

The Senate Insurance and Labor Committee offered the following substitute to HB 994:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-6-10 of the Official Code of Georgia Annotated, relating to
2 insurance requirements for operation of motor vehicles generally, so as to provide that
3 owners and operators shall keep proof of minimum insurance coverage in all vehicles until
4 January 31, 2003; to provide that on and after February 1, 2003, proof of insurance for
5 vehicles not insured under a commercial policy will be established by a state database of
6 insurance coverage; to provide for the admissibility of the records of the Department of
7 Motor Vehicle Safety concerning insurance coverage; to provide that such records shall be
8 prima-facie evidence of the matters contained therein; to provide for types of proof of
9 insurance coverage; to provide for enforcement; to provide for related matters; to provide an
10 effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Code Section 40-6-10 of the Official Code of Georgia Annotated, relating to insurance
13 requirements for operation of motor vehicles generally, is amended by striking subsection (a)
14 and inserting in lieu thereof new subsections (a) and (d) to read as follows:

15
16 "(a)(1) ~~The~~ Until January 31, 2003, the owner or operator of a motor vehicle for which
17 minimum motor vehicle liability insurance coverage is required under Chapter 34 of
18 Title 33 shall keep proof or evidence of required minimum insurance coverage in the
19 vehicle at all times during the operation of the vehicle ~~if~~. The owner of a motor vehicle
20 shall provide to any operator of such vehicle proof or evidence of required minimum
21 insurance coverage for the purposes of compliance with this subsection.

22 (2) The following shall be acceptable proof of insurance on a temporary basis:

23 (A) ~~The~~ If the policy providing such coverage was applied for within the last 30 days,
24 ~~in which case~~ a current written binder for such coverage for a period not exceeding 30
25 days from the date such binder was issued shall be considered satisfactory proof or
26 evidence of required minimum insurance coverage;

1 (B) ~~The~~ If the vehicle is operated under a rental agreement, ~~in which case~~ a duly
 2 executed vehicle rental agreement shall be considered satisfactory proof or evidence of
 3 required minimum insurance coverage; ~~or~~ and

4 (C) ~~The~~ If the owner acquired ownership of the motor vehicle in question within the
 5 past 20 days, ~~in which case~~ if the type of proof described in subparagraph (A) of this
 6 paragraph is not applicable but the vehicle is currently effectively provided with
 7 required minimum insurance coverage under the terms of a policy providing required
 8 minimum insurance coverage for another motor vehicle, then a copy of the insurer's
 9 declaration of coverage under the policy providing such required minimum insurance
 10 coverage for such other vehicle shall be considered satisfactory proof or evidence of
 11 required minimum insurance coverage for the vehicle in question, but only if
 12 accompanied by proof or evidence that the owner acquired ownership of the vehicle in
 13 question within the past 20 days;

14 (3) On and after February 1, 2003, the requirement under this Code section that proof or
 15 evidence of minimum liability insurance be maintained in a motor vehicle at all times
 16 during the operation of the vehicle provided, however, that the requirements of this
 17 paragraph shall not apply to the owner or operator of any vehicle for which the records
 18 or database of the Department of Public Motor Vehicle Safety indicate that required
 19 minimum insurance coverage is currently effective. ~~The owner of a motor vehicle shall~~
 20 ~~provide to any operator of such vehicle proof or evidence of required minimum insurance~~
 21 ~~coverage for the purposes of compliance with this subsection.~~

22 (4) Except as otherwise provided in paragraph ~~(4)~~ (7) of this subsection, any person who
 23 fails to comply with the requirements of this subsection shall be guilty of a misdemeanor
 24 and, upon conviction thereof, shall be subject to a fine of not less than \$200.00 nor more
 25 than \$1,000.00 or imprisonment for not more than 12 months, or both.

26 ~~(2)(A) Insurance coverage information from records of the department shall be~~
 27 ~~prima-facie evidence of the facts stated therein and shall be admissible as evidence in~~
 28 ~~accordance with Code Section 24-3-17.~~

29 ~~(B)~~(5) Every law enforcement officer in this state shall ~~request~~ determine if the operator
 30 of a motor vehicle subject to the provisions of paragraph ~~(1)~~ of this subsection to produce
 31 ~~proof or evidence of~~ this Code section has the required minimum insurance coverage
 32 every time the law enforcement officer requests the presentation of the driver's license
 33 of the operator of the vehicle.

34 ~~(3)~~(6) If a law enforcement officer of this state determines that the owner or operator of
 35 a motor vehicle subject to the provisions of paragraph ~~(1)~~ of this subsection fails to show
 36 this Code section does not have proof or evidence of required minimum insurance

1 coverage, the arresting officer shall issue a uniform traffic citation for operating a motor
 2 vehicle without proof of insurance and shall take possession of the driver's license and
 3 forward it to a court of competent jurisdiction. If the court or arresting officer determines
 4 that the operator is not the owner, then a uniform traffic citation may be issued to the
 5 owner for authorizing the operation of a motor vehicle without proof of insurance.

6 ~~(4)~~(7) If the person receiving a citation under this subsection shows to the court having
 7 jurisdiction of the case that required minimum insurance coverage was in effect at the
 8 time the citation was issued, the court shall return the driver's license upon payment of
 9 a fine not to exceed \$25.00. The court shall not in this case forward a record of the
 10 disposition of the case to the department and the driver's license of such person shall not
 11 be suspended.

12 ~~(5)~~(8)(A) For purposes of this Code section up to and including ~~December 31, 2001~~
 13 January 31, 2003, a valid insurance card shall be sufficient proof of insurance for any
 14 vehicle.

15 (B) For purposes of this Code section on and after ~~January 1, 2002~~ February 1, 2003,
 16 a valid insurance card shall be sufficient proof of insurance only for any vehicle
 17 covered under a commercial vehicle policy as defined in Code Section 40-5-71.

18 (C) For any vehicle covered under a policy of motor vehicle liability insurance that is
 19 not a commercial vehicle policy as defined in Code Section 40-5-71, the insurer shall
 20 issue a policy information identification card which shall contain at least the name of
 21 the insurer, policy number, policy issue or effective date, policy expiration date, name
 22 of the insured, and year, make, model, and vehicle identification number of each
 23 vehicle insured; provided, however, that on and after ~~January 1, 2002~~ February 1, 2003,
 24 any such policy information identification card shall not be sufficient proof of insurance
 25 for any purposes of this Code section."

26 "(d) Insurance coverage information from records of the department shall be prima-facie
 27 evidence of the facts stated therein and shall be admissible as evidence in accordance with
 28 Code Section 24-3-17."

29 SECTION 2.

30 This Act shall become effective upon its approval by the Governor or upon its becoming law
 31 without such approval.

32 SECTION 3.

33 All laws and parts of laws in conflict with this Act are repealed.