

## CHAPTER 101

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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**HOUSE BILL 13-1159**

BY REPRESENTATIVE(S) Rosenthal, Holbert, Williams, McNulty, DelGrosso, Kraft-Tharp, Melton, Moreno, Ryden, Singer, Szabo, Young, Exum, Fields, Hulinghorst, Labuda, Lawrence, Murray, Pettersen, Priola, Saine, Salazar, Schafer, Stephens, Tyler; also SENATOR(S) Tochtrop and Balmer, Todd, Jahn, Heath, Guzman, Kerr, Newell.

**AN ACT****CONCERNING THE USE OF AN ELECTRONIC DEVICE TO PRESENT EVIDENCE OF AUTOMOBILE INSURANCE.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 42-4-1409, **amend** (3); and **add** (8.5) as follows:

**42-4-1409. Compulsory insurance - penalty - legislative intent.** (3) (a) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, ~~no~~ AN owner or operator of a motor vehicle or low-power scooter shall ~~fail to~~ present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(b) AS USED IN THIS SECTION, "EVIDENCE OF A COMPLYING POLICY OR CERTIFICATE OF SELF-INSURANCE IN FULL FORCE AND EFFECT" INCLUDES THE PRESENTATION OF SUCH A POLICY OR CERTIFICATE UPON A CELL PHONE OR OTHER ELECTRONIC DEVICE.

(8.5) IF AN OPERATOR OF A MOTOR VEHICLE OR LOW-POWER SCOOTER USES A CELL PHONE OR OTHER ELECTRONIC DEVICE TO PRESENT EVIDENCE OF A COMPLYING POLICY OR CERTIFICATE OF SELF-INSURANCE IN FULL FORCE AND EFFECT, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION:

(a) THE LAW ENFORCEMENT OFFICER TO WHOM THE OPERATOR PRESENTS THE DEVICE SHALL NOT EXPLORE THE CONTENTS OF THE CELL PHONE OR OTHER ELECTRONIC DEVICE OTHER THAN TO EXAMINE THE OPERATOR'S POLICY OR CERTIFICATE OF SELF-INSURANCE; AND

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(b) THE LAW ENFORCEMENT OFFICER TO WHOM THE OPERATOR PRESENTS THE DEVICE, AND ANY LAW ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER, ARE IMMUNE FROM ANY CIVIL DAMAGES RESULTING FROM THE OFFICER DROPPING OR OTHERWISE UNINTENTIONALLY DAMAGING THE CELL PHONE OR OTHER ELECTRONIC DEVICE.

**SECTION 2.** In Colorado Revised Statutes, 10-4-604.5, **amend** (1) as follows:

**10-4-604.5. Issuance or renewal of insurance policies - proof of insurance provided by certificate, card, or other media.** (1) In addition to any other requirement, if an insurer issues or renews a policy of insurance, the insurer shall provide the insured a proof of insurance certificate or insurance identification card to accompany the insured's registration application or renewal card or provide proof of insurance in such other media as is authorized by the department under section 42-3-105 (1) (d), C.R.S. THE INSURANCE IDENTIFICATION CARD MAY BE PROVIDED IN EITHER PAPER OR ELECTRONIC FORMAT. ACCEPTABLE ELECTRONIC FORMATS INCLUDE DISPLAY OF ELECTRONIC IMAGES ON A CELLULAR PHONE OR ANY OTHER TYPE OF PORTABLE ELECTRONIC DEVICE.

**SECTION 3.** In Colorado Revised Statutes, 42-7-103, **amend** (6.5) (a) as follows:

**42-7-103. Definitions.** As used in this article, unless the context otherwise requires:

(6.5) (a) "Evidence of insurance" means proof given by the insured in person to the department that the insured has a complying policy in full force and effect. Proof may be made through presentation of a copy of such complying policy or a card issued to the insured as evidence that a complying policy is in full force and effect. A CARD ISSUED TO THE INSURED AS EVIDENCE THAT A COMPLYING POLICY IS IN FULL FORCE AND EFFECT MAY BE PRODUCED IN EITHER PAPER OR ELECTRONIC FORMAT. ACCEPTABLE ELECTRONIC FORMATS INCLUDE DISPLAY OF ELECTRONIC IMAGES ON A CELLULAR PHONE OR ANY OTHER TYPE OF PORTABLE ELECTRONIC DEVICE.

**SECTION 4. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 4, 2013