

1 HB369
2 166460-1
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 166460-1:n:03/26/2015:PMG/cj LRS2015-1248

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8 SYNOPSIS: Under existing law, an operator of a motor
9 vehicle is required to carry within the vehicle
10 evidence of liability insurance.

11 This bill would allow evidence of motor
12 vehicle liability insurance to be presented in an
13 electronic format.

14 This bill would also clarify that the use of
15 a cellular phone or other electronic device to
16 display evidence of insurance does not constitute
17 consent for a law enforcement officer to access any
18 other content on the device.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 Relating to motor vehicle liability insurance; to
25 amend Section 32-7A-6, Code of Alabama 1975; to allow evidence
26 of motor vehicle liability insurance to be presented in an
27 electronic format; and to clarify that the use of a cellular

1 phone or other electronic device to display evidence of
2 insurance does not constitute consent for a law enforcement
3 officer to access any other content on the device.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§32-7A-6.

8 " (a) Every operator of a motor vehicle subject to
9 the provisions of Section 32-7A-4 shall carry within the
10 vehicle evidence of insurance. The evidence shall be legible
11 and sufficient to demonstrate that the motor vehicle currently
12 is covered by a liability insurance policy or a commercial
13 automobile liability insurance policy as required under
14 Section 32-7A-4 and may include, but is not limited to, the
15 following:

16 " (1) An insurance card, or temporary insurance card,
17 provided by the insurer or an authorized representative under
18 this section.

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

23 " (3) The current declarations page of a liability
24 insurance policy.

25 " (4) A liability insurance binder, or legible copy
26 thereof, certificate of liability insurance, or legible copy

1 thereof; provided such document contains all information
2 required in this chapter.

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

7 "(b) The insurer issuing the liability insurance
8 policy or the commercial automobile liability insurance policy
9 shall provide an insurance card for each motor vehicle insured
10 that shall contain the following information:

11 "(1) The vehicle year model.

12 "(2) The vehicle make.

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

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

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

16 "(6) The policy number, not required on temporary
17 insurance card.

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

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

21 "(c) Notwithstanding the foregoing, if the insurance
22 card is issued for a commercial automobile liability insurance
23 policy, the card may state "FLEET," "COMMERCIAL," "COMMERCIAL
24 POLICY," or "COMMERCIAL EXEMPT" in lieu of vehicle years,
25 makes, and VIN's if vehicle years, makes, and VIN's are not
26 captured by the insurer. If the vehicle years, makes, and
27 VIN's are captured by the insurer, then the insurer may

1 provide such information on the insurance card, but must state
2 "FLEET," "COMMERCIAL," "COMMERCIAL POLICY," or "COMMERCIAL
3 EXEMPT" on the insurance card. If the insurance card is issued
4 for a nonowner policy, the card may state "NONOWNER POLICY" in
5 lieu of the vehicle year, make, and VIN.

6 ~~"(d) The minimum size of the insurance card shall be~~
7 ~~3" by 2 1/8".~~ All required information shall ~~be printed~~ appear
8 on the front of the card. The insurance card may include other
9 information at the discretion of the insurer. Insurance
10 companies may allow authorized representatives to issue
11 temporary insurance cards to satisfy the requirements of this
12 chapter. Temporary insurance cards are not required to have
13 the policy number but shall contain all other required
14 information.

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

20 "(f) Insurance binders, certificates of liability
21 insurance, and other evidence of insurance as required under
22 this section, must meet the following requirements (except
23 where noted):

24 "(1) Insurance company name.
25 "(2) Policy number - not required on a binder or
26 temporary insurance card.

27 "(3) Effective date.

1 "(4) Expiration date.

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

3 "(6) Vehicle year model - not required if issued for
4 a commercial automobile liability insurance policy or for a
5 nonowner policy.

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

9 "(8) Vehicle identification number - not required if
10 issued for a commercial automobile liability insurance policy
11 or for a nonowner policy.

12 "(9) Signature of authorized representative.

13 "(g) The combination proof of purchase of a motor
14 vehicle, as provided in subsection (a) above, shall consist of
15 a legible copy of the legal bill of sale if the motor vehicle
16 is not subject to the provisions of the Alabama Uniform
17 Certificate of Title and Antitheft Act, or the owner's copy of
18 the application for certificate of title for a motor vehicle
19 subject to the provisions of the Alabama Uniform Certificate
20 of Title and Antitheft Act, or an Alabama certificate of title
21 issued in the name of the vehicle owner or operator.

22 "(h) The evidence of insurance shall be presented
23 upon request made by any law enforcement officer wearing a
24 uniform or presenting a badge, or both or other sign of
25 authority. Any person who fails or refuses to comply with such
26 request is in violation of Section 32-7A-16 unless evidence of
27 motor vehicle liability insurance or other evidence of

1 financial responsibility as provided in this chapter is
2 verified through the online insurance verification system. Any
3 person who presents evidence of insurance, knowing there is no
4 valid liability insurance in effect on the motor vehicle as
5 required under Section 32-7A-4 or knowing the evidence of
6 insurance is illegally altered, counterfeit, or otherwise
7 invalid, is in violation of Section 32-7A-16.

8 "(i) The evidence of insurance may be provided in
9 either a tangible format or an electronic format. Acceptable
10 electronic formats include the display of electronic images on
11 a cellular phone or other electronic device.

12 "(j) The use of a cellular phone or other electronic
13 device to display evidence of insurance does not constitute
14 consent for law enforcement or other governmental employees to
15 access any other content on the electronic device. Any law
16 enforcement officer or other governmental employee presented
17 with an electronic device pursuant to this section shall not
18 be liable for damages to the electronic device resulting from
19 acts taken when viewing the device pursuant to this section."

20 Section 2. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.