

1                                   **PUBLIC SAFETY DATABASE AMENDMENTS**

2   2005 GENERAL SESSION

3   STATE OF UTAH

4                                   **Sponsor: Michael G. Waddoups**

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**LONG TITLE**

6 **General Description:**

7                   This bill amends the Uninsured Motorist Identification Database Program.

8 **Highlighted Provisions:**

9                   This bill:

10                   ▶ provides additional criteria for administering the Uninsured Motorist Identification  
11 Database Program by directing the Department of Public Safety to assist in crime  
12 prevention, identification, and prosecution; and

13                   ▶ makes technical corrections.

14 **Monies Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20                   **41-12a-803**, as last amended by Chapter 32, Laws of Utah 2003

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*Be it enacted by the Legislature of the state of Utah:*

22                   Section 1. Section **41-12a-803** is amended to read:

23                   **41-12a-803. Program creation -- Administration -- Selection of designated agent**  
24 **-- Duties -- Rulemaking -- Audits.**

25                   (1) There is created the Uninsured Motorist Identification Database Program to:



28 (a) establish an Uninsured Motorist Identification Database to verify compliance with  
 29 motor vehicle owner's or operator's security requirements under Section 41-12a-301 and other  
 30 provisions under this part;

31 (b) assist in reducing the number of uninsured motor vehicles on the highways of the  
 32 state;

33 (c) assist in increasing compliance with motor vehicle registration and sales and use tax  
 34 laws; ~~and~~

35 (d) assist in protecting a financial institution's bona fide security interest in a motor  
 36 vehicle~~[-]; and~~

37 (e) ~~It~~ **→ without charging any additional fees for access to the database and ←It** under  
 37a the direction of the Department of Public Safety, assist in preventing,  
 38 identifying, and prosecuting \$→ [crime] fraud or underage purchase of alcohol and tobacco←\$ .

39 (2) The program shall be administered by the department with the assistance of the  
 40 designated agent and the Motor Vehicle Division.

41 (3) (a) The department shall contract in accordance with Title 63, Chapter 56, Utah  
 42 Procurement Code, with a third party to establish and maintain an Uninsured Motorist  
 43 Identification Database for the purposes established under this part.

44 (b) The contract may not obligate the department to pay the third party more monies  
 45 than are available in the account.

46 (4) (a) The third party under contract under this section is the department's designated  
 47 agent, and shall develop and maintain a computer database from the information provided by:

48 (i) insurers under Section 31A-22-315;

49 (ii) the division under Subsection (6); and

50 (iii) the Motor Vehicle Division under Section 41-1a-120.

51 (b) (i) The database shall be developed and maintained in accordance with guidelines  
 52 established by the department so that state and local law enforcement agencies and financial  
 53 institutions as defined in Section 7-1-103 can efficiently access the records of the database,  
 54 including reports useful for the implementation of the provisions of this part.

55 (ii) (A) The reports shall be in a form and contain information approved by the  
 56 department.

57 (B) The reports may be made available through the Internet or through other electronic  
 58 medium, if the department determines that sufficient security is provided to ensure compliance

59 with Section 41-12a-805 regarding limitations on disclosure of information in the database.

60 (5) With information provided by the department and the Motor Vehicle Division, the  
61 designated agent shall, at least monthly:

62 (a) update the database with the motor vehicle insurance information provided by the  
63 insurers in accordance with Section 31A-22-315; and

64 (b) compare all current motor vehicle registrations against the database.

65 (6) The division shall provide the designated agent with the name, date of birth,  
66 address, and driver license number of all persons on the driver license database.

67 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
68 department shall make rules and develop procedures in cooperation with the Motor Vehicle  
69 Division to use the database for the purpose of administering and enforcing this part.

70 (8) (a) The designated agent shall archive computer data files at least semi-annually for  
71 auditing purposes.

72 (b) The internal audit unit of the tax commission provided under Section 59-1-206  
73 shall audit the program at least annually. The audit shall include verification of:

74 (i) billings made by the designated agent; and

75 (ii) the accuracy of the designated agent's matching of vehicle registration with  
76 insurance data.

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**Legislative Review Note**  
**as of 1-18-05 12:50 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0075**

**Public Safety Database Amendments**

*03-Feb-05*

*10:57 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

As allowed under the provisions of this bill, any fiscal impact, including financial benefit, will be dependant on the actions taken by the Department of Public Safety.

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**Office of the Legislative Fiscal Analyst**