

1 HB369
2 167094-3
3 By Representatives Harbison, Butler, Whorton (I), Whorton (R)
4 and Shedd
5 RFD: Public Safety and Homeland Security
6 First Read: 31-MAR-15

1 ENGROSSED

2
3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to motor vehicle liability insurance; to
9 amend Section 32-7A-6, Code of Alabama 1975, and to add
10 Section 32-7A-26 to the Code of Alabama 1975; to allow
11 evidence of motor vehicle liability insurance to be presented
12 in an electronic format; to authorize the Department of
13 Revenue to send notices, in an electronic format, to verify
14 that a liability insurance policy exists on a motor vehicle;
15 and to clarify that the use of a cellular phone or other
16 electronic device to display evidence of insurance does not
17 constitute consent for a law enforcement officer to access any
18 other content on the device.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 32-7A-6, Code of Alabama 1975, is
21 amended to read as follows:

22 "§32-7A-6.

23 "(a) Every operator of a motor vehicle subject to
24 the provisions of Section 32-7A-4 shall carry within the
25 vehicle evidence of insurance. The evidence shall be legible
26 and sufficient to demonstrate that the motor vehicle currently
27 is covered by a liability insurance policy or a commercial

1 automobile liability insurance policy as required under
2 Section 32-7A-4 and may include, but is not limited to, the
3 following:

4 "(1) An insurance card, or temporary insurance card,
5 provided by the insurer or an authorized representative under
6 this section.

7 "(2) The combination of proof of purchase of the
8 motor vehicle within the previous 20 calendar days and a
9 current and valid insurance card issued for the motor vehicle
10 replaced by such purchase.

11 "(3) The current declarations page of a liability
12 insurance policy.

13 "(4) A liability insurance binder, or legible copy
14 thereof, certificate of liability insurance, or legible copy
15 thereof; provided such document contains all information
16 required in this chapter.

17 "(5) A current motor vehicle rental agreement for
18 the vehicle, which specifies insurance coverage by the rental
19 company or the operator in the minimum amounts, provided in
20 Section 32-7-6(c).

21 "(b) The insurer issuing the liability insurance
22 policy or the commercial automobile liability insurance policy
23 shall provide an insurance card for each motor vehicle insured
24 that shall contain the following information:

25 "(1) The vehicle year model.

26 "(2) The vehicle make.

27 "(3) The vehicle identification number (VIN).

1 "(4) The name of the insured(s).

2 "(5) The name of the insurance company.

3 "(6) The policy number, not required on temporary
4 insurance card.

5 "(7) The effective date and expiration date, which
6 shall cover a period of time not to exceed 12 months.

7 "(8) Insurance company's NAIC number.

8 "(c) Notwithstanding the foregoing, if the insurance
9 card is issued for a commercial automobile liability insurance
10 policy, the card may state "FLEET," "COMMERCIAL," "COMMERCIAL
11 POLICY," or "COMMERCIAL EXEMPT" in lieu of vehicle years,
12 makes, and VIN's if vehicle years, makes, and VIN's are not
13 captured by the insurer. If the vehicle years, makes, and
14 VIN's are captured by the insurer, then the insurer may
15 provide such information on the insurance card, but must state
16 "FLEET," "COMMERCIAL," "COMMERCIAL POLICY," or "COMMERCIAL
17 EXEMPT" on the insurance card. If the insurance card is issued
18 for a nonowner policy, the card may state "NONOWNER POLICY" in
19 lieu of the vehicle year, make, and VIN.

20 "(d) ~~The minimum size of the insurance card shall be~~
21 ~~3" by 2 1/8"~~. All required information shall ~~be printed~~ appear
22 on the front of the card. The insurance card may include other
23 information at the discretion of the insurer. Insurance
24 companies may allow authorized representatives to issue
25 temporary insurance cards to satisfy the requirements of this
26 chapter. Temporary insurance cards are not required to have

1 the policy number but shall contain all other required
2 information.

3 "(e) No insurer shall issue a card, similar in
4 appearance, form, and content to the insurance card required
5 under this section, in connection with an insurance policy
6 that does not provide the liability insurance coverage
7 required under Section 32-7A-4.

8 "(f) Insurance binders, certificates of liability
9 insurance, and other evidence of insurance as required under
10 this section, must meet the following requirements (except
11 where noted):

12 "(1) Insurance company name.

13 "(2) Policy number - not required on a binder or
14 temporary insurance card.

15 "(3) Effective date.

16 "(4) Expiration date.

17 "(5) Name of insured(s).

18 "(6) Vehicle year model - not required if issued for
19 a commercial automobile liability insurance policy or for a
20 nonowner policy.

21 "(7) Vehicle make - not required if issued for a
22 commercial automobile liability insurance policy or for a
23 nonowner policy.

24 "(8) Vehicle identification number - not required if
25 issued for a commercial automobile liability insurance policy
26 or for a nonowner policy.

27 "(9) Signature of authorized representative.

1 "(g) The combination proof of purchase of a motor
2 vehicle, as provided in subsection (a) above, shall consist of
3 a legible copy of the legal bill of sale if the motor vehicle
4 is not subject to the provisions of the Alabama Uniform
5 Certificate of Title and Antitheft Act, or the owner's copy of
6 the application for certificate of title for a motor vehicle
7 subject to the provisions of the Alabama Uniform Certificate
8 of Title and Antitheft Act, or an Alabama certificate of title
9 issued in the name of the vehicle owner or operator.

10 "(h) The evidence of insurance shall be presented
11 upon request made by any law enforcement officer wearing a
12 uniform or presenting a badge, or both or other sign of
13 authority. Any person who fails or refuses to comply with such
14 request is in violation of Section 32-7A-16 unless evidence of
15 motor vehicle liability insurance or other evidence of
16 financial responsibility as provided in this chapter is
17 verified through the online insurance verification system. Any
18 person who presents evidence of insurance, knowing there is no
19 valid liability insurance in effect on the motor vehicle as
20 required under Section 32-7A-4 or knowing the evidence of
21 insurance is illegally altered, counterfeit, or otherwise
22 invalid, is in violation of Section 32-7A-16.

23 "(i) The evidence of insurance may be provided in
24 either a tangible format or an electronic format. Acceptable
25 electronic formats include the display of electronic images on
26 a cellular phone or other electronic device.

1 "(j) The use of a cellular phone or other electronic
2 device to display evidence of insurance does not constitute
3 consent for law enforcement or other governmental employees to
4 access any other content on the electronic device. Any law
5 enforcement officer or other governmental employee presented
6 with an electronic device pursuant to this section shall be
7 subject to the provisions of Section 36-1-12 for damages to
8 the electronic device resulting from acts taken when viewing
9 the device pursuant to this section."

10 Section 2. Section 32-7A-26 is added to the Code of
11 Alabama 1975, to read as follows:

12 §32-7A-26.

13 The department may establish rules pursuant to the
14 Administrative Procedure Act regarding procedures to send
15 notices, prescribed by this chapter, in an electronic format.
16 Notices sent in electronic format shall be allowed only if the
17 content satisfies all of the requirements of this chapter.

18 Section 3. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.

1
2
3

4
5
6
7
8
9
10
11
12
13
14
15

16
17
18
19

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 31-MAR-15

Read for the second time and placed
on the calendar with 1 substitute
and..... 09-APR-15

Read for the third time and passed
as amended..... 19-MAY-15

Yeas 101, Nays 0, Abstains 0

Jeff Woodard
Clerk