

CHAPTER 269  
FORMERLY  
HOUSE BILL NO. 258  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO INSURANCE CARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 2118, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(o) "Insurance identification card" shall mean a card issued by or on behalf of an insurance company or bonding company duly authorized to transact business in this State which states in such form as the Insurance Commissioner may prescribe or approve that such company has issued a vehicle insurance policy meeting the requirements of this title. If the insured and insurance company both consent, the insurance identification card may be produced in electronic format. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of portable electronic device. The Insurance Commissioner shall require all insurance companies transacting business within this State to provide with each vehicle insurance policy an insurance identification card describing the vehicle covered. The insurance identification card shall be valid for a period not to exceed 6 months. Notwithstanding this limitation, an insurance identification card may be issued for a period of 12 months if premium has been paid for the 12-month period. If an owner shall have filed a financial security deposit, or shall have qualified as a self-insurer, the term "insurance identification card" shall mean a card issued by the Office of the Insurance Commissioner which evidences that such deposit has been filed or that such owner has so qualified.

(p) (1) The insurance identification card issued for a vehicle required to be registered under this title shall at all times, when the vehicle is being operated upon a highway within this State, be in the possession of the operator thereof or carried in the vehicle and shall be produced upon the request of a police officer ~~or justice of the peace~~ or any other party involved in an accident with the insured. If the operator of a motor vehicle is unable to produce an insurance identification card at the time of a traffic stop or an accident the operator shall be issued a summons to appear in court. If the operator is convicted under this subsection and has not provided proof of insurance in effect as of the date of conviction, the court shall, in addition to any other penalties imposed, notify the Division of Motor Vehicles of the lack of insurance. The Division of Motor Vehicles shall promptly suspend the vehicle's registration pursuant to the provisions of subsection (m) of this section.

a. Presentation of proof of insurance in electronic format shall not constitute consent for law enforcement or other state officials to access other contents of the cellular phone or other portable electronic device, and shall not expand or restrict authority to conduct a search or investigation.

b. Law enforcement officers and other state officials shall not be liable for any damage to a cellular phone or portable electronic device resulting from its use to present satisfactory proof of motor vehicle liability insurance coverage.

c. A police officer may require the operator to electronically forward the proof of insurance to a specified location provided by the officer. The electronic insurance information would then be viewed in a setting which is safe for the officer to verify that all the information is valid and accurate.

Section 2. Amend § 2118A, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underlining as follows:

(a) It shall be unlawful for any person to possess, manufacture, sell, distribute or circulate a fictitious insurance identification card or any fictitious proof of insurance. A fictitious insurance identification card shall be any document in written or electronic format not manufactured in compliance with § 2118(o) of this title. Fictitious proof of insurance shall be any document in written or electronic format not produced in compliance with § 2118(o) of this title.

Approved June 25, 2014