

2016 Regular Session

SENATE BILL NO. 95

BY SENATOR WARD

AUTOMOBILE INSURANCE. Provides relative to evidence of compulsory motor vehicle insurance. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 32:863.1(A) and to enact R.S. 32:863.1.1, relative to evidence
3 of compulsory motor vehicle liability security contained in a vehicle; to prohibit a
4 citation resulting in a penalty or fee for failure to have a document that evidences
5 proof of compulsory motor vehicle liability contained in a motor vehicle at the time
6 of a traffic stop when there is electronic verification of coverage; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:863.1(A) is hereby amended and reenacted and R.S. 32:863.1.1
10 is hereby enacted to read as follows:

11 §863.1. Evidence of compulsory motor vehicle liability security contained in
12 vehicle; enforcement; penalty; fees

13 A. ~~No~~ **Except as provided in R.S. 863.1.1, no** owner or lessee of a
14 self-propelled motor vehicle registered in this state, except a motor vehicle used
15 primarily for exhibit or kept primarily for use in parades, exhibits, or shows, or
16 agricultural or forest use vehicles during seasons when they are not used on the
17 highways, shall operate or allow the operation of such vehicle upon any public road,

1 street, or highway in this state unless there is contained within the vehicle one of the
2 following documents evidencing that the motor vehicle is in compliance with R.S.
3 32:861 relative to compulsory motor vehicle liability security:

4 (1) A certificate of insurance. "Certificate" means the written evidence of
5 motor vehicle liability insurance as defined in R.S. 32:900 that is in the form of one
6 of the following:

7 (a) An insurance identification card, a photocopy of the card, or an image of
8 the card displayed on a mobile electronic device, issued by an insurer to its insured
9 which shall contain the following information:

10 (i) The name and address of the insurance company.

11 (ii) The insurance policy number.

12 (iii) A description of the motor vehicle insured under the policy.

13 (iv) The effective date and the expiration date of the policy.

14 (v) The name of any person who is excluded from coverage as authorized by
15 R.S. 32:900(L).

16 (b) A motor vehicle liability insurance policy or a duplicate original thereof.

17 (c) A motor vehicle liability insurance policy binder or a duplicate original
18 thereof.

19 (2) A duplicate original of a motor vehicle liability bond which complies with
20 the requirements for a motor vehicle liability bond set forth in R.S. 32:861(B).

21 (3) A certificate of the state treasurer stating that cash or securities have been
22 deposited with said treasurer as provided for under the provisions of R.S. 32:861(C).

23 (4) A certificate of self-insurance issued by the secretary under the provisions
24 of R.S. 32:1042 qualifying the owner of the vehicle as a self-insurer.

25 * * *

26 **§863.1.1. Evidence of compulsory motor vehicle liability security not contained**
27 **in a motor vehicle; prohibition of citation resulting in a penalty**
28 **or fee**

29 **Notwithstanding any other provision of law to the contrary, at the time**

1 any law enforcement officer stops a vehicle at an administrative violations
2 checkpoint, or in connection with an alleged violation of the law, or for any
3 other reason, or when a law enforcement officer investigates an accident and the
4 owner or operator fails to have a document that evidences compulsory motor
5 vehicle liability security contained in the motor vehicle, and the law
6 enforcement officer is able to verify electronically that the owner or operator
7 has current motor vehicle liability security covering the vehicle at the time of
8 the traffic stop, the law enforcement officer shall be prohibited from issuing a
9 citation resulting in a penalty or fee.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST

SB 95 Engrossed

2016 Regular Session

Ward

Present law requires an owner or operator of a motor vehicle on a La. public highway to have contained within the vehicle a document that evidences that the motor vehicle is in compliance with R.S. 32:361 relative to compulsory motor vehicle liability security.

Proposed law retains present law but prohibits the issuance of a citation resulting in a penalty or fee when the law enforcement officer is able to electronically verify that the owner or operator has current motor vehicle liability security covering the vehicle at the time of the traffic stop.

Effective August 1, 2016.

(Amends R.S. 32:863.1(A); adds R.S. 32:863.1.1)