

1 205950-2 : n : 03/04/2020 : HB / tj LSA2020-20386

2
3 HOUSE PUBLIC SAFETY AND HOMELAND SECURITY COMMITTEE SUBSTITUTE
4 FOR HB279

5
6
7
8
9 SYNOPSIS: Under existing law, an operator of a motor
10 vehicle is required to carry evidence of an Alabama
11 liability insurance policy inside the vehicle.

12 This bill would require an operator of a
13 motor vehicle to carry evidence of any liability
14 insurance policy inside the motor vehicle.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 To amend Section 32-7A-5, as last amended by Act
21 2019-446 of the 2019 Regular Session, and Section 32-7A-6,
22 Code of Alabama 1975, relating to mandatory automobile
23 liability insurance, to provide that an individual is required
24 to carry evidence of a liability insurance policy inside the
25 vehicle.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 32-7A-5, as last amended by Act
2 2019-446 of the 2019 Regular Session, and Section 32-7A-6,
3 Code of Alabama 1975, are amended to read as follows:

4 "§32-7A-5.

5 "This chapter shall not apply to any of the
6 following vehicles or operators:

7 "(1) Trailers as defined in Section 40-12-240,
8 including, but not limited to, semitrailers, travel trailers,
9 boat trailers, pole trailers, and utility trailers.

10 "(2) Motor vehicles owned and operated by the United
11 States or any agency thereof, the State of Alabama, or any
12 political or governmental subdivision thereof.

13 "(3) Any motor vehicle which is subject to the
14 supervision and regulation of the Federal Motor Carrier Safety
15 Administration or the Alabama Public Service Commission and
16 for which the owner and/or operator has filed evidence of
17 financial responsibility, the liability under which is not
18 less than that required of the operator of a motor vehicle
19 under the terms of this chapter.

20 "(4) Motor vehicles covered by a certificate of
21 self-insurance issued by the director under the provisions of
22 Section 32-7-34.

23 "(5) Other motor vehicles complying with laws which
24 require the vehicles to be insured in amounts meeting or
25 exceeding the minimum amounts required under Section
26 32-7-6(c).

1 "(6) Implements of husbandry as defined in Section
2 32-8-2.

3 "(7) Any vehicle moved solely by animal power.

4 "(8) Special mobile equipment, as defined in Section
5 32-8-2.

6 "(9) Inoperable or stored motor vehicles for which
7 the registrant has surrendered the registration and associated
8 license plate in accordance with the rules adopted by the
9 department prior to the motor vehicle no longer being covered
10 by a liability insurance policy required by this chapter.

11 "(10) Motor vehicles owned by a licensed motor
12 vehicle dealer, wholesaler, or rebuilder and held in inventory
13 that are covered by a blanket liability insurance policy or
14 commercial automobile liability insurance policy.

15 "~~(11) Vehicles properly registered in another~~
16 ~~jurisdiction and not legally required to be registered~~
17 ~~pursuant to Chapter 12 of Title 40.~~

18 "~~(12)~~ (11) Vehicles owned by a bank, a subsidiary or
19 affiliate of a bank, or finance company, acquired as an
20 incident to their regular business, that are covered by a
21 blanket liability insurance policy or commercial automobile
22 liability insurance policy.

23 "~~(13)~~ (12) Vehicles as prescribed by the
24 commissioner that are covered by a blanket liability insurance
25 policy or commercial automobile liability insurance policy.

26 "§32-7A-6.

1 "(a) Every operator of a motor vehicle subject to
2 the provisions of Section 32-7A-4 shall carry within the
3 vehicle evidence of insurance. The evidence shall be legible
4 and sufficient to demonstrate that the motor vehicle currently
5 is covered by ~~an Alabama~~ a liability insurance policy or ~~an~~
6 ~~Alabama~~ a commercial automobile liability insurance policy as
7 required under Section 32-7A-4 and may include, but is not
8 limited to, the following:

9 "(1) An insurance card, or temporary insurance card,
10 provided by the insurer or an authorized representative under
11 this section.

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

16 "(3) The current declarations page of ~~an Alabama~~ a
17 liability insurance policy.

18 "(4) ~~An Alabama~~ A liability insurance binder, or
19 legible copy thereof, ~~Alabama~~ certificate of liability
20 insurance, or legible copy thereof; provided such document
21 contains all information required in this chapter.

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

26 "(b) The insurer issuing the ~~Alabama~~ liability
27 insurance policy or the ~~Alabama~~ commercial automobile

1 liability insurance policy shall provide an ~~Alabama~~ insurance
2 card for each motor vehicle insured that shall contain the
3 following information:

4 "(1) The vehicle year model.

5 "(2) The vehicle make.

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

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

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

9 "(6) The ~~Alabama~~ policy number, not required on
10 temporary insurance card.

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

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

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

26 "(d) All required information shall appear on the
27 front of the card. The insurance card may include other

1 information at the discretion of the insurer. Insurance
2 companies may allow authorized representatives to issue
3 temporary insurance cards to satisfy the requirements of this
4 chapter. Temporary insurance cards are not required to have
5 the policy number but shall contain all other required
6 information.

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

12 "(f) Insurance binders, certificates of liability
13 insurance, and other evidence of insurance as required under
14 this section, must meet the following requirements (except
15 where noted):

16 "(1) Insurance company name.

17 "(2) ~~Alabama~~ Policy number - not required on a
18 binder or temporary insurance card.

19 "(3) Effective date.

20 "(4) Expiration date.

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

22 "(6) Vehicle year model - not required if issued for
23 a commercial automobile liability insurance policy or for a
24 nonowner policy.

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

1 "(8) Vehicle identification number - not required if
2 issued for a commercial automobile liability insurance policy
3 or for a nonowner policy.

4 "(9) Signature of authorized representative.

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

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

1 "(i) The evidence of insurance may be provided in
2 either a tangible format or in an electronic format.
3 Acceptable electronic formats include the display of
4 electronic images on a cellular phone or other electronic
5 device.

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

15 Section 2. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.