1	TEST DRIVING VEHICLES
2	2011 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Fred C. Cox
5	Senate Sponsor:
6 7	LONG TITLE
8	General Description:
9	This bill modifies the Insurance Code and Motor Vehicle Business Regulation Act by
10	amending provisions relating to motor vehicle liability coverage of a motor vehicle
11	owned by a motor vehicle dealer.
12	Highlighted Provisions:
13	This bill:
14	<ul> <li>provides that before a motor vehicle dealer allows a permissive user other than an</li> </ul>
15	officer, agent, or employee of a motor vehicle business to operate a motor vehicle
16	owned by the dealer:
17	• the dealer shall provide written notification to the permissive user that the
18	liability insurance coverage of the permissive user shall be the primary
19	coverage $\hat{H} \rightarrow [;] \leftarrow \hat{H}$ and
20	$\hat{\mathbf{H}} \rightarrow [+] \leftarrow \hat{\mathbf{H}}$ the permissive user shall sign the written notification; $\hat{\mathbf{H}} \rightarrow \underline{\mathbf{or}}$
20a	<ul> <li>the dealer shall prominently display a sign on the premises of the motor vehicle</li> </ul>
20b	business that notifies the permissive user that the liability insurance coverage of the permissive
20c	<u>user shall be the primary coverage</u> ; ←Ĥ
21 21a	• provides that if a motor vehicle business fails to provide the $\hat{H} \rightarrow [written] \leftarrow \hat{H}$ notification:
21a 22	<ul> <li>the liability insurance coverage of the motor vehicle business shall be primary</li> </ul>
22	coverage; and
24	• the liability insurance coverage of the permissive user of the motor vehicle
25	owned by the motor vehicle business shall be secondary to the liability
26	insurance coverage of the motor vehicle business;
27	• provides that $\hat{\mathbf{H}} \rightarrow \underline{\mathbf{under certain circumstances}} \leftarrow \hat{\mathbf{H}}$ a motor vehicle dealer is required
27a	to have on file a signed, written

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183	(1) Nothing in this section is intended to limit any claim under any other portion of an
184	applicable insurance policy.
185	(9) An at-fault driver or an insurer issuing a policy of insurance under this part that is
186	covering an at-fault driver may not reduce compensation to an injured party based on the
187	injured party not being covered by a policy of insurance that provides personal injury
188	protection coverage under Sections 31A-22-306 through 31A-22-309.
189	Section 2. Section <b>41-3-901</b> is enacted to read:
190	<u>41-3-901.</u> Motor vehicle liability coverage for permissive user of motor vehicle.
191	(1) Before a motor vehicle dealer allows a permissive user other than an officer, agent,
192	or employee of a motor vehicle business to operate a motor vehicle owned by the dealer $\hat{H} \rightarrow [:]$ , the
192a	dealer shall provide notification to the permissive user that the liability insurance coverage of
192b	the permissive user shall be the primary coverage as required by Subsection 31A-22-303(2)(b).
192c	(2) Notification under Subsection (1) shall be provided as follows: $\leftarrow \hat{H}$
193	(a) $\hat{\mathbf{H}} \rightarrow (\mathbf{i}) \leftarrow \hat{\mathbf{H}}$ the dealer shall provide written notification to the permissive user that the
193a	liability
194	insurance coverage of the permissive user shall be the primary coverage as required by
195	Subsection 31A-22-303(2)(b); and
196	$\hat{\mathbf{H}} \rightarrow [\underline{(\mathbf{b})}]$ (ii) $\leftarrow \hat{\mathbf{H}}$ the permissive user shall sign the written notification provided by the
196a	dealer under
197	Subsection $\hat{H} \rightarrow [\underline{(1)(a)}] \underline{(2)(a)(i)} [\underline{:}]; or$
197a	(b) the dealer shall prominently display a sign on the premises of the motor vehicle
197b	business that notifies the permissive user that the liability insurance coverage of the permissive
197c	user shall be the primary coverage as required by Subsection 31A-22-303(2)(b).
198	[ <del>(2) The motor vehicle</del> ] (3) If the dealer provides notification in the manner
198a	<u>described under Subsection (2)(a), the</u> $\leftarrow \hat{H}$ <u>dealer shall have on file a signed, written notification</u>
198b	<u>under</u>
199	Subsection $\hat{\mathbf{H}} \rightarrow [(\underline{\mathbf{H}})]$ (2)(a) $\leftarrow \hat{\mathbf{H}}$ at any time a permissive user is operating a motor vehicle owned
199a	by the dealer.
200	(3) A person who violates this section is not subject to the criminal penalties described
201	in Section 41-3-701 $\hat{\mathbf{H}} \rightarrow \underline{\mathbf{or}}$ any other criminal penalties $\leftarrow \hat{\mathbf{H}}$ .

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