

SCHOOL BUS OWNER REQUIREMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill amends a provision related to exceptions for an owner's or operator's security requirement.

Highlighted Provisions:

This bill:

- ▶ amends an exception to an owner's and operator's security requirement to include organizations in a local education agency (LEA); and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-12a-301, as last amended by Laws of Utah 2016, Chapter 356

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

Section 1. Section **41-12a-301** is amended to read:

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

Exceptions.



28 (1) As used in this section:

29 (a) [~~"highway" has the same meaning as provided~~] "Highway" means the same as that
30 term is defined in Section 41-1a-102[~~; and~~].

31 (b) "Local education agency" or "LEA" means the same as that term is defined in
32 Section 53E-1-102.

33 [~~(b) (c) ["quasi-public road or parking area" has the same meaning as provided]~~
34 "Quasi-public road or parking area" means the same as that term is defined in Section
35 41-6a-214.

36 (2) Except as provided in Subsection (5):

37 (a) every resident owner of a motor vehicle shall maintain owner's or operator's
38 security in effect at any time that the motor vehicle is operated on a highway or on a
39 quasi-public road or parking area within the state; and

40 (b) every nonresident owner of a motor vehicle that has been physically present in this
41 state for:

42 (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount
43 of owner's or operator's security required in his place of residence, in effect continuously
44 throughout the period the motor vehicle remains within Utah; or

45 (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's
46 or operator's security in effect continuously throughout the period the motor vehicle remains
47 within Utah.

48 (3) (a) Except as provided in Subsection (5), the state and all of its political
49 subdivisions and their respective departments, institutions, or agencies shall maintain owner's
50 or operator's security in effect continuously for their motor vehicles.

51 (b) Any other state is considered a nonresident owner of its motor vehicles and is
52 subject to Subsection (2)(b).

53 (4) The United States, any political subdivision of it, or any of its agencies may
54 maintain owner's or operator's security in effect for their motor vehicles.

55 (5) Owner's or operator's security is not required for any of the following:

56 (a) off-highway vehicles registered under Section 41-22-3 when operated either:

57 (i) on a highway designated as open for off-highway vehicle use; or

58 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3);

- 59 (b) off-highway implements of husbandry operated in the manner prescribed by
60 Subsections 41-22-5.5(3) through (5);
- 61 (c) electric assisted bicycles as defined under Section 41-6a-102;
- 62 (d) motor assisted scooters as defined under Section 41-6a-102;
- 63 (e) electric personal assistive mobility devices as defined under Section 41-6a-102; or
- 64 (f) ~~[a school district]~~ an LEA, for a school bus that the ~~[school district]~~ LEA authorizes
65 a state entity or political subdivision of the state to use.
- 66 (6) If ~~[a school district]~~ an LEA authorizes a state entity or political subdivision of the
67 state to use a school bus:
- 68 (a) the state entity or political subdivision shall maintain owner's or operator's security
69 during the term of the school bus use in an amount that is greater than or equal to any
70 governmental immunity liability limit;
- 71 (b) the state entity or the political subdivision shall indemnify and defend the ~~[school~~
72 ~~district]~~ LEA for any claim that arises from the school bus use including a claim directed at the
73 ~~[school district]~~ LEA, unless the claim arises from the sole negligence of the ~~[school district]~~
74 LEA; and
- 75 (c) if the school district maintains owner's or operator's security for the school bus
76 during the term of school bus use, the owner's and operator's security maintained by the state
77 entity or political subdivision of the state is primary to the owner's and operator's security
78 maintained by the ~~[school district]~~ LEA.