

5547

2015-2016 Regular Sessions

I N A S S E M B L Y

February 27, 2015

Introduced by M. of A. HIKIND, BORELLI, TITONE, CORWIN, MOSLEY, CRESPO, SKOUFIS, COOK, SALADINO, PICHARDO, WALTER, DINOWITZ, MONTESANO, SEPULVEDA, FINCH, ARROYO, SKARTADOS, PEOPLES-STOKES -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, BLANKENBUSH, BRABENEC, DAVILA, GALEF, GOTTFRIED, LUPINACCI, McLAUGHLIN, STECK, WALKER -- read once and referred to the Committee on Transportation

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

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

LBD00671-01-5

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

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

9 (B) THE ELECTRONIC TRANSMISSION OF PROOF OF FINANCIAL SECURITY
10 CONTAINS ALL INFORMATION REQUIRED BY THIS CHAPTER AND ANY RULES OR REGU-
11 LATIONS PROMULGATED BY THE COMMISSIONER.

12 (3) AN OFFICER OR AGENT WHO VIEWS THE TRANSMISSION OF AN ELECTRONIC
13 VERSION OF THE OWNER'S INSURANCE CARD ON THE OWNER'S OR OPERATOR'S SMART
14 PHONE OR OTHER PORTABLE ELECTRONIC DEVICE SHALL BE PROHIBITED FROM VIEW-
15 ING ANY OTHER CONTENT ON THE SMART PHONE OR OTHER PORTABLE ELECTRONIC
16 DEVICE.

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

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