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REQUIREMENTS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Curtis S. Bramble

Senator Curtis S. Bramble proposes the following substitute bill:

purposes of motor vehicle insurance provisions, including required coverage; and



26	makes technical changes.
27	Money Appropriated in this Bill:
28	None
29	Other Special Clauses:
30	This bill provides a special effective date.
31	Utah Code Sections Affected:
32	AMENDS:
33	31A-22-301, as last amended by Laws of Utah 2021, Chapter 245
34	31A-22-315, as last amended by Laws of Utah 2008, Chapter 382
35	41-1a-1218, as last amended by Laws of Utah 2023, Chapter 33
36	41-1a-1220, as last amended by Laws of Utah 2008, Chapter 322
37	41-6a-102, as last amended by Laws of Utah 2023, Chapters 219, 532
38	41-12a-103, as last amended by Laws of Utah 2008, Chapter 371
39	41-12a-303.2, as last amended by Laws of Utah 2018, Chapters 30, 160
40	41-12a-802, as last amended by Laws of Utah 1998, Chapter 36
41	41-12a-803, as last amended by Laws of Utah 2012, Chapters 243, 347 and 347
42	41-12a-804, as last amended by Laws of Utah 2013, Chapter 138
43	41-12a-805, as last amended by Laws of Utah 2012, Chapter 243
44	41-22-3, as last amended by Laws of Utah 2023, Chapters 11, 64
45	73-18-13.5, as last amended by Laws of Utah 2022, Chapter 68
46	73-18c-304, as last amended by Laws of Utah 2015, Chapter 412
47	
48	Be it enacted by the Legislature of the state of Utah:
49	Section 1. Section 31A-22-301 is amended to read:
50	31A-22-301. Definitions.
51	As used in this part:
52	(1) (a) "Motor vehicle" means the same as that term is defined in Section 41-6a-102.
53	(b) For purposes of this chapter, "motor vehicle" includes a street-legal all-terrain
54	vehicle.
55	(2) "Motor vehicle business" means a motor vehicle sales agency, repair shop, service
56	station, storage garage, or public parking place.

31	(3) Motor venicle hability policy means a policy which satisfies the requirements of
58	Sections 31A-22-303 and 31A-22-304.
59	(4) "Motorboat" means the same as that term is defined in Section 73-18c-102.
60	[(4)] (5) "Occupying" means being in or on a motor vehicle as a passenger or operator,
61	or being engaged in the immediate acts of entering, boarding, or alighting from a motor
62	vehicle.
63	[(5)] (6) "Operator" means the same as that term is defined in Subsection
64	41-12a-103(7).
65	[(6)] <u>(7)</u> "Owner" means the same as that term is defined in Subsection 41-12a-103(8).
66	[(7)] (8) "Pedestrian" means any natural person not occupying a motor vehicle.
67	(9) "Street-legal all-terrain vehicle" means the same as that term is define in Section
68	<u>41-6a-102.</u>
69	Section 2. Section 31A-22-315 is amended to read:
70	31A-22-315. Motor vehicle insurance reporting Penalty.
71	(1) (a) As used in this section, "commercial motor vehicle insurance coverage" means
72	an insurance policy that:
73	(i) includes motor vehicle liability coverage, uninsured motorist coverage,
74	underinsured motorist coverage, or personal injury coverage; and
75	(ii) is defined by the department.
76	(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
77	department shall make rules defining commercial motor vehicle insurance coverage.
78	(2) (a) Except as provided in Subsections (2)(b) and (c), each insurer that issues a
79	policy that includes motor vehicle liability coverage, uninsured motorist coverage,
80	underinsured motorist coverage, or personal injury coverage under this part shall before the
81	seventh and twenty-first day of each calendar month provide to the Department of Public
82	Safety's designated agent selected in accordance with Title 41, Chapter 12a, Part 8, Uninsured
83	Motorist Identification Database Program, a record of each motor vehicle or motorboat
84	insurance policy in effect for vehicles registered or garaged in Utah as of the previous
85	submission that was issued by the insurer.
86	(b) Each insurer that issues commercial motor vehicle insurance coverage shall before
87	the seventh day of each calendar month provide to the Department of Public Safety's

- designated agent selected in accordance with Title 41, Chapter 12a, Part 8, Uninsured Motorist Identification Database Program, a record of each commercial motor vehicle insurance policy in effect for vehicles registered or garaged in Utah as of the previous month that was issued by the insurer.
- (c) An insurer that issues a policy that includes motor vehicle liability coverage, uninsured motorist coverage, underinsured motorist coverage, or personal injury coverage under this part is not required to provide a record of a motor vehicle insurance policy in effect for a vehicle to the Department of Public Safety's designated agent under Subsection (2)(a) or (b) if the policy covers a vehicle that is registered under Section 41-1a-221, 41-1a-222, or 41-1a-301.
 - (d) This Subsection (2) does not preclude more frequent reporting.
 - (3) (a) A record provided by an insurer under Subsection (2)(a) shall include:
- (i) the name, date of birth, and driver license number, if the insured provides a driver license number to the insurer, of each insured owner or operator, and the address of the named insured;
 - (ii) the make, year, and vehicle identification number of each insured vehicle; and
 - (iii) the policy number, effective date, and expiration date of each policy.
 - (b) A record provided by an insurer under Subsection (2)(b) shall include:
 - (i) the named insured;
 - (ii) the policy number, effective date, and expiration date of each policy; and
 - (iii) the following information, if available:
- (A) the name, date of birth, and driver license number of each insured owner or operator, and the address of the named insured; and
 - (B) the make, year, and vehicle identification number of each insured vehicle.
- (4) Each insurer shall provide this information by an electronic means or by another form the Department of Public Safety's designated agent agrees to accept.
- (5) (a) The commissioner may, following procedures set forth in Title 63G, Chapter 4, Administrative Procedures Act, assess a fine against an insurer of up to \$250 for each day the insurer fails to comply with this section.
- (b) If an insurer shows that the failure to comply with this section was inadvertent, accidental, or the result of excusable neglect, the commissioner shall excuse the fine.

119	Section 3. Section 41-1a-1218 is amended to read:
120	41-1a-1218. Uninsured motorist identification fee for tracking motor vehicle
121	insurance Exemption Deposit.
122	(1) (a) Except as provided in Subsections (1)(b) and (c), at the time application is made
123	for registration or renewal of registration [of a motor vehicle] under this chapter, the applicant
124	shall pay an uninsured motorist identification fee of:
125	(i) \$1 on each motor vehicle[-] or street-legal all-terrain vehicle; or
126	(ii) \$2 on each motorboat.
127	(b) Except as provided in Subsection (1)(c), at the time application is made for
128	registration or renewal of registration of a motor vehicle for a six-month registration period
129	under Section 41-1a-215.5, the applicant shall pay an uninsured motorist identification fee of
130	75 cents on each motor vehicle.
131	(c) The following are exempt from the fee required under Subsection (1)(a) or (b):
132	(i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or
133	Section 41-1a-301;
134	(ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209
135	or Subsection 41-1a-419(3); and
136	(iii) a motor vehicle with a Purple Heart special group license plate issued:
137	(A) on or before December 31, 2023; or
138	(B) in accordance with Part 16, Sponsored Special Group License Plates.
139	(2) The revenue generated under this section shall be deposited in the Uninsured
140	Motorist Identification Restricted Account created in Section 41-12a-806.
141	Section 4. Section 41-1a-1220 is amended to read:
142	41-1a-1220. Registration reinstatement fee.
143	(1) (a) [At] Except as provided in Subsection (1)(b), at the time application is made for
144	reinstatement or renewal of registration of a motor vehicle after a revocation of the registration
145	under Subsection 41-1a-110(2), the applicant shall pay a registration reinstatement fee of \$100.
146	(b) The registration reinstatement fee does not apply to a motorboat.
147	(2) The fee imposed under Subsection (1):
148	(a) is in addition to any other fee imposed under this chapter; and
149	(b) shall be deposited in the Uninsured Motorist Identification Restricted Account

150	created in Section 41-12a-806.
151	(3) The division shall waive the registration reinstatement fee imposed under this
152	section if:
153	(a) the registration was revoked under Subsection 41-1a-110(2)(a)(ii); and
154	(b) a person had owner's or operator's security in effect for the vehicle at the time of the
155	alleged violation or on the day following the time limit provided after the second notice under
156	Subsection 41-12a-804(2).
157	Section 5. Section 41-6a-102 is amended to read:
158	41-6a-102. Definitions.
159	As used in this chapter:
160	(1) "Alley" means a street or highway intended to provide access to the rear or side of
161	lots or buildings in urban districts and not intended for through vehicular traffic.
162	(2) "All-terrain type I vehicle" means the same as that term is defined in Section
163	41-22-2.
164	(3) "All-terrain type II vehicle" means the same as that term is defined in Section
165	<u>41-22-2.</u>
166	(4) "All-terrain type III vehicle" means the same as that term is defined in Section
167	<u>41-22-2.</u>
168	[(3)] <u>(5)</u> "Authorized emergency vehicle" includes:
169	(a) fire department vehicles;
170	(b) police vehicles;
171	(c) ambulances; and
172	(d) other publicly or privately owned vehicles as designated by the commissioner of the
173	Department of Public Safety.
174	[4) [4] (6) "Autocycle" means the same as that term is defined in Section 53-3-102.
175	[(5)] (7) (a) "Bicycle" means a wheeled vehicle:
176	(i) propelled by human power by feet or hands acting upon pedals or cranks;
177	(ii) with a seat or saddle designed for the use of the operator;
178	(iii) designed to be operated on the ground; and
179	(iv) whose wheels are not less than 14 inches in diameter.
180	(b) "Bicycle" includes an electric assisted bicycle.

181	(c) "Bicycle" does not include scooters and similar devices.
182	$\left[\frac{(6)}{(8)}\right]$ (a) "Bus" means a motor vehicle:
183	(i) designed for carrying more than 15 passengers and used for the transportation of
184	persons; or
185	(ii) designed and used for the transportation of persons for compensation.
186	(b) "Bus" does not include a taxicab.
187	[(7)] <u>(9)</u> (a) "Circular intersection" means an intersection that has an island, generally
188	circular in design, located in the center of the intersection where traffic passes to the right of
189	the island.
190	(b) "Circular intersection" includes:
191	(i) roundabouts;
192	(ii) rotaries; and
193	(iii) traffic circles.
194	[(8)] (10) "Class 1 electric assisted bicycle" means an electric assisted bicycle
195	described in Subsection $[\frac{(18)(d)(i)}{(20)(d)(i)}]$.
196	[(9)] (11) "Class 2 electric assisted bicycle" means an electric assisted bicycle
197	described in Subsection [(18)(d)(ii)] (20)(d)(ii).
198	[(10)] (12) "Class 3 electric assisted bicycle" means an electric assisted bicycle
199	described in Subsection [(18)(d)(iii)] (20)(d)(iii).
200	[(11)] (13) "Commissioner" means the commissioner of the Department of Public
201	Safety.
202	[(12)] (14) "Controlled-access highway" means a highway, street, or roadway:
203	(a) designed primarily for through traffic; and
204	(b) to or from which owners or occupants of abutting lands and other persons have no
205	legal right of access, except at points as determined by the highway authority having
206	jurisdiction over the highway, street, or roadway.
207	[(13)] <u>(15)</u> "Crosswalk" means:
208	(a) that part of a roadway at an intersection included within the connections of the
209	lateral lines of the sidewalks on opposite sides of the highway measured from:
210	(i) (A) the curbs; or
211	(B) in the absence of curbs, from the edges of the traversable roadway; and

212	(11) In the absence of a sidewalk on one side of the roadway, that part of a roadway
213	included within the extension of the lateral lines of the existing sidewalk at right angles to the
214	centerline; or
215	(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
216	pedestrian crossing by lines or other markings on the surface.
217	[(14)] (16) "Department" means the Department of Public Safety.
218	[(15)] (17) "Direct supervision" means oversight at a distance within which:
219	(a) visual contact is maintained; and
220	(b) advice and assistance can be given and received.
221	[(16)] (18) "Divided highway" means a highway divided into two or more roadways
222	by:
223	(a) an unpaved intervening space;
224	(b) a physical barrier; or
225	(c) a clearly indicated dividing section constructed to impede vehicular traffic.
226	$[\frac{(17)}{(19)}]$ "Echelon formation" means the operation of two or more snowplows
227	arranged side-by-side or diagonally across multiple lanes of traffic of a multi-lane highway to
228	clear snow from two or more lanes at once.
229	[(18)] (20) "Electric assisted bicycle" means a bicycle with an electric motor that:
230	(a) has a power output of not more than 750 watts;
231	(b) has fully operable pedals on permanently affixed cranks;
232	(c) is fully operable as a bicycle without the use of the electric motor; and
233	(d) is one of the following:
234	(i) an electric assisted bicycle equipped with a motor or electronics that:
235	(A) provides assistance only when the rider is pedaling; and
236	(B) ceases to provide assistance when the bicycle reaches the speed of 20 miles per
237	hour;
238	(ii) an electric assisted bicycle equipped with a motor or electronics that:
239	(A) may be used exclusively to propel the bicycle; and
240	(B) is not capable of providing assistance when the bicycle reaches the speed of 20
241	miles per hour; or
242	(iii) an electric assisted bicycle equipped with a motor or electronics that:

243	(A) provides assistance only when the rider is pedaling;
244	(B) ceases to provide assistance when the bicycle reaches the speed of 28 miles per
245	hour; and
246	(C) is equipped with a speedometer.
247	[(19)] (21) (a) "Electric personal assistive mobility device" means a self-balancing
248	device with:
249	(i) two nontandem wheels in contact with the ground;
250	(ii) a system capable of steering and stopping the unit under typical operating
251	conditions;
252	(iii) an electric propulsion system with average power of one horsepower or 750 watts;
253	(iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
254	(v) a deck design for a person to stand while operating the device.
255	(b) "Electric personal assistive mobility device" does not include a wheelchair.
256	[(20)] (22) "Explosives" means a chemical compound or mechanical mixture
257	commonly used or intended for the purpose of producing an explosion and that contains any
258	oxidizing and combustive units or other ingredients in proportions, quantities, or packing so
259	that an ignition by fire, friction, concussion, percussion, or detonator of any part of the
260	compound or mixture may cause a sudden generation of highly heated gases, and the resultant
261	gaseous pressures are capable of producing destructive effects on contiguous objects or of
262	causing death or serious bodily injury.
263	[(21)] (23) "Farm tractor" means a motor vehicle designed and used primarily as a farm
264	implement, for drawing plows, mowing machines, and other implements of husbandry.
265	[(22)] (24) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or
266	less, as determined by a Tagliabue or equivalent closed-cup test device.
267	[(23)] [25] "Freeway" means a controlled-access highway that is part of the interstate
268	system as defined in Section 72-1-102.
269	$\left[\frac{(24)}{(26)}\right]$ (a) "Golf cart" means a device that:
270	(i) is designed for transportation by players on a golf course;
271	(ii) has not less than three wheels in contact with the ground;
272	(iii) has an unladen weight of less than 1,800 pounds;
273	(iv) is designed to operate at low speeds; and

274 (v) is designed to carry not more than six persons including the driver. 275 (b) "Golf cart" does not include: 276 (i) a low-speed vehicle or an off-highway vehicle; 277 (ii) a motorized wheelchair; 278 (iii) an electric personal assistive mobility device; 279 (iv) an electric assisted bicycle; 280 (v) a motor assisted scooter; 281 (vi) a personal delivery device, as defined in Section 41-6a-1119; or 282 (vii) a mobile carrier, as defined in Section 41-6a-1120. 283 $\left[\frac{(25)}{(27)}\right]$ "Gore area" means the area delineated by two solid white lines that is 284 between a continuing lane of a through roadway and a lane used to enter or exit the continuing 285 lane including similar areas between merging or splitting highways. 286 [(26)] (28) "Gross weight" means the weight of a vehicle without a load plus the 287 weight of any load on the vehicle. 288 [(27)] (29) "Hi-rail vehicle" means a roadway maintenance vehicle that is: 289 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and 290 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a 291 highway or railroad tracks. 292 [(28)] (30) "Highway" means the entire width between property lines of every way or 293 place of any nature when any part of it is open to the use of the public as a matter of right for 294 vehicular travel. 295 [(29)] (31) "Highway authority" means the same as that term is defined in Section 72-1-102. 296 297 [(30)] (32) (a) "Intersection" means the area embraced within the prolongation or 298 connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways 299 of two or more highways that join one another. 300 (b) Where a highway includes two roadways 30 feet or more apart: 301 (i) every crossing of each roadway of the divided highway by an intersecting highway 302 is a separate intersection; and 303 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then 304 every crossing of two roadways of the highways is a separate intersection.

503	(c) Intersection does not include the junction of an arrey with a street of highway.
306	[(31)] (33) "Island" means an area between traffic lanes or at an intersection for control
307	of vehicle movements or for pedestrian refuge designated by:
308	(a) pavement markings, which may include an area designated by two solid yellow
309	lines surrounding the perimeter of the area;
310	(b) channelizing devices;
311	(c) curbs;
312	(d) pavement edges; or
313	(e) other devices.
314	[(32)] (34) "Lane filtering" means, when operating a motorcycle other than an
315	autocycle, the act of overtaking and passing another vehicle that is stopped in the same
316	direction of travel in the same lane.
317	[(33)] (35) "Law enforcement agency" means the same as that term is as defined in
318	Section 53-1-102.
319	[(34)] (36) "Limited access highway" means a highway:
320	(a) that is designated specifically for through traffic; and
321	(b) over, from, or to which neither owners nor occupants of abutting lands nor other
322	persons have any right or easement, or have only a limited right or easement of access, light,
323	air, or view.
324	[(35)] (37) "Local highway authority" means the legislative, executive, or governing
325	body of a county, municipal, or other local board or body having authority to enact laws
326	relating to traffic under the constitution and laws of the state.
327	[(36)] (38) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:
328	(i) is designed to be operated at speeds of not more than 25 miles per hour; and
329	(ii) has a capacity of not more than six passengers, including a conventional driver or
330	fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.
331	(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
332	[(37)] (39) "Metal tire" means a tire, the surface of which in contact with the highway
333	is wholly or partly of metal or other hard nonresilient material.
334	[(38)] (40) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
335	seat or saddle that is less than 24 inches from the ground as measured on a level surface with

336	properly inflated tires.
337	(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
338	(c) "Mini-motorcycle" does not include a motorcycle that is:
339	(i) designed for off-highway use; and
340	(ii) registered as an off-highway vehicle under Section 41-22-3.
341	[(39)] <u>(41)</u> "Mobile home" means:
342	(a) a trailer or semitrailer that is:
343	(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
344	place either permanently or temporarily; and
345	(ii) equipped for use as a conveyance on streets and highways; or
346	(b) a trailer or a semitrailer whose chassis and exterior shell is designed and
347	constructed for use as a mobile home, as defined in Subsection [(39)(a)] (41)(a), but that is
348	instead used permanently or temporarily for:
349	(i) the advertising, sale, display, or promotion of merchandise or services; or
350	(ii) any other commercial purpose except the transportation of property for hire or the
351	transportation of property for distribution by a private carrier.
352	[(40)] <u>(42)</u> "Mobility disability" means the inability of a person to use one or more of
353	the person's extremities or difficulty with motor skills, that may include limitations with
354	walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other
355	condition.
356	[(41)] (43) (a) "Moped" means a motor-driven cycle having:
357	(i) pedals to permit propulsion by human power; and
358	(ii) a motor that:
359	(A) produces not more than two brake horsepower; and
360	(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
361	level ground.
362	(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
363	centimeters and the moped shall have a power drive system that functions directly or
364	automatically without clutching or shifting by the operator after the drive system is engaged.
365	(c) "Moped" does not include:
366	(i) an electric assisted bicycle; or

367	(ii) a motor assisted scooter.
368	[42) (a) "Motor assisted scooter" means a self-propelled device with:
369	(i) at least two wheels in contact with the ground;
370	(ii) a braking system capable of stopping the unit under typical operating conditions;
371	(iii) an electric motor not exceeding 2,000 watts;
372	(iv) either:
373	(A) handlebars and a deck design for a person to stand while operating the device; or
374	(B) handlebars and a seat designed for a person to sit, straddle, or stand while operating
375	the device;
376	(v) a design for the ability to be propelled by human power alone; and
377	(vi) a maximum speed of 20 miles per hour on a paved level surface.
378	(b) "Motor assisted scooter" does not include:
379	(i) an electric assisted bicycle; or
380	(ii) a motor-driven cycle.
381	[(43)] (45) (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that
382	is propelled by electric power obtained from overhead trolley wires, but not operated upon
383	rails.
384	(b) "Motor vehicle" does not include:
385	(i) vehicles moved solely by human power;
386	(ii) motorized wheelchairs;
387	(iii) an electric personal assistive mobility device;
388	(iv) an electric assisted bicycle;
389	(v) a motor assisted scooter;
390	(vi) a personal delivery device, as defined in Section 41-6a-1119; or
391	(vii) a mobile carrier, as defined in Section 41-6a-1120.
392	[(44)] <u>(46)</u> "Motorcycle" means:
393	(a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider
394	and designed to travel with not more than three wheels in contact with the ground; or
395	(b) an autocycle.
396	[(45)] (47) (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized
397	bicycle having:

390	(1) an engine with less than 130 cubic centimeters displacement, or
399	(ii) a motor that produces not more than five horsepower.
400	(b) "Motor-driven cycle" does not include:
401	(i) an electric personal assistive mobility device;
402	(ii) a motor assisted scooter; or
403	(iii) an electric assisted bicycle.
404	[(46)] (48) "Off-highway implement of husbandry" means the same as that term is
405	defined under Section 41-22-2.
406	[(47)] (49) "Off-highway vehicle" means the same as that term is defined under Section
407	41-22-2.
408	$[\frac{(48)}{(50)}]$ "Operate" means the same as that term is defined in Section 41-1a-102.
409	[(49)] <u>(51)</u> "Operator" means:
410	(a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
411	(b) an automated driving system, as defined in Section 41-26-102.1, that operates a
412	vehicle.
413	[(50)] (52) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling
414	stock, or other device operated, alone or coupled with another device, on stationary rails.
415	[(51)] (53) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
416	is occupied or not.
417	(b) "Park" or "parking" does not include:
418	(i) the standing of a vehicle temporarily for the purpose of and while actually engaged
419	in loading or unloading property or passengers; or
420	(ii) a motor vehicle with an engaged automated driving system that has achieved a
421	minimal risk condition, as those terms are defined in Section 41-26-102.1.
422	[(52)] (54) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
423	Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
424	traffic laws.
425	[(53)] <u>(55)</u> "Pedestrian" means a person traveling:
426	(a) on foot; or
427	(b) in a wheelchair.
428	[(54)] (56) "Pedestrian traffic-control signal" means a traffic-control signal used to

429	regulate pedestrians.
430	[(55)] (57) "Person" means a natural person, firm, copartnership, association,
431	corporation, business trust, estate, trust, partnership, limited liability company, association,
432	joint venture, governmental agency, public corporation, or any other legal or commercial entity.
433	[(56)] (58) "Pole trailer" means a vehicle without motive power:
434	(a) designed to be drawn by another vehicle and attached to the towing vehicle by
435	means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and
436	(b) that is ordinarily used for transporting long or irregular shaped loads including
437	poles, pipes, or structural members generally capable of sustaining themselves as beams
438	between the supporting connections.
439	[(57)] (59) "Private road or driveway" means every way or place in private ownership
440	and used for vehicular travel by the owner and those having express or implied permission
441	from the owner, but not by other persons.
442	[(58)] (60) "Railroad" means a carrier of persons or property upon cars operated on
443	stationary rails.
444	[(59)] (61) "Railroad sign or signal" means a sign, signal, or device erected by
445	authority of a public body or official or by a railroad and intended to give notice of the presence
446	of railroad tracks or the approach of a railroad train.
447	[(60)] (62) "Railroad train" means a locomotive propelled by any form of energy,
448	coupled with or operated without cars, and operated upon rails.
449	[(61)] (63) "Restored-modified vehicle" means the same as the term defined in Section
450	41-1a-102.
451	[(62)] (64) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
452	lawful manner in preference to another vehicle or pedestrian approaching under circumstances
453	of direction, speed, and proximity that give rise to danger of collision unless one grants
454	precedence to the other.
455	[(63)] (65) (a) "Roadway" means that portion of highway improved, designed, or
456	ordinarily used for vehicular travel.
457	(b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
458	them are used by persons riding bicycles or other human-powered vehicles.
459	(c) "Roadway" refers to any roadway separately but not to all roadways collectively, if

460	a highway includes two or more separate roadways.
461	[(64)] (66) "Safety zone" means the area or space officially set apart within a roadway
462	for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
463	signs as to be plainly visible at all times while set apart as a safety zone.
464	$\left[\frac{(65)}{(67)}\right]$ (a) "School bus" means a motor vehicle that:
465	(i) complies with the color and identification requirements of the most recent edition of
466	"Minimum Standards for School Buses"; and
467	(ii) is used to transport school children to or from school or school activities.
468	(b) "School bus" does not include a vehicle operated by a common carrier in
469	transportation of school children to or from school or school activities.
470	[(68)] (a) "Semitrailer" means a vehicle with or without motive power:
471	(i) designed for carrying persons or property and for being drawn by a motor vehicle;
472	and
473	(ii) constructed so that some part of its weight and that of its load rests on or is carried
474	by another vehicle.
475	(b) "Semitrailer" does not include a pole trailer.
476	[(67)] <u>(69)</u> "Shoulder area" means:
477	(a) that area of the hard-surfaced highway separated from the roadway by a pavement
478	edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
479	or
480	(b) that portion of the road contiguous to the roadway for accommodation of stopped
481	vehicles, for emergency use, and for lateral support.
482	[(68)] (70) "Sidewalk" means that portion of a street between the curb lines, or the
483	lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
484	[(69)] (71) (a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt
485	that is designated for the use of a bicycle.
486	(b) "Soft-surface trail" does not mean a trail:
487	(i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a
488	federal law, regulation, or rule; or
489	(ii) located in whole or in part on land granted to the state or a political subdivision

subject to a conservation easement that prohibits the use of a motorized vehicle.

491	$\left[\frac{(70)}{(72)}\right]$ "Solid rubber tire" means a tire of rubber or other resilient material that
192	does not depend on compressed air for the support of the load.
193	[(71)] (73) "Stand" or "standing" means the temporary halting of a vehicle, whether
194	occupied or not, for the purpose of and while actually engaged in receiving or discharging
195	passengers.
196	[(72)] <u>(74)</u> "Stop" when required means complete cessation from movement.
197	[(73)] <u>(75)</u> "Stop" or "stopping" when prohibited means any halting even momentarily
198	of a vehicle, whether occupied or not, except when:
199	(a) necessary to avoid conflict with other traffic; or
500	(b) in compliance with the directions of a peace officer or traffic-control device.
501	[(74)] <u>(76)</u> "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
502	type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that is modified to meet
503	the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with
504	Section 41-6a-1509.
505	$\left[\frac{(75)}{(77)}\right]$ "Tow truck operator" means the same as that term is defined in Section
506	72-9-102.
507	[(76)] (78) "Tow truck motor carrier" means the same as that term is defined in Section
508	72-9-102.
509	[(77)] <u>(79)</u> "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
510	conveyances either singly or together while using any highway for the purpose of travel.
511	$\left[\frac{(78)}{(80)}\right]$ "Traffic signal preemption device" means an instrument or mechanism
512	designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.
513	[(79)] (81) "Traffic-control device" means a sign, signal, marking, or device not
514	inconsistent with this chapter placed or erected by a highway authority for the purpose of
515	regulating, warning, or guiding traffic.
516	[(80)] (82) "Traffic-control signal" means a device, whether manually, electrically, or
517	mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
518	[(81)] (83) (a) "Trailer" means a vehicle with or without motive power designed for
519	carrying persons or property and for being drawn by a motor vehicle and constructed so that no
520	part of its weight rests upon the towing vehicle.
521	(b) "Trailer" does not include a pole trailer.

522	[(82)] (84) "Truck" means a motor vehicle designed, used, or maintained primarily for
523	the transportation of property.
524	[(83)] (85) "Truck tractor" means a motor vehicle:
525	(a) designed and used primarily for drawing other vehicles; and
526	(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
527	tractor.
528	[(84)] (86) "Two-way left turn lane" means a lane:
529	(a) provided for vehicle operators making left turns in either direction;
530	(b) that is not used for passing, overtaking, or through travel; and
531	(c) that has been indicated by a lane traffic-control device that may include lane
532	markings.
533	[(85)] (87) "Urban district" means the territory contiguous to and including any street,
534	in which structures devoted to business, industry, or dwelling houses are situated at intervals of
535	less than 100 feet, for a distance of a quarter of a mile or more.
536	[(86)] (88) "Vehicle" means a device in, on, or by which a person or property is or may
537	be transported or drawn on a highway, except a mobile carrier, as defined in Section
538	41-6a-1120, or a device used exclusively on stationary rails or tracks.
539	Section 6. Section 41-12a-103 is amended to read:
540	41-12a-103. Definitions.
541	As used in this chapter:
542	(1) "Department" means the Department of Public Safety.
543	(2) "Judgment" means any judgment that is final by:
544	(a) expiration without appeal of the time within which an appeal might have been
545	perfected; or
546	(b) final affirmation on appeal, rendered by a court of competent jurisdiction of any
547	state or of the United States, upon a cause of action for damages:
548	(i) arising out of the ownership, maintenance, or use of any motor vehicle, including
549	damages for care and loss of services because of bodily injury to or death of any person, or
550	because of injury to or destruction of property including the loss of use of the property; or
551	(ii) on a settlement agreement.
552	(3) "License" or "license certificate" have the same meanings as under Section

553	53-3-102.
554	(4) (a) "Motor vehicle" means every self-propelled vehicle that is designed for use
555	upon a highway, including trailers and semitrailers designed for use with other motorized
556	vehicles.
557	(b) "Motor vehicle" does not include traction engines, road rollers, farm tractors,
558	tractor cranes, power shovels, and well drillers, and every vehicle that is propelled by electric
559	power obtained from overhead wires but not operated upon rails.
560	(5) "Motorboat" means the same as that term is defined in Section 73-18c-102.
561	[(5)] (6) "Nonresident" means every person who is not a resident of Utah.
562	[(6)] (7) "Nonresident's operating privilege" means the privilege conferred upon a
563	person who is not a resident of Utah by the laws of Utah pertaining to the operation by him of a
564	motor vehicle, or the use of a motor vehicle owned by him, in Utah.
565	[(7)] <u>(8)</u> "Operator" means every person who is in actual physical control of a motor
566	vehicle.
567	[(8)] <u>(9)</u> "Owner" means:
568	(a) a person who holds legal title to a motor vehicle;
569	(b) a lessee in possession;
570	(c) a conditional vendee or lessee if a motor vehicle is the subject of a conditional sale
571	or lease with the right of purchase upon performance of the conditions stated in the agreement
572	and with an immediate right of possession in the conditional vendee or lessee; or
573	(d) a mortgagor if a motor vehicle is the subject of a mortgage with the mortgagor
574	entitled to possession.
575	[(9)] (10) "Owner's or operator's security," "owner's security," or "operator's security"
576	means any of the following:
577	(a) an insurance policy or combination of policies conforming to Section 31A-22-302,
578	which is issued by an insurer authorized to do business in Utah;
579	(b) an insurance policy or combination of policies issued or renewed prior to January 1,
580	2009 that:
581	(i) conformed to the minimum coverage limits of Section 31A-22-304 prior to January
582	1, 2009; and
583	(ii) conform to the current requirements other than the minimum coverage limits of

584	policies issued in accordance with Section 31A-22-302;
585	(c) a surety bond issued by an insurer authorized to do a surety business in Utah in
586	which the surety is subject to the minimum coverage limits and other requirements of policies
587	conforming to Section 31A-22-302, which names the department as a creditor under the bond
588	for the use of persons entitled to the proceeds of the bond;
589	(d) a deposit with the state treasurer of cash or securities complying with Section
590	41-12a-406;
591	(e) maintaining a certificate of self-funded coverage under Section 41-12a-407; or
592	(f) a policy conforming to Section 31A-22-302 issued by the Risk Management Fund
593	created in Section 63A-4-201.
594	[(10)] (11) "Registration" means the issuance of the certificates and registration plates
595	issued under the laws of Utah pertaining to the registration of motor vehicles.
596	[(11)] (12) "Self-insurance" has the same meaning as provided in Section 31A-1-301.
597	Section 7. Section 41-12a-303.2 is amended to read:
598	41-12a-303.2. Evidence of owner's or operator's security to be carried when
599	operating motor vehicle Defense Penalties.
600	(1) As used in this section:
601	(a) "Division" means the Motor Vehicle Division of the State Tax Commission.
602	(b) "Registration materials" means the evidences of motor vehicle registration,
603	including all registration cards, license plates, temporary permits, and nonresident temporary
604	permits.
605	(2) (a) (i) A person operating a motor vehicle shall:
606	(A) have in the person's immediate possession evidence of owner's or operator's
607	security for the motor vehicle the person is operating; and
608	(B) display it upon demand of a peace officer.
609	(ii) A person is exempt from the requirements of Subsection (2)(a)(i) if the person is
610	operating:
611	(A) a government-owned or leased motor vehicle; or
612	(B) an employer-owned or leased motor vehicle and is driving it with the employer's
613	permission.

(iii) A person operating a vehicle that is owned by a rental company, as defined in

313	Section 31A-22-311, may comply with Subsection (2)(a)(1) by having in the person's
616	immediate possession, or displaying, the rental vehicle's rental agreement, as defined in Section
517	31A-22-311.
518	(b) Evidence of owner's or operator's security includes any one of the following:
519	(i) a copy of the operator's valid:
520	(A) insurance policy;
521	(B) insurance policy declaration page;
522	(C) binder notice;
523	(D) renewal notice; or
524	(E) card issued by an insurance company as evidence of insurance;
525	(ii) a certificate of insurance issued under Section 41-12a-402;
526	(iii) a certified copy of a surety bond issued under Section 41-12a-405;
527	(iv) a certificate of the state treasurer issued under Section 41-12a-406;
528	(v) a certificate of self-funded coverage issued under Section 41-12a-407; or
529	(vi) information that the vehicle or driver is insured from the Uninsured Motorist
630	Identification Database Program created under Title 41, Chapter 12a, Part 8, Uninsured
631	Motorist Identification Database Program.
532	(c) A card issued by an insurance company as evidence of owner's or operator's
533	security under Subsection (2)(b)(i)(E) on or after July 1, 2014, may not display the owner's or
534	operator's address on the card.
535	(d) (i) A person may provide to a peace officer evidence of owner's or operator's
636	security described in this Subsection (2) in:
637	(A) a hard copy format; or
638	(B) an electronic format using a mobile electronic device.
539	(ii) If a person provides evidence of owner's or operator's security in an electronic
540	format using a mobile electronic device under this Subsection (2)(d), the peace officer viewing
541	the owner's or operator's security on the mobile electronic device may not view any other
542	content on the mobile electronic device.
543	(iii) Notwithstanding any other provision under this section, a peace officer is not
544	subject to civil liability or criminal penalties under this section if the peace officer inadvertently
545	views content other than the evidence of owner's or operator's security on the mobile electronic

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- (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:
 - (A) Subsection (2)(b)(i)(D) or $(E)[\cdot]$; or
 - (B) for a motorboat, Subsection 73-18c-304(1)(b).
- (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):
- 674 (i) is guilty of an infraction for a first offense and subject to a fine of not less than 675 \$400; and
 - (ii) is guilty of a class C misdemeanor for each offense subsequent to the first offense

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677	that is committed within three years after the day on which the person commits the first offense
678	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.
- 689 (ii) This proof of owner's or operator's security shall be maintained with the department 690 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.
 - Section 8. Section **41-12a-802** is amended to read:
- 700 **41-12a-802. Definitions.**
 - As used in this part:
- 702 (1) "Account" means the Uninsured Motorist Identification Restricted Account created 703 in Section 41-12a-806.
- 704 (2) "Database" means the Uninsured Motorist Identification Database created in Section 41-12a-803.
- 706 (3) "Designated agent" means the third party the department contracts with under 707 Section 41-12a-803.

708	(4) "Division" means the Driver License Division created in Section 53-3-103.
709	(5) (a) "Motor vehicle" has the same meaning as set forth in Section 41-1a-102.
710	(b) "Motor vehicle" includes a street-legal all-terrain vehicle.
711	(6) "Motor Vehicle Division" means the Motor Vehicle Division of the State Tax
712	Commission created in Section 41-1a-106.
713	(7) "Program" means the Uninsured Motorist Identification Database Program created
714	in Section 41-12a-803.
715	(8) "Street-legal all-terrain vehicle" means the same as that term is defined in Section
716	<u>41-6a-102.</u>
717	Section 9. Section 41-12a-803 is amended to read:
718	41-12a-803. Program creation Administration Selection of designated agent
719	Duties Rulemaking Audits.
720	(1) There is created the Uninsured Motorist Identification Database Program to:
721	(a) establish an Uninsured Motorist Identification Database to verify compliance with
722	(i) motor vehicle owner's or operator's security requirements under Section 41-12a-30
723	and other provisions under this part; and
724	(ii) motorboat owner's or operator's security requirements under Section 73-18c-304
725	and other provisions under this part;
726	(b) assist in reducing the number of uninsured motor vehicles on the highways of the
727	state and uninsured motorboats on the waters of the state;
728	(c) assist in increasing compliance with motor vehicle and motorboat registration and
729	sales and use tax laws;
730	(d) assist in protecting a financial institution's bona fide security interest in a motor
731	vehicle or motorboat; and
732	(e) assist in the identification and prevention of identity theft and other crimes.
733	(2) The program shall be administered by the department with the assistance of the
734	designated agent and the Motor Vehicle Division.
735	(3) (a) The department shall contract in accordance with Title 63G, Chapter 6a, Utah
736	Procurement Code, with a third party to establish and maintain an Uninsured Motorist
737	Identification Database for the purposes established under this part.
738	(b) The contract may not obligate the department to pay the third party more money

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- (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 <u>and motorboat</u> insurance information provided by the insurers in accordance with Section 31A-22-315; and
 - (b) compare all current motor vehicle and motorboat 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:

41-1a-110(2);

770	(i) billings made by the designated agent; and
771	(ii) the accuracy of the designated agent's matching of vehicle registration with
772	insurance data.
773	(9) Upon request, the designated agent shall make available the information provided
774	by insurers under Section 31A-22-315.5 to:
775	(a) state and local law enforcement agencies; and
776	(b) financial institutions as defined in Section 7-1-103.
777	Section 10. Section 41-12a-804 is amended to read:
778	41-12a-804. Notice Proof Revocation of registration False statements
779	Penalties Exemptions Sales tax enforcement.
780	(1) If the comparison under Section 41-12a-803 shows that a motor vehicle or
781	motorboat is not insured for three consecutive months, the Motor Vehicle Division shall direct
782	that the designated agent provide notice to the owner of the motor vehicle or motorboat that the
783	owner has 15 days to provide:
784	(a) proof of owner's or operator's security in a form allowed under Subsection
785	41-12a-303.2(2); or
786	(b) proof of exemption from the owner's or operator's security requirements.
787	(2) If an owner of a motor vehicle or motorboat fails to provide satisfactory proof of
788	owner's or operator's security to the designated agent, the designated agent shall:
789	(a) provide a second notice to the owner of the motor vehicle or motorboat that the
790	owner now has 15 days to provide:
791	(i) proof of owner's or operator's security in a form allowed under Subsection
792	41-12a-303.2(2); or
793	(ii) proof of exemption from the owner's or operator's security requirements;
794	(b) for each notice provided, indicate information relating to the owner's failure to
795	provide proof of owner's or operator's security in the database; and
796	(c) provide this information to state and local law enforcement agencies as requested in
797	accordance with the provisions under Section 41-12a-805.
798	(3) The Motor Vehicle Division:
799	(a) shall revoke the registration upon receiving notification under Subsection

(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 <u>or motorboat</u> 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 <u>or motorboat</u> may not be in compliance with motor vehicle <u>or motorboat</u> 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 <u>or motorboat</u> that information exists which indicates the possible violation.
 - Section 11. Section **41-12a-805** is amended to read:

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

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State Boating Act;

73-18c-304:

and Use Tax Act; and

832 information through the state computer network for a state or local government agency or 833 court; 834 (b) for the purpose of investigating, litigating, or enforcing the owner's or operator's 835 security requirement under Section 41-12a-301, the designated agent shall, upon request, issue 836 to any state or local government agency or court a certificate documenting the insurance 837 information, according to the database, of a specific individual or motor vehicle or motorboat 838 for the time period designated by the government agency; 839 (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: 840 841 (i) that individual or, if that individual is deceased, any interested person of that 842 individual, as defined in Section 75-1-201; 843 (ii) the parent or legal guardian of that individual if the individual is an unemancipated 844 minor: 845 (iii) the legal guardian of that individual if the individual is legally incapacitated; 846 (iv) a person who has power of attorney from the insured individual; 847 (v) a person who submits a notarized release from the insured individual dated no more 848 than 90 days before the date the request is made; or 849 (vi) a person suffering loss or injury in a motor vehicle or motorboat accident in which 850 the insured individual is involved, but only as part of an accident report as authorized in 851 Section 41-12a-202; 852 (d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations 853 by state or local law enforcement agencies related to the: 854 (i) registration and renewal of registration of a motor vehicle under Title 41, Chapter 855 1a, Motor Vehicle Act; (ii) registration and renewal of registration of a motorboat under Title 73. Chapter 18. 856

(e) upon request of a peace officer acting in an official capacity under the provisions of

[(iii)] (iii) purchase of a motor vehicle or motorboat under Title 59, Chapter 12, Sales

[(iii)] (iv) owner's or operator's security requirements under Section 41-12a-301 or

- 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 <u>or</u> motorboat; 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 <u>or motorboat</u> 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.

Section 12. Section **41-22-3** is amended to read:

41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card -- Proof of property tax payment -- Records.

- (1) (a) Unless exempted under Section 41-22-9, a person may not operate or place and an owner may not give another person permission to operate or place any off-highway vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle is registered under this chapter for the current year.
- (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway vehicle which can be used on any public land, trail, street, or highway in this state, unless the off-highway vehicle is registered or is in the process of being registered under this chapter for the current year.
- (c) Unless specifically provided in this chapter, the division shall administer license plates, decals, and registration of off-highway vehicles in accordance with Chapter 1a, Motor Vehicle Act.
- (2) (a) The owner of an off-highway vehicle subject to registration under this chapter shall apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle Division.
- (b) An owner of an off-highway vehicle may apply for automatic registration renewal as described in Section 41-1a-216.
- (3) Each application for registration of an off-highway vehicle shall be accompanied by:
- (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;
 - (b) the past registration card; or
 - (c) the fee for a duplicate.
- (4) (a) (i) Beginning on January 1, 2023, except as provided in Subsection (4)(e), the first time an off-highway vehicle is registered, the Motor Vehicle Division shall issue one off-highway vehicle license plate, a registration decal, and a registration card.
- (ii) If an off-highway vehicle has been registered previously in this state but has not been issued an off-highway vehicle license plate, beginning on January 1, 2023, upon application for registration renewal, the Motor Vehicle Division shall issue one off-highway

925	vehicle license plate, a registration decal, and a registration card.
926	(b) Upon each annual registration, the Motor Vehicle Division shall issue a registration
927	decal and a registration card for each off-highway vehicle registered.
928	(c) The off-highway vehicle license plate:
929	(i) shall contain a unique five-digit number, using numbers, letters, or a combination of
930	numbers and letters, to identify the off-highway vehicle for which it is issued;
931	(ii) shall be affixed to the rear of the off-highway vehicle for which it is issued in a
932	plainly visible and upright position as prescribed by rule of the division under Section
933	41-22-5.1;
934	(iii) shall be maintained free of foreign materials and in a condition to be clearly
935	legible;
936	(iv) shall be a distinct tan color with black lettering to identify the license plate as an
937	off-highway vehicle license plate;
938	(v) shall have a location to attach the registration decal; and
939	(vi) may not be a personalized license plate or a special group license plate.
940	(d) (i) At all times, [a registration card] proof of registration shall be kept with the
941	off-highway vehicle and shall be available for inspection by a law enforcement officer.
942	(ii) An individual may show proof of registration by displaying:
943	(A) a digital copy or photograph of the registration card on a mobile electronic device;
944	(B) proof of registration on a mobile electronic device through a mobile application
945	approved by the relevant state agency; or
946	(C) an original registration card issued by the Motor Vehicle Division.
947	(e) An off-highway vehicle that is a motorcycle or a snowmobile is:
948	(i) not required to obtain or display an off-highway vehicle license plate; and
949	(ii) required to obtain and display an off-highway vehicle registration sticker.
950	(5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and
951	registration decal shall provide the Motor Vehicle Division a certificate, described under
952	Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has
953	situs for taxation.
954	(b) The certificate required under Subsection (5)(a) shall state one of the following:
955	(i) the property tax on the off-highway vehicle for the current year has been paid;

956 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to 957 secure the payment of the tax; or 958 (iii) the off-highway vehicle is exempt by law from payment of property tax for the 959 current year. 960 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker 961 has been issued in accordance with Section 41-22-5.5 is: 962 (i) exempt from the requirement under this Subsection (5): 963 (ii) not required to obtain or purchase an off-highway vehicle license plate; and 964 (iii) required to obtain and display an off-highway vehicle registration sticker. 965 (6) (a) All records of the division made or kept under this section shall be classified by 966 the Motor Vehicle Division in the same manner as motor vehicle records are classified under 967 Section 41-1a-116. 968 (b) Division records are available for inspection in the same manner as motor vehicle 969 records under Section 41-1a-116. 970 (7) A violation of this section is an infraction. 971 Section 13. Section **73-18-13.5** is amended to read: 972 73-18-13.5. Motorboat accidents -- Investigation and report of operator security 973 -- Agency action if no security -- Surrender of registration materials. 974 (1) Upon request of a peace officer investigating an accident involving a motorboat as 975 defined in Section 73-18c-102, the operator of the motorboat shall provide evidence of the 976 owner's or operator's security required under Section 73-18c-301. 977 (2) The peace officer shall record on a form approved by the division: 978 (a) the information provided by the operator; 979 (b) whether the operator provided insufficient or no information; and 980 (c) whether the peace officer finds reasonable cause to believe that any information 981 given is not correct. 982 (3) The peace officer shall deposit all completed forms with the peace officer's agency, 983 which shall forward the forms to the division no later than 10 days after receipt. 984 (4) (a) The division shall revoke the registration of a motorboat as defined in Section 985 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the

division compliance with the owner's or operator's security requirement of Section 73-18c-301

987	at the time of the accident.
988	(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.
989	(5) A person may appeal a revocation issued under Subsection (4) in accordance with
990	procedures established by the division, after notifying the commission, by rule that are
991	consistent with Title 63G, Chapter 4, Administrative Procedures Act.
992	(6) (a) Any person whose registration is revoked under Subsection (4) shall return the
993	registration card and decals for the motorboat to the division.
994	(b) If the person fails to return the registration materials as required, they shall be
995	confiscated under Section 73-18-13.6.
996	(7) The division may, after notifying the commission, make rules for the enforcement
997	of this section.
998	(8) In this section, "evidence of owner's or operator's security" includes any one of the
999	following:
1000	(a) the operator's:
1001	(i) insurance policy;
1002	(ii) binder notice;
1003	(iii) renewal notice; or
1004	(iv) card issued by an insurance company as evidence of insurance;
1005	(b) a copy of a surety bond, certified by the surety, which conforms to Section
1006	73-18c-102;
1007	(c) a certificate of the state treasurer issued under Section 73-18c-305; or
1008	(d) a certificate of self-funded coverage issued under Section 73-18c-306.
1009	(9) A person may provide evidence of owner's or operator's security as described in
1010	Subsection (8)(a) by displaying:
1011	(a) a digital copy or photograph of the evidence of owner's or operator's security; or
1012	(b) evidence of owner's or operator's security through a mobile application.
1013	Section 14. Section 73-18c-304 is amended to read:
1014	73-18c-304. Evidence of owner's or operator's security to be carried when
1015	operating motorboat Defense Penalties.
1016	(1) (a) (i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat
1017	shall:

1018	(A) have in the person's immediate possession evidence of owner's or operator's
1019	security for the motorboat the person is operating; and
1020	(B) display it upon demand of a peace officer.
1021	(ii) A person operating a government-owned or government-leased motorboat is
1022	exempt from the requirements of Subsection (1)(a)(i).
1023	(b) Evidence of owner's or operator's security includes any one of the following:
1024	(i) the operator's:
1025	(A) insurance policy;
1026	(B) binder notice;
1027	(C) renewal notice; or
1028	(D) card issued by an insurance company as evidence of insurance;
1029	(ii) a copy of a surety bond, certified by the surety, which conforms to Section
1030	73-18c-102;
1031	(iii) a certificate of the state treasurer issued under Section 73-18c-305; [or]
1032	(iv) a certificate of self-funded coverage issued under Section 73-18c-306[-];
1033	(v) a digital copy or photograph of the evidence of owner's or operator's security
1034	described in Subsections (1)(b)(i) through (iv); or
1035	(vi) a mobile application displaying evidence of owner's or operator's security
1036	described in Subsections (1)(b)(i) through (iv).
1037	(2) It is an affirmative defense to a charge under this section that the person had
1038	owner's or operator's security in effect for the motorboat the person was operating at the time of
1039	the person's citation or arrest.
1040	(3) (a) A letter from an insurance producer or company verifying that the person had
1041	the required liability insurance coverage on the date specified is considered proof of owner's or
1042	operator's security for purposes of Subsection (2).
1043	(b) The court considering a citation issued under this section shall allow the letter
1044	under Subsection (3)(a) and a copy of the citation to be faxed or mailed to the clerk of the court
1045	to satisfy Subsection (2).
1046	(4) A violation of this section is a class C misdemeanor.
1047	(5) If a person is convicted of a violation of this section and if the person is the owner
1048	of a motorboat, the court shall:

3rd Sub. (Cherry) H.B. 184

1049	(a) require the person to surrender the person's registration materials to the court; and
1050	(b) forward the registration materials, together with a copy of the conviction, to the
1051	division.
1052	(6) (a) Upon receiving notification from a court of a conviction for a violation of this
1053	section, the division shall revoke the person's motorboat registration.
1054	(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.
1055	Section 15. Effective date.
1056	This bill takes effect on January 1, 2025.