

1 SB273
2 165528-2
3 By Senator Sanford
4 RFD: Transportation and Energy
5 First Read: 18-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 authorize the Department of
15 Revenue to send notices, in an electronic format,
16 to verify that a liability insurance policy exists
17 on a motor vehicle.

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

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§32-7A-6.

16 "(a) Every operator of a motor vehicle subject to
17 the provisions of Section 32-7A-4 shall carry within the
18 vehicle evidence of insurance. The evidence shall be legible
19 and sufficient to demonstrate that the motor vehicle currently
20 is covered by a liability insurance policy or a commercial
21 automobile liability insurance policy as required under
22 Section 32-7A-4 and may include, but is not limited to, the
23 following:

24 "(1) An insurance card, or temporary insurance card,
25 provided by the insurer or an authorized representative under
26 this section.

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

5 "(3) The current declarations page of a liability
6 insurance policy.

7 "(4) A liability insurance binder, or legible copy
8 thereof, certificate of liability insurance, or legible copy
9 thereof; provided such document contains all information
10 required in this chapter.

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

15 "(b) The insurer issuing the liability insurance
16 policy or the commercial automobile liability insurance policy
17 shall provide an insurance card for each motor vehicle insured
18 that shall contain the following information:

19 "(1) The vehicle year model.

20 "(2) The vehicle make.

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

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

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

24 "(6) The policy number, not required on temporary
25 insurance card.

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

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

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

14 "~~(d) The minimum size of the insurance card shall be~~
15 ~~3" by 2 1/8"~~. All required information shall ~~be printed~~ appear
16 on the front of the card. The insurance card may include other
17 information at the discretion of the insurer. Insurance
18 companies may allow authorized representatives to issue
19 temporary insurance cards to satisfy the requirements of this
20 chapter. Temporary insurance cards are not required to have
21 the policy number but shall contain all other required
22 information.

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

1 "(f) Insurance binders, certificates of liability
2 insurance, and other evidence of insurance as required under
3 this section, must meet the following requirements (except
4 where noted):

5 "(1) Insurance company name.

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

8 "(3) Effective date.

9 "(4) Expiration date.

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

11 "(6) Vehicle year model - not required if issued for
12 a commercial automobile liability insurance policy or for a
13 nonowner policy.

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

17 "(8) Vehicle identification number - not required if
18 issued for a commercial automobile liability insurance policy
19 or for a nonowner policy.

20 "(9) Signature of authorized representative.

21 "(g) The combination proof of purchase of a motor
22 vehicle, as provided in subsection (a) above, shall consist of
23 a legible copy of the legal bill of sale if the motor vehicle
24 is not subject to the provisions of the Alabama Uniform
25 Certificate of Title and Antitheft Act, or the owner's copy of
26 the application for certificate of title for a motor vehicle
27 subject to the provisions of the Alabama Uniform Certificate

1 of Title and Antitheft Act, or an Alabama certificate of title
2 issued in the name of the vehicle owner or operator.

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

16 "(i) The evidence of insurance may be provided in
17 either a tangible format or an electronic format. Acceptable
18 electronic formats include the display of electronic images on
19 a cellular phone or other electronic device.

20 "(j) The use of a cellular phone or other electronic
21 device to display evidence of insurance does not constitute
22 consent for law enforcement or other governmental employees to
23 access any other content on the electronic device. Any law
24 enforcement officer or other governmental employee presented
25 with an electronic device pursuant to this section shall not
26 be liable for damages to the electronic device resulting from
27 acts taken when viewing the device pursuant to this section."

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

3 §32-7A-26.

4 The department may establish rules pursuant to the
5 Administrative Procedure Act regarding procedures to send
6 notices, prescribed by this chapter, in an electronic format.
7 Notices sent in electronic format shall be allowed only if the
8 content satisfies all of the requirements of this chapter.

9 Section 3. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.