

REFERENCE TITLE: **vehicle accidents; financial responsibility**

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2004

Introduced by
Representative Livingston

AN ACT

AMENDING SECTION 28-4143, ARIZONA REVISED STATUTES; RELATING TO VEHICLE INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-4143, Arizona Revised Statutes, is amended to
3 read:

4 28-4143. Vehicle accident; financial responsibility
5 verification; suspension

6 A. To ensure compliance with this article, the department may
7 verify the financial responsibility of the owner of a motor vehicle
8 involved in an accident in this state. If an accident involves an
9 unregistered vehicle, the department may conduct a financial
10 responsibility verification in the same manner as required for a
11 registered vehicle.

12 B. If a motor vehicle is selected for financial responsibility
13 verification under subsection A of this section, the department shall
14 verify all insurance information on file for the requested vehicle by
15 forwarding the information contained on the record to the insurer or the
16 applicable party to determine if the insurance was in effect on the date
17 of the accident.

18 C. On receipt of a denial from an insurer or any other applicable
19 party or if no insurance information was on file, the department shall
20 mail a notice to the owner requiring evidence from the owner that the
21 motor vehicle met the financial responsibility requirement of section
22 28-4135 or section 28-4033, subsection A, paragraph 2, subdivision (c) on
23 the date of the accident. The notice shall require the owner to submit
24 evidence of financial responsibility to the department within thirty days
25 after the date the notice was mailed.

26 D. The department shall verify all evidence of financial
27 responsibility submitted pursuant to subsection C of this section and
28 shall take action as follows:

29 1. If the evidence of financial responsibility submitted by the
30 owner indicates the existence of a motor vehicle or automobile liability
31 policy covering the motor vehicle, the following steps shall be taken:

32 (a) The department shall forward the evidence document or the
33 applicable information contained in the evidence document to the listed
34 insurer or other appropriate party to determine whether the policy was
35 valid on the date of the accident.

36 (b) The insurer or other appropriate party shall notify the
37 department in writing within thirty days after the date the inquiry was
38 mailed if the policy was not valid on the date indicated.

39 (c) On receipt of a letter of denial from an insurer or any other
40 appropriate party, the department shall send to the owner a suspension
41 notice that states:

42 (i) The insurer's denial of coverage on the date of the accident.

43 (ii) The owner's driver license and motor vehicle registration will
44 be suspended fifteen days after the date the suspension notice was mailed
45 unless the owner produces additional evidence to the department on or

1 before the effective date of the suspension that the financial
2 responsibility requirement of section 28-4135 or section 28-4033,
3 subsection A, paragraph 2, subdivision (c) was met for the vehicle on the
4 date of the accident or unless the owner requests a hearing.

5 2. If the evidence of financial responsibility submitted by the
6 owner indicates either self-insurance or a certificate of deposit, the
7 department shall:

8 (a) Verify that the evidence is properly reflected in the
9 department records.

10 (b) If it is determined that the evidence of financial
11 responsibility is false or otherwise invalid, send a suspension notice to
12 the owner that the person's driver license and motor vehicle registration
13 will be suspended fifteen days after the date the suspension notice is
14 mailed unless a hearing is requested.

15 3. If the person appearing as the registered owner of the vehicle
16 according to department records is able to provide proof as prescribed by
17 the director that the vehicle was sold before ~~the date of~~ the accident
18 OCCURRED, the department shall not suspend the driver license or
19 registration privilege of the person.

20 E. Information that is being verified pursuant to this section is a
21 public record.