

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S2/12/13

# A Bill

SENATE BILL 243

5 By: Senator Teague  
6 By: Representatives *Lea, Barnett*  
7

## For An Act To Be Entitled

9 AN ACT TO PERMIT THE ELECTRONIC DISPLAY OF PROOF OF  
10 MOTOR VEHICLE LIABILITY INSURANCE COVERAGE FOR PROOF  
11 OF INSURANCE AND REGISTRATION PURPOSES; AND FOR OTHER  
12 PURPOSES.  
13

## Subtitle

16 TO PERMIT THE ELECTRONIC DISPLAY OF PROOF  
17 OF MOTOR VEHICLE LIABILITY INSURANCE  
18 COVERAGE FOR PROOF OF INSURANCE AND  
19 REGISTRATION PURPOSES.  
20

21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 27-13-102 is amended to read as follows:  
25 27-13-102. Proof of insurance required.

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

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

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

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



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

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

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

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

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

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

28  
 29 SECTION 2. Arkansas Code § 27-22-104(a), concerning mandatory motor  
 30 vehicle liability insurance coverage and proof of coverage, is amended to  
 31 read as follows:

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

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

1 authorized to do business in this state.

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

8 (B)(i)(a) A proof-of-insurance card or any temporary proof  
9 of insurance issued by the insurance company that meets the requirements of  
10 § 23-89-213 may be presented in either paper form or electronic form.

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

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

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

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

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*/s/Teague*

**APPROVED: 03/01/2013**