

**ASSEMBLY BILL**

**No. 1708**

---

---

**Introduced by Assembly Member Gatto**

February 15, 2012

---

---

An act to amend Section 515 of the Insurance Code, and to amend Section 16028 of the Vehicle Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1708, as introduced, Gatto. Insurance: proof: mobile electronic device.

Existing law requires every driver and every owner of a motor vehicle to be able to establish financial responsibility, and, at all times, carry in the vehicle evidence of a form of financial responsibility, which may be obtained by a law enforcement officer from the electronic reporting system established by the Department of Motor Vehicles. Existing law requires, upon the demand of a peace officer, that evidence of financial responsibility be provided by a person driving a motor vehicle. Existing law requires a driver who is issued a notice to appear for any alleged violation of the Vehicle Code or the driver of a motor vehicle involved in an accident to furnish written evidence of financial responsibility. Existing requires an insurer issuing policies of automobile liability insurance or motor vehicle liability insurance, upon the request of its insured or the Department of Motor Vehicles, to promptly issue written verification as to the existence of that coverage.

This bill would require an insurer issuing policies of automobile liability insurance or motor vehicle insurance to issue, upon the request of the insured, verification as to the existence of the coverage to a mobile electronic device, as defined.

The bill would allow a person required to provide evidence of financial responsibility, under those circumstances, through the use of a mobile electronic device.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 515 of the Insurance Code is amended  
2 to read:

3 515. (a) Notwithstanding any other provision of law, any  
4 insurer issuing policies of automobile liability insurance or motor  
5 vehicle liability insurance shall, upon request of either the named  
6 insured or the Department of Motor Vehicles, promptly issue to  
7 that person or the department written verification as to the existence  
8 of that coverage, *and issue, upon the request of the insured,*  
9 *verification as to the existence of that coverage, to a mobile*  
10 *electronic device.*

11 (b) *For purposes of this section, “mobile electronic device” has*  
12 *the same meaning as defined in Section 16028 of the Vehicle Code.*

13 SEC. 2. Section 16028 of the Vehicle Code is amended to read:

14 16028. (a) Upon the demand of a peace officer pursuant to  
15 subdivision (b) or upon the demand of a peace officer or traffic  
16 collision investigator pursuant to subdivision (c), every person  
17 who drives a motor vehicle upon a highway shall provide evidence  
18 of financial responsibility for the vehicle that is in effect at the  
19 time the demand is made. *The evidence of financial responsibility*  
20 *may be provided using a mobile electronic device.* However, a  
21 peace officer shall not stop a vehicle for the sole purpose of  
22 determining whether the vehicle is being driven in violation of this  
23 subdivision.

24 (b) Whenever a notice to appear is issued for any alleged  
25 violation of this code, except a violation specified in Chapter 9  
26 (commencing with Section 22500) of Division 11 or any local  
27 ordinance adopted pursuant ~~thereto~~ *to that chapter*, the cited driver  
28 shall furnish written evidence of financial responsibility *or provide*  
29 *verification of evidence of financial responsibility using a mobile*  
30 *electronic device* upon request of the peace officer issuing the  
31 citation. The peace officer shall request and write the driver’s  
32 evidence of financial responsibility on the notice to appear, except

1 when the peace officer is unable to write the driver's evidence of  
2 financial responsibility on the notice to appear due to an emergency  
3 that requires his or her presence elsewhere. If the cited driver fails  
4 to provide evidence of financial responsibility at the time the notice  
5 to appear is issued, the peace officer may issue the driver a notice  
6 to appear for violation of subdivision (a). The notice to appear for  
7 violation of subdivision (a) shall be written on the same citation  
8 form as the original violation.

9 (c) Whenever a peace officer, or a regularly employed and  
10 salaried employee of a city or county who has been trained as a  
11 traffic collision investigator, is summoned to the scene of an  
12 accident described in Section 16000, the driver of any motor  
13 vehicle that is in any manner involved in the accident shall furnish  
14 written evidence of financial responsibility *or provide verification*  
15 *of evidence of financial responsibility using a mobile electronic*  
16 *device* upon the request of the peace officer or traffic collision  
17 investigator. If the driver fails to provide evidence of financial  
18 responsibility when requested, the peace officer may issue the  
19 driver a notice to appear for violation of this subdivision. A traffic  
20 collision investigator may cause a notice to appear to be issued for  
21 a violation of this subdivision, upon review of that citation by a  
22 peace officer.

23 (d) (1) If, at the time a notice to appear for a violation of  
24 subdivision (a) is issued, the person is driving a motor vehicle  
25 owned or leased by the driver's employer, and the vehicle is being  
26 driven with the permission of the employer, this section shall apply  
27 to the employer rather than the driver. In that case, a notice to  
28 appear shall be issued to the employer rather than the driver, and  
29 the driver may sign the notice on behalf of the employer.

30 (2) The driver shall notify the employer of the receipt of the  
31 notice issued pursuant to paragraph (1) not later than five days  
32 after receipt.

33 (e) A person issued a notice to appear for a violation of  
34 subdivision (a) may personally appear before the clerk of the court,  
35 as designated in the notice to appear, and provide written evidence  
36 of financial responsibility *or provide verification of evidence of*  
37 *financial responsibility using a mobile electronic device* in a form  
38 consistent with Section 16020, showing that the driver was in  
39 compliance with that section at the time the notice to appear for  
40 violating subdivision (a) was issued. In lieu of the personal

1 appearance, the person may submit by mail to the court written  
2 evidence of having had financial responsibility at the time the  
3 notice to appear was issued. Upon receipt by the clerk of that  
4 written evidence of financial responsibility *or verification of*  
5 *evidence of financial responsibility using a mobile electronic device*  
6 in a form consistent with Section 16020, further proceedings on  
7 the notice to appear for the violation of subdivision (a) shall be  
8 dismissed.  
9 *(f) For purposes of this section, “mobile electronic device”*  
10 *means a small, hand-held computing and communication device*  
11 *that has a display screen with touch input or a miniature keyboard.*