

The Senate Public Safety Committee offered the following substitute to HB 254:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to uniform rules of the road, so as to provide that
3 electronic proof of insurance may be accepted under certain circumstances; to provide for
4 a definition; to provide that an insurance company may issue coverage information in
5 electronic format on a mobile electronic device of insurance coverage in lieu of issuing a
6 card; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
11 general provisions relative to uniform rules of the road, is amended by revising Code Section
12 40-6-10, relating to insurance requirements for operation of motor vehicles, as follows:

13 "40-6-10.

14 (a)(1) As used in this Code section, the term 'mobile electronic device' means a portable
15 computing and communication device that has a display screen with touch input or a
16 miniature keyboard.

17 (1.1) Upon the request of the insured, an insurer may issue a verification as to the
18 existence of minimum motor vehicle liability insurance coverage as required under
19 Chapter 34 of Title 33 in an electronic format to a mobile electronic device to the extent
20 available. This paragraph shall not require an insurer to provide such verification of
21 coverage in real time.

22 (1.2) The owner or operator of a motor vehicle for which minimum motor vehicle
23 liability insurance coverage is required under Chapter 34 of Title 33 shall keep proof or
24 evidence of required minimum insurance coverage in the vehicle at all times during the
25 operation of the vehicle. The owner of a motor vehicle shall provide to any operator of
26 such vehicle proof or evidence of required minimum insurance coverage for the purposes

27 of compliance with this subsection. The proof or evidence of required minimum
28 insurance coverage required by this subsection may be produced in either paper or
29 electronic format. Acceptable electronic formats include a display of electronic images
30 on a mobile electronic device.

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

32 (A) If the policy providing such coverage was applied for within the last 30 days, a
33 current written binder for such coverage for a period not exceeding 30 days from the
34 date such binder was issued shall be considered satisfactory proof or evidence of
35 required minimum insurance coverage;

36 (B) If the vehicle is operated under a rental agreement, a duly executed vehicle rental
37 agreement shall be considered satisfactory proof or evidence of required minimum
38 insurance coverage; and

39 (C) If the owner acquired ownership of the vehicle within the past 30 days, if the type
40 of proof described in subparagraph (A) of this paragraph is not applicable but the
41 vehicle is currently effectively provided with required minimum insurance coverage
42 under the terms of a policy providing required minimum insurance coverage for another
43 motor vehicle, then a copy of the insurer's declaration of coverage under the policy
44 providing such required minimum insurance coverage for such other vehicle shall be
45 considered satisfactory proof or evidence of required minimum insurance coverage for
46 the vehicle, but only if accompanied by proof or evidence that the owner acquired
47 ownership of the vehicle within the past 30 days.

48 (2.1) If the vehicle is insured under a fleet policy as defined in Code Section 40-2-137
49 providing the required minimum insurance coverage or if the vehicle is engaged in
50 interstate commerce and registered under the provisions of Article 3A of Chapter 2 of this
51 title, the insurance information card issued by the insurer shall be considered satisfactory
52 proof of required minimum insurance coverage for the vehicle.

53 (2.2) If the vehicle is insured under a certificate of self-insurance issued by the
54 Commissioner of Insurance providing the required minimum insurance coverage under
55 which the vehicle owner did not report the vehicle identification number to the
56 Commissioner of Insurance, the insurance information card issued by the Commissioner
57 of Insurance shall be considered satisfactory proof of required minimum insurance
58 coverage for the vehicle, but only if accompanied by a copy of the certificate issued by
59 the Commissioner of Insurance.

60 (3) The requirement under this Code section that proof or evidence of minimum liability
61 insurance be maintained in a motor vehicle at all times during the operation of the vehicle
62 or produced in electronic format shall not apply to the owner or operator of any vehicle

63 for which the records or data base of the Department of Revenue indicates that required
64 minimum insurance coverage is currently effective.

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

69 (5) Every law enforcement officer in this state shall determine if the operator of a motor
70 vehicle subject to the provisions of this Code section has the required minimum insurance
71 coverage every time the law enforcement officer stops the vehicle or requests the
72 presentation of the driver's license of the operator of the vehicle.

73 (6) If a law enforcement officer of this state determines that the owner or operator of a
74 motor vehicle subject to the provisions of this Code section does not have proof or
75 evidence of required minimum insurance coverage, the arresting officer shall issue a
76 uniform traffic citation for operating a motor vehicle without proof of insurance. If the
77 court or arresting officer determines that the operator is not the owner, then a uniform
78 traffic citation may be issued to the owner for authorizing the operation of a motor
79 vehicle without proof of insurance.

80 (7) If the person receiving a citation under this subsection shows to the court having
81 jurisdiction of the case that required minimum insurance coverage was in effect at the
82 time the citation was issued, the court may impose a fine not to exceed \$25.00. The court
83 shall not in this case forward a record of the disposition of the case to the department, and
84 the driver's license of such person shall not be suspended.

85 (8)(A) For purposes of this Code section, a valid insurance card or verification in
86 electronic format on a mobile electronic device shall be sufficient proof of insurance
87 only for any vehicle covered under a fleet policy as defined in Code Section 40-2-137.
88 The insurance card or verification in electronic format on a mobile electronic device for
89 a fleet policy shall contain at least the name of the insurer, policy number, policy issue
90 or effective date, policy expiration date, and the name of the insured and may, but shall
91 not be required to, include the year, make, model, and vehicle identification number of
92 the vehicle insured. If the operator of any vehicle covered under a fleet policy as
93 defined in Code Section 40-2-137 presents a valid insurance card or verification in
94 electronic format on a mobile electronic device for a fleet policy to any law
95 enforcement officer or agency, and the officer or agency does not recognize the
96 insurance card or verification in electronic format on a mobile electronic device as valid
97 proof of insurance and impounds or tows such vehicle for lack of proof of insurance,
98 the law enforcement agency or political subdivision shall be liable for and limited to the
99 fees of the wrongful impoundment or towing of the vehicle, which in no way waives

100 or diminishes any sovereign immunity of such governmental entity. If a person
101 displays verification in electronic format on a mobile electronic device pursuant to this
102 subparagraph, such person shall not be deemed as consenting to law enforcement to
103 access other contents of such mobile electronic device.

104 (B) For any vehicle covered under a policy of motor vehicle liability insurance that is
105 not a fleet policy as defined in Code Section 40-2-137, the insurer shall issue a policy
106 information card which shall contain, or may make available in an electronic format on
107 a mobile electronic device, at least the name of the insurer, policy number, policy issue
108 or effective date, policy expiration date, name of the insured, and year, make, model,
109 and vehicle identification number of each vehicle insured; the owner or operator of the
110 motor vehicle shall keep such policy information card in the vehicle at all times during
111 operation of the vehicle for purposes of Code Section 40-6-273.1, but any such policy
112 information card or policy information in an electronic format on a mobile electronic
113 device shall not be sufficient proof of insurance for any purposes of this Code section
114 except as otherwise provided in this Code section. If a person displays policy
115 information in an electronic format on a mobile electronic device pursuant to this
116 subparagraph, such person shall not be deemed as consenting to law enforcement to
117 access other contents of such mobile electronic device.

118 (b) An owner or any other person who knowingly operates or knowingly authorizes
119 another to operate a motor vehicle without effective insurance on such vehicle or without
120 an approved plan of self-insurance shall be guilty of a misdemeanor and, upon conviction
121 thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or
122 imprisonment for not more than 12 months, or both. An operator of a motor vehicle shall
123 not be guilty of a violation of this Code section if such operator maintains a policy of motor
124 vehicle insurance which extends coverage to any vehicle the operator may drive. An owner
125 or operator of a motor vehicle shall not be issued a citation by a law enforcement officer
126 for a violation of this Code section if the sole basis for issuance of such a citation is that
127 the law enforcement officer is unable to obtain insurance coverage information from the
128 records of the department.

129 (c) Any person who knowingly makes a false statement or certification under Code
130 Section 40-5-71 or this Code section shall be guilty of a misdemeanor and, upon conviction
131 thereof, shall be subject to a fine of not less than \$200.00 nor more than \$1,000.00 or
132 imprisonment for not more than 12 months, or both.

133 (d) Except for vehicles insured under a fleet policy as defined in Code Section 40-2-137
134 or under a plan of self-insurance approved by the Commissioner of Insurance, insurance
135 coverage information from records of the department shall be prima-facie evidence of the

136 facts stated therein and shall be admissible as evidence in accordance with Code Section
137 24-9-924 for the purposes of this Code section."

138 **SECTION 2.**

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

141 **SECTION 3.**

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