicle immediately upon receipt of a certified copy of the judgment of acquittal or reversal.
- (3) If the owner has surrendered the owner's registration materials to the Motor Vehicle Division, the owner may, unless otherwise prohibited by law, apply for a new registration, by providing proof of owner's security.

Amended by Chapter 216, 1999 General Session

41-12a-605 Other violations.

Any person who violates any provision of this chapter for which no penalty is otherwise provided is guilty of a class C misdemeanor.

Enacted by Chapter 242, 1985 General Session

41-12a-606 Authority of political subdivisions to adopt ordinances.

The provisions of this chapter shall be applied uniformly throughout the state and in all municipalities and other political subdivisions. Local authorities may, however, adopt regulations or ordinances consistent with this chapter and additional traffic regulations which are not in conflict with this chapter.

Enacted by Chapter 242, 1985 General Session

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 \$1,500,000 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 20, 2020 Special Session 5