

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 13-0629.01 Richard Sweetman x4333

HOUSE BILL 13-1159

HOUSE SPONSORSHIP

Rosenthal, Holbert, Williams, McNulty, DelGrosso, Kraft-Tharp, Melton, Moreno, Ryden, Singer, Szabo, Young

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House Committees

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Senate Committees

Transportation

A BILL FOR AN ACT

101 **CONCERNING THE USE OF AN ELECTRONIC DEVICE TO PRESENT**
102 **EVIDENCE OF AUTOMOBILE INSURANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Under current law, when an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter (driver) must present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 19, 2013

SENATE
2nd Reading Unamended
March 18, 2013

HOUSE
3rd Reading Unamended
February 26, 2013

HOUSE
2nd Reading Unamended
February 25, 2013

in full force and effect. The bill allows a driver to use a cell phone or other electronic device to present such evidence.

If a driver uses a cell phone or other electronic device to present evidence of insurance:

! The law enforcement officer to whom the operator presents the device shall not explore the contents of the cell phone or other electronic device other than to examine the driver's policy or certificate of self-insurance; and

! The law enforcement officer to whom the operator presents the device, and any law enforcement agency that employs the officer, are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.

Under current law, if an insurer issues or renews a policy of insurance, the insurer must provide the insured a proof of insurance certificate or insurance identification card to accompany the insured's registration application or renewal card or provide other proof of insurance. The bill allows an insurer to provide such proof of insurance or insurance identification card in either paper or electronic format.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1409, **amend**
3 (3); and **add** (8.5) as follows:

4 **42-4-1409. Compulsory insurance - penalty - legislative intent.**

5 (3) (a) When an accident occurs, or when requested to do so following
6 any lawful traffic contact or during any traffic investigation by a peace
7 officer, ~~no~~ AN owner or operator of a motor vehicle or low-power scooter
8 shall ~~fail to~~ present to the requesting officer immediate evidence of a
9 complying policy or certificate of self-insurance in full force and effect
10 as required by law.

11 (b) AS USED IN THIS SECTION, "EVIDENCE OF A COMPLYING POLICY
12 OR CERTIFICATE OF SELF-INSURANCE IN FULL FORCE AND EFFECT"
13 INCLUDES THE PRESENTATION OF SUCH A POLICY OR CERTIFICATE UPON A
14 CELL PHONE OR OTHER ELECTRONIC DEVICE.

1 (8.5) IF AN OPERATOR OF A MOTOR VEHICLE OR LOW-POWER
2 SCOOTER USES A CELL PHONE OR OTHER ELECTRONIC DEVICE TO PRESENT
3 EVIDENCE OF A COMPLYING POLICY OR CERTIFICATE OF SELF-INSURANCE
4 IN FULL FORCE AND EFFECT, AS DESCRIBED IN PARAGRAPH (b) OF
5 SUBSECTION (3) OF THIS SECTION:

6 (a) THE LAW ENFORCEMENT OFFICER TO WHOM THE OPERATOR
7 PRESENTS THE DEVICE SHALL NOT EXPLORE THE CONTENTS OF THE CELL
8 PHONE OR OTHER ELECTRONIC DEVICE OTHER THAN TO EXAMINE THE
9 OPERATOR'S POLICY OR CERTIFICATE OF SELF-INSURANCE; AND

10 (b) THE LAW ENFORCEMENT OFFICER TO WHOM THE OPERATOR
11 PRESENTS THE DEVICE, AND ANY LAW ENFORCEMENT AGENCY THAT
12 EMPLOYS THE OFFICER, ARE IMMUNE FROM ANY CIVIL DAMAGES
13 RESULTING FROM THE OFFICER DROPPING OR OTHERWISE
14 UNINTENTIONALLY DAMAGING THE CELL PHONE OR OTHER ELECTRONIC
15 DEVICE.

16 **SECTION 2.** In Colorado Revised Statutes, 10-4-604.5, **amend**
17 (1) as follows:

18 **10-4-604.5. Issuance or renewal of insurance policies - proof**
19 **of insurance provided by certificate, card, or other media.** (1) In
20 addition to any other requirement, if an insurer issues or renews a policy
21 of insurance, the insurer shall provide the insured a proof of insurance
22 certificate or insurance identification card to accompany the insured's
23 registration application or renewal card or provide proof of insurance in
24 such other media as is authorized by the department under section
25 42-3-105 (1) (d), C.R.S. THE INSURANCE IDENTIFICATION CARD MAY BE
26 PROVIDED IN EITHER PAPER OR ELECTRONIC FORMAT. ACCEPTABLE
27 ELECTRONIC FORMATS INCLUDE DISPLAY OF ELECTRONIC IMAGES ON A

1 CELLULAR PHONE OR ANY OTHER TYPE OF PORTABLE ELECTRONIC DEVICE.

2 **SECTION 3.** In Colorado Revised Statutes, 42-7-103, **amend**
3 (6.5) (a) as follows:

4 **42-7-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (6.5) (a) "Evidence of insurance" means proof given by the
7 insured in person to the department that the insured has a complying
8 policy in full force and effect. Proof may be made through presentation
9 of a copy of such complying policy or a card issued to the insured as
10 evidence that a complying policy is in full force and effect. A CARD
11 ISSUED TO THE INSURED AS EVIDENCE THAT A COMPLYING POLICY IS IN
12 FULL FORCE AND EFFECT MAY BE PRODUCED IN EITHER PAPER OR
13 ELECTRONIC FORMAT. ACCEPTABLE ELECTRONIC FORMATS INCLUDE
14 DISPLAY OF ELECTRONIC IMAGES ON A CELLULAR PHONE OR ANY OTHER
15 TYPE OF PORTABLE ELECTRONIC DEVICE.

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2014 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.