

AMENDED IN ASSEMBLY MARCH 13, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

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~~ *Sections 4462 and 16028* of the Vehicle Code, relating to ~~insurance vehicles~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 1708, as amended, Gatto. ~~Insurance: proof: mobile electronic device. Vehicles: electronic verification of registration and insurance.~~

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 *registration and proof of* financial responsibility be provided by a person driving a motor vehicle. ~~Existing~~

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 *law* 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, *and would allow a person to provide evidence of financial responsibility, under the circumstances described above, through the use of a mobile electronic device. The bill would also allow a person to provide electronic verification of evidence of registration using a mobile electronic device to a peace officer.*

~~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 an~~
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 *subdivision (f) of Section 16028*
13 of the Vehicle Code.

14 *SEC. 2. Section 4462 of the Vehicle Code is amended to read:*

15 4462. (a) The driver of a motor vehicle shall present the
16 registration or identification card or other evidence of registration
17 *or provide verification of evidence of registration using a mobile*
18 *electronic device, as defined in subdivision (f) of Section 16028,*
19 of any or all vehicles under his or her immediate control for
20 examination upon demand of any peace officer.

21 (b) ~~No~~ A person shall *not* display upon a vehicle, ~~nor~~ or present
22 to any peace officer, any registration card, identification card,
23 temporary receipt, license plate, device issued pursuant to Section
24 4853, or permit not issued for that vehicle or not otherwise lawfully
25 used thereon under this code.

26 (e) ~~This section shall become operative on January 1, 2001.~~

1 ~~SEC. 2.~~

2 *SEC. 3.* Section 16028 of the Vehicle Code is amended to read:

3 16028. (a) Upon the demand of a peace officer pursuant to
4 subdivision (b) or upon the demand of a peace officer or traffic
5 collision investigator pursuant to subdivision (c), every person
6 who drives a motor vehicle upon a highway shall provide evidence
7 of financial responsibility for the vehicle that is in effect at the
8 time the demand is made. The evidence of financial responsibility
9 may be provided using a mobile electronic device. However, a
10 peace officer shall not stop a vehicle for the sole purpose of
11 determining whether the vehicle is being driven in violation of this
12 subdivision.

13 (b) ~~Whenever~~*If* a notice to appear is issued for any alleged
14 violation of this code, except a violation specified in Chapter 9
15 (commencing with Section 22500) of Division 11 or any local
16 ordinance adopted pursuant to that chapter, the cited driver shall
17 furnish written evidence of financial responsibility or provide
18 verification of evidence of financial responsibility using a mobile
19 electronic device upon request of the peace officer issuing the
20 citation. The peace officer shall request and write the driver's
21 evidence of financial responsibility on the notice to appear, except
22 when the peace officer is unable to write the driver's evidence of
23 financial responsibility on the notice to appear due to an emergency
24 that requires his or her presence elsewhere. If the cited driver fails
25 to provide evidence of financial responsibility at the time the notice
26 to appear is issued, the peace officer may issue the driver a notice
27 to appear for violation of subdivision (a). The notice to appear for
28 violation of subdivision (a) shall be written on the same citation
29 form as the original violation.

30 (c) ~~Whenever~~*If* a peace officer, or a regularly employed and
31 salaried employee of a city or county who has been trained as a
32 traffic collision investigator, is summoned to the scene of an
33 accident described in Section 16000, the driver of any motor
34 vehicle that is in any manner involved in the accident shall furnish
35 written evidence of financial responsibility or provide verification
36 of evidence of financial responsibility using a mobile electronic
37 device upon the request of the peace officer or traffic collision
38 investigator. If the driver fails to provide evidence of financial
39 responsibility when requested, the peace officer may issue the
40 driver a notice to appear for violation of this subdivision. A traffic

1 collision investigator may cause a notice to appear to be issued for
2 a violation of this subdivision, upon review of that citation by a
3 peace officer.

4 (d) (1) If, at the time a notice to appear for a violation of
5 subdivision (a) is issued, the person is driving a motor vehicle
6 owned or leased by the driver’s employer, and the vehicle is being
7 driven with the permission of the employer, this section shall apply
8 to the employer rather than the driver. In that case, a notice to
9 appear shall be issued to the employer rather than the driver, and
10 the driver may sign the notice on behalf of the employer.

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

14 (e) A person issued a notice to appear for a violation of
15 subdivision (a) may personally appear before the clerk of the court,
16 as designated in the notice to appear, and provide written evidence
17 of financial responsibility or provide verification of evidence of
18 financial responsibility using a mobile electronic device in a form
19 consistent with Section 16020, showing that the driver was in
20 compliance with that section at the time the notice to appear for
21 violating subdivision (a) was issued. In lieu of the personal
22 appearance, the person may submit by mail to the court written
23 evidence of having had financial responsibility at the time the
24 notice to appear was issued. Upon receipt by the clerk of that
25 written evidence of financial responsibility or verification of
26 evidence of financial responsibility using a mobile electronic device
27 in a form consistent with Section 16020, further proceedings on
28 the notice to appear for the violation of subdivision (a) shall be
29 dismissed.

30 (f) For purposes of this section, “mobile electronic device”
31 means a small, hand-held computing and communication device
32 that has a display screen with touch input or a miniature keyboard.