

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 311

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO UNINSURED MOTORISTS; AMENDING CHAPTER 12, TITLE 49, IDAHO CODE,  
2 BY THE ADDITION OF A NEW SECTION 49-1243, IDAHO CODE, TO PROVIDE A SHORT  
3 TITLE; AMENDING CHAPTER 12, TITLE 49, IDAHO CODE, BY THE ADDITION OF A  
4 NEW SECTION 49-1244, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 12,  
5 TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1245, IDAHO  
6 CODE, TO PROVIDE PROVISIONS RELATING TO THE CREATION OF THE UNINSURED  
7 MOTORIST DATABASE PILOT PROGRAM AND TO PROVIDE PROVISIONS RELATING TO  
8 ADMINISTRATION OF THE PILOT PROGRAM; AMENDING CHAPTER 12, TITLE 49,  
9 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1246, IDAHO CODE, TO PRO-  
10 VIDE PROVISIONS RELATING TO THE DISCLOSURE OF CERTAIN INFORMATION AND  
11 TO PROVIDE FOR A FELONY; AMENDING CHAPTER 12, TITLE 49, IDAHO CODE, BY  
12 THE ADDITION OF A NEW SECTION 49-1247, IDAHO CODE, TO PROVIDE PROVISIONS  
13 RELATING TO CERTAIN REPORTING REQUIREMENTS; AND PROVIDING A SUNSET  
14 DATE.  
15

16 Be It Enacted by the Legislature of the State of Idaho:

17 SECTION 1. That Chapter 12, Title 49, Idaho Code, be, and the same is  
18 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
19 ignated as Section 49-1243, Idaho Code, and to read as follows:

20 49-1243. SHORT TITLE. This act shall be known as the "Idaho Uninsured  
21 Motorist Identification Database Pilot Program."

22 SECTION 2. That Chapter 12, Title 49, Idaho Code, be, and the same is  
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
24 ignated as Section 49-1244, Idaho Code, and to read as follows:

25 49-1244. DEFINITIONS. As used in this act the following terms have the  
26 following meanings:

27 (1) "Database" means the uninsured motorist identification database  
28 created in section 49-1245, Idaho Code.

29 (2) "Designated agent" means the third party with whom the department  
30 may contract pursuant to section 49-1245, Idaho Code.

31 (3) "Financial responsibility" means the responsibility of the owner  
32 or operator of a motor vehicle to provide proof of motor vehicle insurance  
33 coverage as required by the provisions of chapter 12, title 49, Idaho Code.

34 SECTION 3. That Chapter 12, Title 49, Idaho Code, be, and the same is  
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
36 ignated as Section 49-1245, Idaho Code, and to read as follows:

37 49-1245. UNINSURED MOTORIST DATABASE PILOT PROGRAM ESTABLISHED --  
38 DEPARTMENT OR DESIGNATED AGENT -- DUTIES. (1) There is hereby created the  
39 uninsured motorist identification database pilot program, hereinafter re-

1 referred to as the "program." Such program is created to establish an uninsured  
2 motorist identification database to provide statistical information re-  
3 garding compliance levels of Idaho motor vehicle owners with motor vehicle  
4 financial responsibility requirements provided for in this chapter.

5 (2) The program shall be administered by the department, which shall  
6 utilize the assistance of a designated agent at no cost to the department to  
7 fulfill the requirements of this pilot program.

8 (3) (a) The department shall contract with a third party to establish  
9 and maintain an uninsured motorist identification database for the  
10 purposes established pursuant to this act for the duration of the pilot  
11 program.

12 (b) The contract shall not obligate the department to pay the desig-  
13 nated agent during the term of the pilot project. If, at any time, the  
14 department determines that the third party has materially breached such  
15 contract, the department may itself implement the provisions of this  
16 act.

17 (4) (a) The department or its designated agent under contract with the  
18 department pursuant to this section shall develop and maintain an auto-  
19 mated database from the information provided by:

20 (i) Insurers pursuant to section 49-1247, Idaho Code; and

21 (ii) The department pursuant to subsection (6) of this section.

22 (b) The database shall be developed and maintained in accordance with  
23 guidelines established by the department.

24 (5) With information provided by the department the designated agent  
25 shall, at least monthly for submissions pursuant to section 49-1247(2)(b),  
26 Idaho Code, or at least twice a month for submissions pursuant to section  
27 49-1247(2)(a), Idaho Code:

28 (a) Update the database provided by the insurers in accordance with  
29 section 49-1247, Idaho Code; and

30 (b) Compare all current motor vehicle registrations against the data-  
31 base.

32 (6) The department, if contracting with a designated agent, shall pro-  
33 vide the designated agent with the name, date of birth, address and driver's  
34 license number of all persons on the driver's license database.

35 (7) The information gathered from the databases shall be compared and  
36 a monthly report shall be made to the department on the level of insured and  
37 uninsured vehicles reported the previous month. Such information shall be  
38 used to gather statistical information and to analyze and determine the ex-  
39 tent, if any, of uninsured vehicles in Idaho.

40 (8) The department or its designated agent shall archive computer data  
41 files at least semiannually for auditing purposes.

42 SECTION 4. That Chapter 12, Title 49, Idaho Code, be, and the same is  
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
44 ignated as Section 49-1246, Idaho Code, and to read as follows:

45 49-1246. DISCLOSURE OF INSURANCE INFORMATION -- FELONY. (1) Informa-  
46 tion in the pilot database established pursuant to section 49-1245, Idaho  
47 Code, provided by a person, agency or entity to the department or its desig-  
48 nated agent is considered to be the property of such person, agency or entity  
49 providing the information.

1 (2) The information shall not be disclosed from the database except for  
2 statistical and analytical reporting purposes for the pilot program as pro-  
3 vided for in section 49-1245, Idaho Code. Provided however, no information  
4 that could reasonably be expected to identify a person shall be disclosed  
5 from the database.

6 (3) A person who knowingly releases or discloses information from the  
7 database for a purpose other than those authorized in this act or to a person  
8 who is not entitled to such information is guilty of a felony.

9 SECTION 5. That Chapter 12, Title 49, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 49-1247, Idaho Code, and to read as follows:

12 49-1247. MOTOR VEHICLE INSURANCE REPORTING. (1) Except as provided  
13 in subsection (2) (b) and (c) of this section, each insurer that issues a  
14 policy that includes motor vehicle liability coverage, uninsured motorist  
15 coverage, underinsured motorist coverage, or personal injury coverage pur-  
16 suant to title 49, Idaho Code, shall before the seventh and twenty-first day  
17 of each calendar month provide to the department or its designated agent a  
18 record of each motor vehicle insurance policy in effect for vehicles regis-  
19 tered or garaged in Idaho as of the previous submission that was issued by the  
20 insurer.

21 (2) (a) As used in this section, "commercial motor vehicle insurance  
22 coverage" means an insurance policy that covers a business's vehicles  
23 and employees:

24 (i) Includes motor vehicle liability coverage, uninsured mo-  
25 torist coverage, underinsured motorist coverage or personal  
26 injury coverage; and

27 (ii) Is defined by the department.

28 (b) Each insurer that issues commercial motor vehicle insurance cover-  
29 age shall, before the seventh day of each calendar month, provide to the  
30 department or its designated agent a record of each commercial motor ve-  
31 hicle insurance policy in effect for vehicles registered or garaged in  
32 Idaho as of the previous month that was issued by the insurer.

33 (c) An insurer that issues a policy that includes motor vehicle liabil-  
34 ity coverage, uninsured motorist coverage, underinsured motorist cov-  
35 erage or personal injury coverage pursuant to title 49, Idaho Code, is  
36 not required to provide a record of a motor vehicle insurance policy in  
37 effect for a vehicle to the department or its designated agent pursuant  
38 to subsection (1) or (2) of this section if the policy covers a vehicle  
39 that is registered pursuant to section 49-422 or 49-426, Idaho Code.

40 (d) Nothing in this subsection (2) precludes more frequent reporting.

41 (3) (a) A record provided by an insurer pursuant to subsection (1) of  
42 this section shall include:

43 (i) The name of the insured, and the driver's license numbers,  
44 names and dates of birth of each insured owner or operator if the  
45 insured provides such information to the insurer, and the address  
46 of the named insured;

47 (ii) The make, year and vehicle identification number of each in-  
48 sured vehicle; and

1 (iii) The policy number, effective date and expiration date of  
2 each policy.

3 (b) A record provided by an insurer pursuant to subsection (2) (b) of  
4 this section shall include:

5 (i) The named insured;

6 (ii) The policy number, effective date and expiration date of each  
7 policy; and

8 (iii) The following information, if available, the name, date of  
9 birth, driver's license number of each insured owner or operator  
10 and the address of the named insured; and the make, year and vehi-  
11 cle identification number of each insured vehicle.

12 (4) Each insurer shall provide this information by an electronic means  
13 or by another form acceptable to the department or its designated agent.

14 (5) (a) The director of the Idaho transportation department may assess  
15 an administrative penalty against an insurer of up to two hundred fifty  
16 dollars (\$250) for each day the insurer fails to comply with the provi-  
17 sions of this section.

18 (b) If an insurer shows that the failure to comply with the provisions  
19 of this section was inadvertent, accidental or the result of excusable  
20 neglect, the director shall excuse the penalty.

21 (c) All penalties collected pursuant to this section shall be deposited  
22 to the state highway fund.

23 SECTION 6. The provisions of this act shall be null, void and of no force  
24 and effect on and after January 1, 2013.