

1 **WARRANT COLLECTION AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen H. Urquhart**

5 House Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill provides a method for the collection of outstanding warrants.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ declares that a warrant that is 180 days old is past due;
- 12 ▶ provides that a designated agent may collect past due warrants;
- 13 ▶ allows the designated agent to charge a fee for the collection;
- 14 ▶ provides that the designated agent shall pay the law enforcement agency that serves

15 the warrant; and

- 16 ▶ sets the fee for collection.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This act takes effect on July 1, 2013.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **41-12a-805 (Effective 07/01/13)**, as last amended by Laws of Utah 2012, Chapter 243

24

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

25 Section 1. Section **41-12a-805 (Effective 07/01/13)** is amended to read:



28 **41-12a-805 (Effective 07/01/13). Disclosure of insurance information -- Penalty.**

29 (1) Information in the database established under Section 41-12a-803 provided by a
30 person to the designated agent is considered to be the property of the person providing the
31 information.

32 (2) The information may not be disclosed from the database under Title 63G, Chapter
33 2, Government Records Access and Management Act, or otherwise, except as follows:

34 (a) for the purpose of investigating, litigating, or enforcing the owner's or operator's
35 security requirement under Section 41-12a-301, the designated agent shall verify insurance
36 information through the state computer network for a state or local government agency or
37 court;

38 (b) for the purpose of investigating, litigating, or enforcing the owner's or operator's
39 security requirement under Section 41-12a-301, the designated agent shall, upon request, issue
40 to any state or local government agency or court a certificate documenting the insurance
41 information, according to the database, of a specific individual or motor vehicle for the time
42 period designated by the government agency;

43 (c) upon request, the department or its designated agent shall disclose whether or not a
44 person is an insured individual and the insurance company name to:

45 (i) that individual or, if that individual is deceased, any interested person of that
46 individual, as defined in Section 75-1-201;

47 (ii) the parent or legal guardian of that individual if the individual is an unemancipated
48 minor;

49 (iii) the legal guardian of that individual if the individual is legally incapacitated;

50 (iv) a person who has power of attorney from the insured individual;

51 (v) a person who submits a notarized release from the insured individual dated no more
52 than 90 days before the date the request is made; or

53 (vi) a person suffering loss or injury in a motor vehicle accident in which the insured
54 individual is involved, but only as part of an accident report as authorized in Section
55 41-12a-202;

56 (d) for the purpose of investigating, enforcing, or prosecuting laws or issuing citations
57 by state or local law enforcement agencies related to the:

58 (i) registration and renewal of registration of a motor vehicle under Title 41, Chapter

59 1a, Motor Vehicle Act;

60 (ii) purchase of a motor vehicle under Title 59, Chapter 12, Sales and Use Tax Act; and

61 (iii) owner's or operator's security requirements under Section 41-12a-301;

62 (e) upon request of a peace officer acting in an official capacity under the provisions of
63 Subsection (2)(d), the department or the designated agent shall, upon request, disclose relevant
64 information for investigation, enforcement, or prosecution;

65 (f) for the purpose of the state auditor, the legislative auditor general, or other auditor
66 of the state conducting audits of the program;

67 (g) upon request of a financial institution as defined under Section 7-1-103 for the
68 purpose of protecting the financial institution's bona fide security interest in a motor vehicle;
69 and

70 (h) upon the request of a state or local law enforcement agency for the purpose of
71 investigating and prosecuting identity theft and other crimes, and for collecting outstanding
72 warrants.

73 (3) A warrant that has not been paid or resolved within 180 days is past due. The
74 designated agent may collect any outstanding amounts from past due warrants.

75 (a) Any party named in a past due warrant shall pay the designated agent a fee of \$80 in
76 addition to the amount of the warrant that is outstanding.

77 (b) Upon receipt of either a full or partial payment, the designated agent shall pay \$30
78 to the law enforcement agency that served and executed the warrant.

79 [~~3~~] (4) (a) The department may allow the designated agent to prepare and deliver
80 upon request, a report on the insurance information of a person or motor vehicle in accordance
81 with this section.

82 (b) The report may be in the form of:

83 (i) a certified copy that is considered admissible in any court proceeding in the same
84 manner as the original; or

85 (ii) information accessible through the Internet or through other electronic medium if
86 the department determines that sufficient security is provided to ensure compliance with this
87 section.

88 (c) The department may allow the designated agent to charge a fee established by the
89 department under Section 63J-1-504 for each:

- 90 (i) document authenticated, including each certified copy;
- 91 (ii) record accessed by the Internet or by other electronic medium; and
- 92 (iii) record provided to a financial institution under Subsection (2)(g).

93 ~~[(4)]~~ (5) A person who knowingly releases or discloses information from the database
94 for a purpose other than those authorized in this section or to a person who is not entitled to it
95 is guilty of a third degree felony.

96 ~~[(5)]~~ (6) An insurer is not liable to any person for complying with Sections 31A-22-315
97 and 31A-22-315.5 by providing information to the designated agent.

98 ~~[(6)]~~ (7) Neither the state nor the department's designated agent is liable to any person
99 for gathering, managing, or using the information in the database as provided in Sections
100 31A-22-315 and 31A-22-315.5 and this part.

101 (8) The designated agent shall prepare and present a report to the Law Enforcement and
102 Criminal Justice Interim Committee regarding the effectiveness of the warrant collection
103 program in Subsection (3).

104 Section 2. **Effective date.**

105 This act takes effect on July 1, 2013.

Legislative Review Note
as of 2-6-13 2:57 PM

Office of Legislative Research and General Counsel