

5068--B

2013-2014 Regular Sessions

I N   S E N A T E

May 7, 2013

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Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to authorizing the production of proof of insurance by the use of electronic transmission to portable electronic devices

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (b) of subdivision 1 of section 312 of the vehi-  
2     cle and traffic law, as amended by chapter 557 of the laws of 1994, is  
3     amended to read as follows:  
4     (b) (1) The owner of such motor vehicle shall maintain proof of finan-  
5     cial security continuously throughout the registration period and his  
6     failure to produce proof of financial security when requested to do so  
7     upon demand of a magistrate, motor vehicle inspector, peace officer,  
8     acting pursuant to his special duties, or police officer, while such  
9     vehicle is being operated upon the public highway, shall be presumptive  
10    evidence of operating a motor vehicle without proof of financial securi-  
11    ty. Upon the production of proof of financial security such presumption  
12    is removed. Production of proof of financial security may be made by  
13    mailing such proof to the court having jurisdiction in the matter, and  
14    any necessary response by such court or acknowledgement of the  
15    production of such proof may also be made by mail. When insurance with  
16    respect to any motor vehicle, other than a motorcycle, is terminated the  
17    owner shall surrender forthwith his registration certificate and number

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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plates of the vehicle to the commissioner unless proof of financial security otherwise is maintained in compliance with this article.

(2) PROOF OF FINANCIAL SECURITY MAY BE ESTABLISHED BY MEANS OF TRANSMISSION OF AN ELECTRONIC VERSION OF THE OWNER'S INSURANCE CARD TO THE OWNER'S OR OPERATOR'S SMART PHONE OR OTHER PORTABLE ELECTRONIC DEVICE PROVIDED THAT:

(A) SUCH PROOF OF FINANCIAL SECURITY IS TRANSMITTED DIRECTLY FROM THE OWNER'S INSURANCE COMPANY TO THE OWNER'S OR OPERATOR'S SMART PHONE OR OTHER ELECTRONIC DEVICE; AND

(B) THE ELECTRONIC TRANSMISSION OF PROOF OF FINANCIAL SECURITY CONTAINS ALL INFORMATION REQUIRED BY THIS CHAPTER AND ANY RULES OR REGULATIONS PROMULGATED BY THE COMMISSIONER.

(3) AN OFFICER OR AGENT WHO VIEWS THE TRANSMISSION OF AN ELECTRONIC VERSION OF THE OWNER'S INSURANCE CARD ON THE OWNER'S OR OPERATOR'S SMART PHONE OR OTHER PORTABLE ELECTRONIC DEVICE SHALL BE PROHIBITED FROM VIEWING ANY OTHER CONTENT ON THE SMART PHONE OR OTHER PORTABLE ELECTRONIC DEVICE.

(4) ANY PERSON WHO PRESENTS PROOF OF FINANCIAL SECURITY BY MEANS OF TRANSMISSION OF AN ELECTRONIC VERSION OF THE OWNER'S INSURANCE CARD ON THE OWNER'S OR OPERATOR'S SMART PHONE OR OTHER PORTABLE ELECTRONIC DEVICE SHALL ASSUME ALL LIABILITY FOR ANY DAMAGE TO THE SMART PHONE OR OTHER PORTABLE ELECTRONIC DEVICE.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.