

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

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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.