

CHAPTER 83

(HB 164)

AN ACT relating to proof of motor vehicle insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 304.39-117 is amended to read as follows:

- (1) Each insurer issuing an insurance contract which provides security covering a motor vehicle shall provide to the insured, in compliance with administrative regulations promulgated by the department, written proof in the form of an insurance card that the insured has in effect an insurance contract providing security in conformity with this subtitle. ***An insurer may provide an insurance card in either a paper or an electronic format.***
- (2) The owner shall keep the ***paper insurance card or a portable electronic device to download the insurance card*** in his or her motor vehicle as prima facie evidence, except as provided in subsection (3) of this section, that the required security is currently in full force and effect, and shall show the card to a peace officer upon request.
- (3) On and after January 1, 2006, as to personal motor vehicles as defined in KRS 304.39-087, the ***paper or electronic insurance card*** and the database created by KRS 304.39-087 shall be evidence to a peace officer who requests the card if the peace officer has access to the database through AVIS. If AVIS does not list the vehicle identification number of the personal motor vehicle as an insured vehicle, the peace officer may accept ***a paper or electronic***~~an~~ insurance card as evidence that the required security is currently in full force and effect on the personal motor vehicle if the card was effective no more than forty-five (45) days before the date on which the peace officer requests the card.
- (4) ***For purposes of this section:***
 - (a) ***An insurance card in an electronic format means the display of an image on any portable electronic device, including a cellular phone or any other type of portable electronic device, depicting a current valid representation of the card;***
 - (b) ***Whenever a person presents a mobile electronic device pursuant to this section, that person assumes all liability for any damage to the mobile electronic device; and***
 - (c) ***When a person provides evidence of financial responsibility using a mobile electronic device to a peace officer, the peace officer shall only view the electronic image of the insurance card and is prohibited from viewing any other content on the mobile electronic device.***

➔Section 2. KRS 186A.042 is amended to read as follows:

- (1) On and after January 1, 2006, a county clerk shall not process an application for, nor issue, a:
 - (a) Kentucky title and registration or renewal of registration;
 - (b) Replacement plate, decal, or registration certificate;
 - (c) Duplicate registration;
 - (d) Transfer of registration; or
 - (e) Temporary tag;
 for any personal motor vehicle as defined in KRS 304.39-087(1) if AVIS does not list the vehicle identification number of the personal motor vehicle as an insured vehicle, except as provided in subsection (2) of this section.
- (2) If AVIS does not list the vehicle identification number of the personal motor vehicle as an insured vehicle, the county clerk may process the application if:
 - (a) The applicant has an insurance card ***in paper or electronic format*** that indicates the required security is currently in full force on the personal motor vehicle if the ***paper or electronic proof of insurance card*** was effective no more than forty-five (45) days before the application is submitted to the county clerk; or

- (b) The owner of the motor vehicle is serving in the Armed Forces outside of Kentucky, and the owner provides an affidavit by the provost marshal of the base where the owner is stationed stating that the motor vehicle is covered by security as required by Subtitle 39 of KRS Chapter 304.
- (3) This section shall not apply to any transactions involving Kentucky motor vehicle dealers who are licensed as required by KRS 190.030.
- (4) ***For purposes of this section:***
 - (a) ***An insurance card in an electronic format means the display of an image subject to immediate download or transmission from the applicant's insurer or agent to the applicant on any portable electronic device, including a cellular phone or any other type of portable electronic device, but shall not include a photographic copy of a paper insurance card on a portable electronic device; and***
 - (b) ***The county clerk may require the applicant to e-mail the electronic insurance card to the clerk, and the clerk may print a copy of the card for the clerk's records.***

Signed by Governor March 22, 2013.