

Effective 5/12/2015

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

- (1)
 - (a)
 - (i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat shall:
 - (A) have in the person's immediate possession evidence of owner's or operator's security for the motorboat the person is operating; and
 - (B) display it upon demand of a peace officer.
 - (ii) A person operating a government-owned or government-leased motorboat is exempt from the requirements of Subsection (1)(a)(i).
 - (b) Evidence of owner's or operator's security includes any one of the following:
 - (i) the operator's:
 - (A) insurance policy;
 - (B) binder notice;
 - (C) renewal notice; or
 - (D) card issued by an insurance company as evidence of insurance;
 - (ii) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;
 - (iii) a certificate of the state treasurer issued under Section 73-18c-305; or
 - (iv) a certificate of self-funded coverage issued under Section 73-18c-306.
- (2) It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the motorboat the person was operating at the time of the person's citation or arrest.
- (3)
 - (a) A letter from an insurance producer or company verifying that the person had the required liability insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of Subsection (2).
 - (b) The court considering a citation issued under this section shall allow the letter under Subsection (3)(a) and a copy of the citation to be faxed or mailed to the clerk of the court to satisfy Subsection (2).
- (4) A violation of this section is a class C misdemeanor.
- (5) If a person is convicted of a violation of this section and if the person is the owner of a motorboat, the court shall:
 - (a) require the person to surrender the person's registration materials to the court; and
 - (b) forward the registration materials, together with a copy of the conviction, to the division.
- (6)
 - (a) Upon receiving notification from a court of a conviction for a violation of this section, the division shall revoke the person's motorboat registration.
 - (b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

Amended by Chapter 412, 2015 General Session