

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 105

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

# HOUSE BILL 2677

AN ACT

AMENDING SECTIONS 28-4131, 28-4133 AND 28-4135, ARIZONA REVISED STATUTES;  
RELATING TO MANDATORY VEHICLE INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-4131, Arizona Revised Statutes, is amended to  
3 read:

4 28-4131. Definition of evidence

5 In this article, unless the context otherwise requires, "evidence"  
6 includes:

7 1. An original, a photocopy or a copy of a current and valid:

8 (a) Motor vehicle or automobile liability policy that meets the  
9 requirements of section 28-4009.

10 (b) Binder or certificate of motor vehicle or automobile liability  
11 insurance that meets the requirements of section 28-4009.

12 (c) Certificate of self-insurance issued by the department under  
13 article 1 of this chapter.

14 (d) Certificate of deposit that meets the requirements of section  
15 28-4084.

16 (e) Motor vehicle insurance identification card issued by an  
17 authorized insurer or an authorized agent of the insurer for a motor vehicle  
18 or automobile liability policy that meets the requirements of section  
19 28-4009.

20 (f) Certificate of insurance for a policy that meets the requirements  
21 of section 28-4033.

22 2. Designation of a motor vehicle as owned or leased by this state or  
23 any of its political subdivisions according to section 38-538.

24 3. A DISPLAY ON A WIRELESS COMMUNICATION DEVICE OF ANY ITEM LISTED IN  
25 PARAGRAPH 1 OF THIS SECTION.

26 Sec. 2. Section 28-4133, Arizona Revised Statutes, is amended to read:

27 28-4133. Insurance identification cards; documentary evidence;

28 exception

29 A. An authorized insurer shall issue at least two motor vehicle  
30 insurance identification cards for a motor vehicle or automobile liability  
31 policy that meets the requirements of section 28-4009 or section 28-4033,  
32 subsection A, paragraph 2, subdivision (c).

33 B. The card shall state that:

34 1. A person is required to possess evidence of financial  
35 responsibility within the motor vehicle.

36 2. The card meets the requirement OR AN IMAGE OF THE CARD THAT IS  
37 DISPLAYED ON A WIRELESS COMMUNICATION DEVICE MEETS THE REQUIREMENT.

38 3. The card OR AN IMAGE OF THE CARD THAT IS DISPLAYED ON A WIRELESS  
39 COMMUNICATION DEVICE is satisfactory evidence if the person is asked by the  
40 department of transportation to verify financial responsibility on the motor  
41 vehicle.

42 C. All documentary evidence issued by an insurer or an authorized  
43 agent of the insurer shall indicate:

44 1. The name of the insurer as listed with the department of insurance.

1           2. For the purpose of verifying insurance coverage, the mailing  
2 address and telephone number of the insurer or an authorized agent of the  
3 insurer.

4           3. In order to accurately verify insurance coverage, other information  
5 as required by the department of transportation.

6           4. If a binder is issued by an authorized agent of an insurer, the  
7 name, address and telephone number of the agent.

8           D. This section does not apply to a commercial vehicle policy that  
9 provides automatic coverage for additional or newly acquired vehicles until  
10 the policy's expiration date.

11           Sec. 3. Section 28-4135, Arizona Revised Statutes, is amended to read:

12           28-4135. Motor vehicle financial responsibility requirement:  
13                                   civil penalties

14           A. A motor vehicle that is operated on a highway in this state shall  
15 be covered by one of the following:

16           1. A motor vehicle or automobile liability policy that provides limits  
17 not less than those prescribed in section 28-4009.

18           2. An alternate method of coverage as provided in section 28-4076.

19           3. A certificate of self-insurance as prescribed in section 28-4007.

20           4. A policy that satisfies the financial responsibility requirements  
21 prescribed in article 2 of this chapter.

22           B. A person operating a motor vehicle on a highway in this state shall  
23 have evidence within the motor vehicle of current financial responsibility  
24 applicable to the motor vehicle. THE EVIDENCE MAY BE DISPLAYED ON A WIRELESS  
25 COMMUNICATION DEVICE THAT IS IN THE MOTOR VEHICLE. IF A PERSON DISPLAYS THE  
26 EVIDENCE ON A WIRELESS COMMUNICATION DEVICE PURSUANT TO THIS SUBSECTION, THE  
27 PERSON IS NOT CONSENTING FOR LAW ENFORCEMENT TO ACCESS OTHER CONTENTS OF THE  
28 WIRELESS COMMUNICATION DEVICE.

29           C. Failure to produce evidence of financial responsibility on the  
30 request of a law enforcement officer investigating a motor vehicle accident  
31 or an alleged violation of a motor vehicle law of this state or a traffic  
32 ordinance of a city or town is a civil traffic violation that is punishable  
33 as prescribed in this section.

34           D. A citation issued for violating subsection B or C of this section  
35 shall be dismissed if the person to whom the citation was issued produces  
36 evidence to the appropriate court officer on or before the date and time  
37 specified on the citation for court appearance and in a manner specified by  
38 the court, including the certification of evidence by mail, of either of the  
39 following:

40           1. The financial responsibility requirements prescribed in this  
41 section were met for the motor vehicle at the date and time the citation was  
42 issued.

43           2. A motor vehicle or automobile liability policy that meets the  
44 financial responsibility requirements of this state and that insured the  
45 person and the motor vehicle the person was operating at the time the person

1 received the citation regardless of whether or not the motor vehicle was  
2 named in the policy.

3 E. Except as provided in section 28-4137, a person who violates this  
4 section is subject to a civil penalty as follows:

5 1. The court shall impose a minimum civil penalty of five hundred  
6 dollars for the first violation. On receipt of the abstract of the record of  
7 judgment, the department shall suspend the driver license of the person and  
8 the registration and license plates of the motor vehicle involved for three  
9 months.

10 2. If a person violates this section a second time within a period of  
11 thirty-six months, the court shall impose a minimum civil penalty of seven  
12 hundred fifty dollars. On receipt of the abstract of the record of judgment,  
13 the department shall suspend the driver license of the person and the  
14 registration and license plates of the motor vehicle involved for six months.

15 3. If a person violates this section three or more times within a  
16 period of thirty-six months, the court shall impose a minimum civil penalty  
17 of one thousand dollars. On receipt of the abstract of the record of  
18 judgment, the department shall suspend the driver license of the person and  
19 the registration and license plates of the motor vehicle involved for one  
20 year. The department shall require on reinstatement of the driver license,  
21 the registration and the license plates that the person file with the  
22 department proof of financial responsibility in accordance with article 3 of  
23 this chapter.

24 F. A COURT MAY REQUIRE A PERSON TO PRODUCE AN INSURANCE IDENTIFICATION  
25 CARD AS EVIDENCE IN A HEARING FOR A VIOLATION OF THIS SECTION.

APPROVED BY THE GOVERNOR MARCH 27, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2012.

Passed the House March 5, 2012

Passed the Senate March 12, 2012

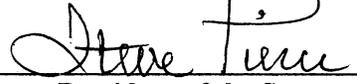
by the following vote: 58 Ayes,

by the following vote: 30 Ayes,

0 Nays, 2 Not Voting

0 Nays, 0 Not Voting

  
Speaker of the House

  
President of the Senate

  
Chief Clerk of the House

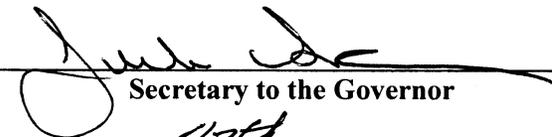
  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

26 day of March, 2012

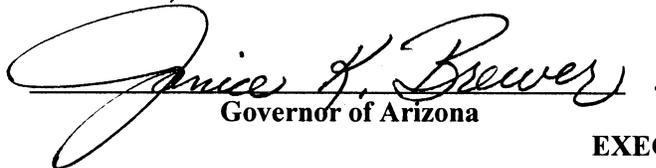
at 3:30 o'clock P M.

  
Secretary to the Governor

Approved this 27<sup>th</sup> day of

March

at 4:50 o'clock P. M.

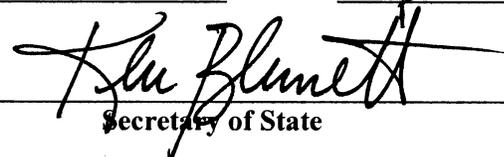
  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27<sup>th</sup> day of March, 2012

at 5:12 o'clock P M.

  
Secretary of State

H.B. 2677