

IN THE SENATE

SENATE BILL NO. 1319

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1  
2 RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION  
3 49-1232, IDAHO CODE, TO PROVIDE THAT A CERTAIN CERTIFICATE OR PROOF OF  
4 LIABILITY INSURANCE MAY BE PRODUCED IN PAPER OR ELECTRONIC FORMAT AND TO  
5 PROVIDE THE ACCEPTABLE ELECTRONIC FORMATS.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 49-1232, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 49-1232. CERTIFICATE OR PROOF OF LIABILITY INSURANCE TO BE CARRIED IN  
10 MOTOR VEHICLE. (1) A certificate or proof of liability insurance shall be in  
11 the possession of the operator of every motor vehicle or present in every mo-  
12 tor vehicle at all times when the vehicle is operated within this state. The  
13 certificate or proof of liability insurance shall be provided for inspection  
14 to any peace officer upon request to the operator of any motor vehicle. No  
15 person shall be convicted of violating this section if that person produces  
16 at any time prior to conviction the certificate or proof of liability insur-  
17 ance covering the motor vehicle that person is accused of operating in vio-  
18 lation of this section, where the certificate or proof of liability insur-  
19 ance demonstrates the existence of liability insurance described in section  
20 49-1212, Idaho Code, which was in effect at the time of occurrence of the vi-  
21 olation. The certificate or proof of liability insurance required by this  
22 section may be produced in either paper or electronic format. Acceptable  
23 electronic formats include display of electronic images on a cellular phone  
24 or any other type of portable electronic device.

25 (2) If the court has not ordered the department to suspend the driv-  
26 ing privileges of any person convicted of a violation of the provisions of  
27 this section, the department may rescind the suspension action, only if the  
28 driver can prove by sufficient evidence that the legally required motor ve-  
29 hicle insurance or other required evidence of financial responsibility was  
30 in force and effect at the time of the issuance of the citation. No rein-  
31 statement fee will be assessed for rescinding the suspension action under  
32 this section.

33 (3) It is an infraction punishable by a fine of seventy-five dollars  
34 (\$75.00) for any person to violate the provisions of this section for the  
35 first time. A second and any subsequent conviction for a violation of the  
36 provisions of this section or the provisions of section 49-1229 or 49-1428,  
37 Idaho Code, within five (5) years shall be a misdemeanor, punishable by a  
38 fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the  
39 county jail not exceeding six (6) months, or both. The department shall no-  
40 tify any person convicted of a violation of this section of the penalties  
41 which may be imposed for a second and any subsequent conviction.