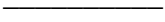


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A BILL
22-740

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend the Compulsory/No Fault Motor Vehicle Insurance Act of 1982 to provide that an automobile insurance identification card may be produced in a certain electronic format; and to amend the Vehicle Insurance Enforcement Amendment Act of 2006 to ensure that production of an automobile insurance identification card on an electronic device to a law enforcement officer does not constitute consent for a broader search of the electronic device; and to amend the District of Columbia Revenue Act of 1937 to provide that an automobile registration certificate may be maintained in a certain electronic format.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Electronic Proof of Motor Vehicle Insurance and Registration Amendment Act of 2018”.

Sec. 2. The Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 *et seq.*), is amended as follows:

(a) Section 7(a)(2A) (D.C. Official Code § 31-2406(a)(2A)) is amended by striking the phrase “Card must be carried” and inserting the phrase “Card, or an electronic image of an Insurance Identification Card that can be displayed on a cellular telephone or other portable electronic device, must be carried ” in its place.

28 (b) Section 15 (D.C. Official Code § 31-2413) is amended by adding a new subsection (a-
29 2) to read as follows:

30 “(a-2)(1) For the purposes of subsection (a)(7) of this section, the term “Insurance
31 Identification Card” includes an electronic image of an Insurance Identification Card that is
32 displayed on a cellular telephone or other portable electronic device.

33 “(2)(A) The presentation of an electronic image of an Insurance Identification Card
34 on a cellular telephone or other portable electronic device shall not constitute consent for a law
35 enforcement officer to access any other content on the cellular telephone or other portable
36 electronic device.

37 “(B) A law enforcement officer presented with an electronic image of an
38 Insurance Identification Card on a cellular telephone or other portable electronic device shall be
39 immune from liability for damage to or loss of the cellular telephone or other portable electronic
40 device; provided, that no immunity shall extend to recklessness or intentional misconduct.”.

41 Sec. 3. Section 102 of the Vehicle Insurance Enforcement Amendment Act of 2006,
42 effective June 8, 2006 (D.C. Law 16-117; D.C. Official Code § 5-114.02), is amended by adding
43 a new subsection (b-1) to read as follows:

44 “(b-1)(1) For the purposes of subsections (a) and (b) of this section, the term “proof of
45 insurance” includes an electronic image of proof of insurance that is displayed on a cellular
46 telephone or other portable electronic device.

47 “(2)(A) The presentation of an electronic image of proof of insurance on a cellular
48 telephone or other portable electronic device shall not constitute consent for a law enforcement
49 officer to access any other content on the cellular telephone or other portable electronic device.

50 “(B) A law enforcement officer presented with an electronic image of proof
51 of insurance on a cellular telephone or other portable electronic device shall be immune from
52 liability for damage to or loss of the cellular telephone or other portable electronic device;
53 provided, that no immunity shall extend to recklessness or intentional misconduct.”.

54 Sec. 4. Section 4 of the District of Columbia Revenue Act of 1937, approved August 17,
55 1937 (50 Stat. 680; D.C. Official Code § 50-1501.04), is amended by adding a new subsection (a-
56 1) to read as follows:

57 “(a-1)(1) For the purposes of subsection (a)(1)(C) of this section, the term “registration
58 certificate” includes an electronic image of a registration certificate that is displayed on a cellular
59 telephone or other portable electronic device.

60 “(2)(A) The presentation of an electronic image of a registration certificate on a
61 cellular telephone or other portable electronic device shall not constitute consent for a law
62 enforcement officer to access any other content on the cellular telephone or other portable
63 electronic device.

64 “(B) A law enforcement officer presented with an electronic image of a
65 registration certificate on a cellular telephone or other portable electronic device shall be immune

66 from liability for damage to or loss of the cellular telephone or other portable electronic device;
67 provided, that no immunity shall extend to recklessness or intentional misconduct.”.

68 Sec. 5. Fiscal impact statement.

69 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
70 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
71 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

72 Sec. 6. Effective date.

73 This act shall take effect after approval by the Mayor (or in the event of veto by the Mayor,
74 action by the Council to override the veto), a 30-day period of congressional review as provided
75 in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
76 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia
77 Register.