

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH
**NOTIFICATION OF ENHANCEMENT – OPERATING VEHICLE WITHOUT INSURANCE,
NO PROOF OF INSURANCE**

Defendant: _____, Case No.: _____

IF YOU ARE CONVICTED of an Insurance Offense as described below, this conviction may result in increased minimum, mandatory fines for future offenses. This form provides notification of the current provisions of Utah State Law regarding minimum/maximum penalties. It also describes the elements of your current charges. It does not notify you of other collateral consequences.

ELEMENTS

41-12a-302 Operating Vehicle without Insurance: Any owner of a motor vehicle on which owner's or operator's security (insurance) is required who operates his or her vehicle or permits it to be operated on a highway in this state without insurance is guilty of a class C misdemeanor. Any other person who operates a motor vehicle upon a highway in Utah with the knowledge that the owner does not have insurance in effect for the motor vehicle is guilty of a class C misdemeanor, unless that person has insurance on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle in question.

Note: 41-12a-301(5): Owner's or operator's security is not required for any of the following: (a) properly-registered off-highway vehicles when operated on legally-designated roads or in a legally-designated manner; (b) off-highway implements of husbandry operated in a legally-designated manner; (c) electric-assisted bicycles, as defined under Section 41-6a-102; (d) motor-assisted scooters, as defined under Section 41-6a-102; and (e) electric personal assistive mobility devices, as defined under Section 41-6a-102.

41-12a-303.2(2) No Proof of Insurance: A person operating a motor vehicle shall: (A) have in the person's immediate possession evidence of owner's or operator's security for the motor vehicle the person is operating; and (B) display it upon demand of a peace officer. 41-12a-303.2(5): A violation of this section is an infraction.

Note: 41-12a-303.2(2)(a)(ii): A person is exempt from the requirements of Subsection (2)(a)(i) if the person is operating: (A) a government-owned or leased motor vehicle; or (B) an employer-owned or leased motor vehicle and is driving it with the employer's permission.

Note: 41-12a-303.2(3): It is an affirmative defense to a charge 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.

NOTE: 41-12a-604: For a conviction of Operating a Vehicle without Insurance or No Proof of Insurance, the defendant's operator's license shall be suspended by the Department of Public Safety.

ENHANCEMENT / PENALTIES

41-12a-302(1) and 41-12a-302.2(5): For a conviction of Operating a Vehicle Without Insurance or No Proof of Insurance, the fine shall be not less than: (a) \$400 for a first offense; and (b) \$1,000 for a second and subsequent offense within three years of a previous conviction or bail forfeiture. *(Although the current statutory language requires a minimum \$1000 fine, the imposition of a fine in the amount of \$1000 exceeds the maximum fine allowable for its new classification as a Class C misdemeanor. The Uniform Fine/Bail Schedule currently recommends a \$750 fine for a 2nd or subsequent offense.)*

Minimum/Maximum Sentence

Infraction: 0 days jail; minimum amount listed above to \$750.00 fine plus interest
Class C Misdemeanor: 0 days to 90 days jail; minimum amount listed above to \$750.00 fine, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

_____ (Date) _____ (Defendant's signature)