

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S2/12/13
A Bill

SENATE BILL 243

By: Senator Teague
By: Representatives *Lea, Barnett*

For An Act To Be Entitled

AN ACT TO PERMIT THE ELECTRONIC DISPLAY OF PROOF OF
MOTOR VEHICLE LIABILITY INSURANCE COVERAGE FOR PROOF
OF INSURANCE AND REGISTRATION PURPOSES; AND FOR OTHER
PURPOSES.

Subtitle

TO PERMIT THE ELECTRONIC DISPLAY OF PROOF
OF MOTOR VEHICLE LIABILITY INSURANCE
COVERAGE FOR PROOF OF INSURANCE AND
REGISTRATION PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-13-102 is amended to read as follows:
27-13-102. Proof of insurance required.

~~(a)(1) Prior to January 1, 1998, no motor vehicle license plate shall be issued or renewed without satisfactory proof to the Department of Finance and Administration that the applicant meets the requirements of § 27-22-101 et seq.~~

~~(2) Beginning January 1, 1998, no A motor vehicle license plate or motor vehicle registration shall not be issued, ~~or~~ renewed, or changed unless:~~

~~(1) a A check of the Vehicle Insurance Database indicates that the applicant meets vehicle and the applicant's operation of the vehicle meet the motor vehicle liability insurance requirements of § 27-22-101 et seq.; or~~

~~(2) unless the The applicant provides satisfactory proof to the~~



~~department~~ Department of Finance and Administration that the ~~applicant's~~ vehicle and the applicant's operation of the vehicle ~~meets~~ meet the motor vehicle liability insurance requirements of § 27-22-101 et seq.

~~(3) No new license plate shall be issued or renewed for a new motor vehicle for its initial vehicle registration or for a motor vehicle changing its ownership without satisfactory proof to the department that the applicant meets the requirements of § 27-22-101 et seq.~~

(b)(1) Satisfactory proof that the vehicle and the applicant's operation of the vehicle meet the motor vehicle liability insurance requirements of § 27-22-101 et seq. may be presented in either paper form or electronic form.

(2) As used in subdivision (b)(1) of this section, "electronic form" means the display of electronic images on a cellular phone or any other type of portable electronic device if the device has sufficient functionality and display capability to enable the user to display the information required by § 23-89-213 as clearly as a paper proof-of-insurance card or other paper temporary proof of insurance issued by the insurance company.

(c) The department ~~shall not be~~ is not liable for ~~any~~ damages to any property or person due to ~~any an~~ act or omission ~~in the keeping of any record under § 27-22-101 et seq. or the issuing or renewing of any motor vehicle license plate~~ that occurs while administering this section including without limitation any damage that occurs to a cellular phone or portable electronic device that is used to present satisfactory proof of motor vehicle liability insurance coverage.

~~(e)(d) The provisions of this~~ This section ~~shall not be applicable~~ does not apply to state-owned vehicles ~~nor to~~ or state employees while operating ~~the~~ state-owned vehicles.

SECTION 2. Arkansas Code § 27-22-104(a), concerning mandatory motor vehicle liability insurance coverage and proof of coverage, is amended to read as follows:

(a)(1) It is unlawful for a person to operate a motor vehicle within this state ~~if both~~ unless the motor vehicle and the person's operation of the motor vehicle are ~~not~~ each covered by:

- (A) A certificate of self-insurance under § 27-19-107; or
- (B) An insurance policy issued by an insurance company

authorized to do business in this state.

(2)(A) Failure to present proof of insurance coverage at the time of a traffic stop or arrest or a failure of the Vehicle Insurance Database or proof of an insurance card issued under § 23-89-213 to show current insurance coverage at the time of the traffic stop creates a rebuttable presumption that the motor vehicle or the person's operation of the motor vehicle is uninsured.

(B)(i)(a) A proof-of-insurance card or any temporary proof of insurance issued by the insurance company that meets the requirements of § 23-89-213 may be presented in either paper form or electronic form.

(b) As used in subdivision (a)(2)(B)(i)(a), "electronic form" means the display of electronic images on a cellular phone or any other type of portable electronic device if the device has sufficient functionality and display capability to enable the user to display the information required under § 23-89-213 as clearly as a paper proof-of-insurance card or other paper temporary proof of insurance issued by the insurance company.

(ii) The presentment of proof of insurance in electronic form does not:

(a) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(b) Expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

/s/Teague

APPROVED: 03/01/2013