

Regular Session, 2012

HOUSE BILL NO. 1130

BY REPRESENTATIVE CROMER

INSURANCE/AUTOMOBILE: Provides for electronic display of proof of insurance

1 AN ACT

2 To amend and reenact R.S. 32:851, 862(B)(1), (G)(1) and (3), and (H), 863(B)(1),  
3 863.1(A)(1)(a)(introductory paragraph) and (G)(1), and 874(B)(2) and to enact R.S.  
4 32:862(I) and (J) and 874(C), relative to proof of insurance; to allow for the usage  
5 of mobile electronic devices as a method of providing proof of insurance; to  
6 authorize the commissioner of the Department of Public Safety and Corrections to  
7 compel a motor vehicle operator to provide a paper copy of proof insurance; to  
8 provide relative to a court's authority to compel a motor vehicle operator to provide  
9 a paper copy of proof of insurance; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 32:851, 862(B)(1), (G)(1) and (3), and (H), 863(B)(1),  
12 863.1(A)(1)(a)(introductory paragraph) and (G)(1), and 874(B)(2) are hereby amended and  
13 reenacted and R.S. 32:862(I) and (J) and 874(C) are hereby enacted to read as follows:

14 §851. Definitions

15 The following words and phrases, when used in this Chapter, shall, for the  
16 purposes of this Chapter, have the meanings respectively ascribed to them in this  
17 Section, except in those instances where the context clearly indicates a different  
18 meaning:

19 (1) "Commissioner" ~~=The term "Commissioner"~~ means the Department of  
20 Public Safety and Corrections.

1           (2) "Judgment"~~==Any~~ means any judgment which shall have become final by  
2           expiration without appeal of the time within which a suspensive appeal might have  
3           been perfected or by final affirmation on appeal, rendered by a court of competent  
4           jurisdiction of any state or of the United States, upon a cause of action arising out of  
5           the ownership, maintenance, or use of any motor vehicle, for damages, including  
6           damages for care and loss of services, because of bodily injury to or death of any  
7           person, or for damages because of injury to or destruction of property including the  
8           loss of use thereof, or upon a cause of action on an agreement of settlement for such  
9           damages.

10           (3) "License"~~==Any~~ means any license, temporary instruction permit, or  
11           temporary license issued under the laws of this state pertaining to the licensing of  
12           persons to operate motor vehicles.

13           (4) "Mobile electronic device" means any small handheld computing or  
14           communications device that has a display screen with touch input or a miniature  
15           keyboard.

16           ~~(4)~~ (5) "Motor vehicle"~~==Every~~ means every self-propelled vehicle (except  
17           traction engines; road rollers, farm tractors, tractor cranes, power shovels and well  
18           drillers) and every vehicle which is propelled by electric power obtained from  
19           overhead wires but not operated upon rails.

20           ~~(5)~~ (6) "~~Non-resident~~ Nonresident" ~~==Every~~ means every person who is not  
21           a resident of this state; but does not include persons dwelling outside of this state  
22           whose occupation or business requires them to spend one-half or more of their  
23           working hours in this state in pursuance of their business or employment.

24           ~~(6)~~ (7) "~~Non-resident's~~ Nonresident's operating privileges"~~==The~~ means the  
25           privilege conferred upon a ~~non-resident~~ nonresident by the laws of this state  
26           pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle  
27           owned by him, in this state.

28           ~~(7)~~ (8) "Operator"~~==Every~~ means every person who is in actual physical  
29           control of a motor vehicle.



1 showing coverages. The rules shall require insurance and security companies to  
2 issue cards or similar documents, or an image of the card or similar documents  
3 capable of being displayed on a mobile electronic device, which indicate the  
4 existence of insurance or security coverage, may establish the form for the cards or  
5 similar documents, and may establish the form for the written declarations required  
6 by this Section.

7 \* \* \*

8 G. The prohibited actions and penalties for violations thereof are as follows:

9 (1) No person shall provide false or fraudulent information, documentation,  
10 or images ~~or documents~~ or make false or fraudulent representations in connection  
11 with any application for the registration of a motor vehicle, or for a renewal of a  
12 registration of a motor vehicle, or for a motor vehicle inspection certificate, or for  
13 a driver's license.

14 \* \* \*

15 (3) No person shall alter or counterfeit any card or similar document, or  
16 produce or use a false or fraudulent image on a mobile electronic device ~~used~~ to  
17 show proof of compliance.

18 \* \* \*

19 H. No action taken by any person, whether private citizen or public officer  
20 or employee, with regard to any license, registration, or inspection certificate, or with  
21 regard to any document or electronic image which indicates compliance with this  
22 Part, shall create a presumption of the existence of insurance coverage, or be  
23 construed by any court as a warranty of the reliability or accuracy of the document  
24 or electronic image, or create any liability on the part of the state, or on the part of  
25 any department, office, or agency of the state, or on the part of any officer,  
26 employee, or agent of the state.

27 I. The display of an image of the insurance card on a mobile electronic  
28 device shall not serve as consent for a law enforcement officer, or any other person,



1 §863.1. Evidence of compulsory motor vehicle liability security contained in  
2 vehicle; enforcement; penalty; fees

3 A. No owner or lessee of a self-propelled motor vehicle registered in this  
4 state, except a motor vehicle used primarily for exhibit or kept primarily for use in  
5 parades, exhibits, or shows, or agricultural or forest use vehicles during seasons  
6 when they are not used on the highways, shall operate or allow the operation of such  
7 vehicle upon any public road, street, or highway in this state unless there is contained  
8 within the vehicle one of the following documents evidencing that the motor vehicle  
9 is in compliance with R.S. 32:861 relative to compulsory motor vehicle liability  
10 security:

11 (1) A certificate of insurance. "Certificate" means the written evidence of  
12 motor vehicle liability insurance as defined in R.S. 32:900 that is in the form of one  
13 of the following:

14 (a) An insurance identification card, a photocopy of the card, or an image of  
15 the card displayed on a mobile electronic device, issued by an insurer to its insured  
16 which shall contain the following information:

17 \* \* \*

18 G. The only acceptable means of proof of a valid and current policy of  
19 insurance shall be one of the following:

20 (1) The insurance identification card, a photocopy of the card, or an image  
21 of the card that is displayed on a mobile electronic device, declaration page, or policy  
22 issued by the insurer.

23 \* \* \*

24 §874. Duration of suspension, revocation, or withdrawal; reinstatement fees

25 \* \* \*

26 B.

27 \* \* \*

28 (2) Proof of coverage in this Section shall include an original or photocopy  
29 of a Louisiana auto insurance identification card, or an image of the card that is

1        displayed on a mobile electronic device, showing that the required security is in  
 2        effect on the vehicle and has been continuous without lapse or an original or  
 3        photocopy of any written communication from an insurer either to the insured or to  
 4        the secretary stating that the required security is in effect on the vehicle and has been  
 5        continuous without lapse. The original or photocopy of ~~either~~ the insurance card, or  
 6        an image of the card that is displayed on a mobile electronic device, or the written  
 7        communication specified above shall constitute sufficient proof of coverage in this  
 8        Section and, upon receipt of any of these documents, the license shall be reinstated  
 9        provided all other requirements have been met. No reinstatement fee shall be  
 10       charged when proof of coverage is provided, and any reinstatement fee which has  
 11       been paid shall be refunded.

12                C. The commissioner may require a person to produce a paper copy of the  
 13        insurance identification card in connection with any inquiry or transaction conducted  
 14        by, or on behalf of, the commissioner.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Cromer

HB No. 1130

**Abstract:** Allows for the inclusion of images provided by mobile electronic devices as a means of providing proof of insurance.

Present law requires automobile liability insurance on all motor vehicles used for operation in this state in amount of no less than \$15,000 because of bodily injury to or death of one person; \$30,000 because of bodily injury or death of two or more persons; and \$25,000 because of damage to or destruction of property of others in any one accident.

Proposed law retains present law.

Present law requires that operators of motor vehicles maintain proof of compliance with the minimum liability requirements of present law and be able to show proof of such compliance by presenting the original or a copy of the insurance card, insurance policy, or insurance policy declaration page which covers the motor vehicle.

Proposed law retains present law and further extends present law to include the usage of a displayed image on a mobile electronic device to show proof of compliance with the minimum liability requirements of present law.

Proposed law defines "mobile electronic device" as any small, handheld computing or communications device that has a display screen with touch input or a miniature keyboard.

Proposed law provides that the display of an image of proof of insurance on a mobile electronic device shall not constitute consent for a law enforcement officer or any other person to access any other part of the mobile electronic device.

Proposed law provides that a court of competent jurisdiction may compel a motor vehicle operator to provide a paper copy of the proof of insurance.

Proposed law provides that the commissioner of the Dept. of Public Safety and Corrections may compel a motor vehicle operator to provide a paper copy of the proof of insurance.

(Amends R.S. 32:851, 862(B)(1), (G)(1) and (3), and (H), 863(B)(1), 863.1(A)(1)(a)(intro.para.) and (G)(1), and 874(B)(2); Adds R.S. 32:862(I) and (J) and 874(C))