

House Bill 994

By: Representative Lord of the 121<sup>st</sup>

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 related matters; to provide an effective date; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "(a)(1) ~~The~~ Until January 31, 2003, the owner or operator of a motor vehicle for which  
14 minimum motor vehicle liability insurance coverage is required under Chapter 34 of  
15 Title 33 shall keep proof or evidence of required minimum insurance coverage in the  
16 vehicle at all times during the operation of the vehicle if:

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

21 (B) The vehicle is operated under a rental agreement, in which case a duly executed  
22 vehicle rental agreement shall be considered satisfactory proof or evidence of required  
23 minimum insurance coverage; or

24 (C) The owner acquired ownership of the motor vehicle in question within the past 20  
25 days, in which case if the type of proof described in subparagraph (A) of this paragraph  
26 is not applicable but the vehicle is currently effectively provided with required

1 minimum insurance coverage under the terms of a policy providing required minimum  
2 insurance coverage for another motor vehicle, then a copy of the insurer's declaration  
3 of coverage under the policy providing such required minimum insurance coverage for  
4 such other vehicle shall be considered satisfactory proof or evidence of required  
5 minimum insurance coverage for the vehicle in question, but only if accompanied by  
6 proof or evidence that the owner acquired ownership of the vehicle in question within  
7 the past 20 days;

8 provided, however, that the requirements of this paragraph shall not apply to the owner or  
9 operator of any vehicle for which the records of the Department of ~~Public~~ Motor Vehicle  
10 Safety indicate that required minimum insurance coverage is currently effective. The owner  
11 of a motor vehicle shall provide to any operator of such vehicle proof or evidence of  
12 required minimum insurance coverage for the purposes of compliance with this subsection.  
13 Except as otherwise provided in paragraph (4) of this subsection, any person who fails to  
14 comply with the requirements of this subsection shall be guilty of a misdemeanor and, upon  
15 conviction thereof, shall be subject to a fine of not less than \$200.00 nor more than  
16 \$1,000.00 or imprisonment for not more than 12 months, or both.

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

20 (B) Every law enforcement officer in this state shall request the operator of a motor  
21 vehicle subject to the provisions of paragraph (1) of this subsection to produce proof  
22 or evidence of required minimum insurance coverage every time the law enforcement  
23 officer requests the presentation of the driver's license of the operator of the vehicle.

24 (3) If the owner or operator of a motor vehicle subject to the provisions of paragraph (1)  
25 of this subsection fails to show proof or evidence of required minimum insurance, the  
26 arresting officer shall issue a uniform traffic citation for operating a motor vehicle  
27 without proof of insurance and shall take possession of the driver's license and forward  
28 it to a court of competent jurisdiction. If the court or arresting officer determines that the  
29 operator is not the owner, then a uniform traffic citation may be issued to the owner for  
30 authorizing the operation of a motor vehicle without proof of insurance.

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

1 (5)(A) For purposes of this Code section up to and including ~~December~~ January 31,  
2 ~~2001~~ 2003, a valid insurance card shall be sufficient proof of insurance for any vehicle.  
3 (B) For purposes of this Code section on and after ~~January~~ February 1, ~~2002~~ 2003, a  
4 valid insurance card shall be sufficient proof of insurance only for any vehicle covered  
5 under a commercial vehicle policy as defined in Code Section 40-5-71.  
6 (C) For any vehicle covered under a policy of motor vehicle liability insurance that is  
7 not a commercial vehicle policy as defined in Code Section 40-5-71, the insurer shall  
8 issue a policy information identification card which shall contain at least the name of  
9 the insurer, policy number, policy issue or effective date, policy expiration date, name  
10 of the insured, and year, make, model, and vehicle identification number of each  
11 vehicle insured; provided, however, that on and after ~~January~~ February 1, ~~2002~~ 2003,  
12 any such policy information identification card shall not be sufficient proof of insurance  
13 for any purposes of this Code section."

14 **SECTION 2.**

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

17 **SECTION 3.**

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