

Regular Session, 2012

ACT No. 824

HOUSE BILL NO. 1130

BY REPRESENTATIVES CROMER AND JAMES

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 of 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.

21 (2) "Judgment"~~--Any~~ means any judgment which shall have become final by
22 expiration without appeal of the time within which a suspensive appeal might have
23 been perfected or by final affirmation on appeal, rendered by a court of competent
24 jurisdiction of any state or of the United States, upon a cause of action arising out of
25 the ownership, maintenance, or use of any motor vehicle, for damages, including
26 damages for care and loss of services, because of bodily injury to or death of any

1 person, or for damages because of injury to or destruction of property including the
2 loss of use thereof, or upon a cause of action on an agreement of settlement for such
3 damages.

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

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

10 (4) (5) "Motor vehicle"~~==Every~~ means every self-propelled vehicle (except
11 traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well
12 drillers) and every vehicle which is propelled by electric power obtained from
13 overhead wires but not operated upon rails.

14 (5) (6) "~~Non-resident~~ Nonresident" ~~==Every~~ means every person who is not
15 a resident of this state but does not include persons dwelling outside of this state
16 whose occupation or business requires them to spend one-half or more of their
17 working hours in this state in pursuance of their business or employment.

18 (6) (7) "~~Non-resident's~~ Nonresident's operating privileges"~~==The~~ means the
19 privilege privileges conferred upon a ~~non-resident~~ nonresident by the laws of this
20 state pertaining to the operation by him of a motor vehicle, or the use of a motor
21 vehicle owned by him, in this state.

22 (7) (8) "Operator"~~==Every~~ means every person who is in actual physical
23 control of a motor vehicle.

24 (8) (9) "Owner"~~==Every~~ means every person who holds the legal title to a
25 motor vehicle or in the event a motor vehicle is the subject of an agreement for the
26 conditional sale, lease, or transfer of the possession, however, thereof, with the right
27 of purchase upon performance of the condition stated in the agreement and with an
28 immediate right of possession vested in the conditional vendee, lessee, possessor, or
29 in the event such or similar transaction is had by means of a mortgage, and the

1 mortgage of a vehicle is entitled to possession, then such conditional vendee, lessee,
2 possessor, or mortgagor shall be deemed the owner for the purpose of this Chapter.

3 ~~(9)~~ (10) "Person" ~~Every~~ means every natural person, firm, co-partnership,
4 association, or corporation.

5 ~~(10)~~ (11) "Proof of financial responsibility" means proof of ability to respond
6 in damages for liability, on account of accidents occurring subsequent to the
7 effective date of the proof, arising out of the ownership, maintenance, or use of a
8 motor vehicle in the amounts specified in R.S. 32:872 in reference to the acceptable
9 limits of a policy or bond.

10 ~~(11)~~ (12) "Registration" ~~Registration~~ includes a registration certificate or
11 certificates and registration plates issued under the laws of this state pertaining to the
12 registration of motor vehicles.

13 ~~(12)~~ (13) "State" ~~Any~~ means any state, territory, or possession of the United
14 States, the District of Columbia, or any province of the Dominion of Canada.

15 * * *

16 §862. Proof of compliance

17 * * *

18 B.(1) The commissioner shall adopt rules to implement the provisions of this
19 Section. The rules shall provide that documentation of insurance or other security
20 shall be required for proof of compliance. The rules shall require that the original,
21 a photocopy, or an image displayed on a mobile electronic device, or a copy of one
22 of the following documents be produced as documentation of insurance: an
23 insurance card; an insurance policy; or the declarations page of the insurance policy
24 showing coverages. The rules shall require insurance and security companies to
25 issue cards or similar documents, or an image of the card or similar documents
26 capable of being displayed on a mobile electronic device, which indicate the
27 existence of insurance or security coverage, may establish the form for the cards or
28 similar documents, and may establish the form for the written declarations required
29 by this Section.

30 * * *

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

2 (1) No person shall provide false or fraudulent information, documentation,
3 or images ~~or documents~~ or make false or fraudulent representations in connection
4 with any application for the registration of a motor vehicle, or for a renewal of a
5 registration of a motor vehicle, or for a motor vehicle inspection certificate, or for
6 a driver's license.

7 * * *

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

11 * * *

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

20 I. The display of an image of the insurance card on a mobile electronic
21 device shall not serve as consent for a law enforcement officer, or any other person,
22 to access other contents of the mobile electronic device in any manner other than to
23 verify the image of the insurance card.

24 J.(1) A court of competent jurisdiction may require a person to produce a
25 paper copy of the insurance identification card in any hearing or trial or in
26 connection with discovery.

27 (2) The commissioner may require a person to produce a paper copy of the
28 insurance identification card in connection with any inquiry or transaction conducted
29 by, or on behalf of, the commissioner.

1 §863. Sanctions for false declaration; reinstatement fees; revocation of registration;
2 review

3 * * *

4 B. The sanctions of Paragraph (A)(1) of this Section shall not be imposed,
5 and any fine, fee, or other monetary sanction which has been remitted to the
6 secretary pursuant to the sanctions of this Section, specifically including any
7 reinstatement fee paid pursuant to Paragraph (A)(3) of this Section and any fee paid
8 pursuant to Paragraph (D)(5) of this Section, shall be promptly refunded by the
9 secretary to the person who paid it, if the owner or lessee furnishes any of the
10 following:

11 (1) An original, a photocopy, or an image of the card that is displayed on a
12 mobile electronic device ~~or photocopy~~ of a Louisiana auto insurance identification
13 card showing that the required security is in effect on the vehicle and has been
14 continuous without lapse or an original or photocopy of any written communication
15 from an insurer either to the insured or to the secretary stating that the required
16 security is in effect on the vehicle and has been continuous without lapse, any one
17 of which shall constitute sufficient evidence that the required security on the vehicle
18 has not lapsed.

19 * * *

20 §863.1. Evidence of compulsory motor vehicle liability security contained in
21 vehicle; enforcement; penalty; fees

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

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

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

7 * * *

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

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

13 * * *

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

15 * * *

16 B.

17 * * *

18 (2) Proof of coverage in this Section shall include an original or photocopy
19 of a Louisiana auto insurance identification card, or an image of the card that is
20 displayed on a mobile electronic device, showing that the required security is in
21 effect on the vehicle and has been continuous without lapse or an original or
22 photocopy of any written communication from an insurer either to the insured or to
23 the secretary stating that the required security is in effect on the vehicle and has been
24 continuous without lapse. The original or photocopy of ~~either~~ the insurance card, or
25 an image of the card that is displayed on a mobile electronic device, or the written
26 communication specified above shall constitute sufficient proof of coverage in this
27 Section and, upon receipt of any of these documents, the license shall be reinstated
28 provided all other requirements have been met. No reinstatement fee shall be
29 charged when proof of coverage is provided, and any reinstatement fee which has
30 been paid shall be refunded.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____