House Bill 994 (AS PASSED HOUSE AND SENATE)

By: Representative Lord of the 121st

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

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

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

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

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

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

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

~~(3)~~(6) If a law enforcement officer of this state determines that the owner or operator of a motor vehicle subject to the provisions of ~~paragraph (1) of this subsection fails to show~~ this Code section does not have proof or evidence of required minimum insurance coverage, the arresting officer shall issue a uniform traffic citation for operating a motor

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

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

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

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

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

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

(e) The minimum liability insurance database of the department shall be operational for the purposes of testing, evaluation, verification of data, and validation of accuracy not later than November 1, 2002, and shall be fully operational not later than February 1, 2003.″

SECTION 2.

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

SECTION 3.

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