

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 273

BY STATE AFFAIRS COMMITTEE

AN ACT

1  
2 RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION  
3 49-1234, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR GOLF CARTS AND TO RE-  
4 VISE A DEFINITION; AND AMENDING SECTION 3, CHAPTER 103, LAWS OF 2012, TO  
5 REVISE THE EFFECTIVE DATE.

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

7 SECTION 1. That Section 49-1234, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 49-1234. ONLINE INSURANCE VERIFICATION SYSTEM -- PEACE OFFICER DUTIES  
10 -- RULEMAKING. (1) The department shall establish and maintain an online in-  
11 surance verification system for motor vehicle insurance coverage required  
12 by the provisions of this chapter, subject to the following:

13 (a) The department shall consult with representatives of the insurance  
14 industry to determine the objectives, details and deadlines relating to  
15 the verification system;

16 (b) The verification system shall be accessible through the internet,  
17 world wide web or a similar proprietary or common carrier electronic  
18 system by authorized personnel of the department, department of in-  
19 surance, courts, law enforcement entities and of any other entity  
20 authorized by the department;

21 (c) The verification system shall provide for direct inquiry and re-  
22 sponse between the department and insurance carriers, or such other  
23 method of inquiry and response as agreed to by the department and indi-  
24 vidual insurance carriers, and direct access to insurers' records by  
25 personnel authorized by the department;

26 (d) The verification system shall be capable of sending inquiries to  
27 and receiving responses from insurers for the purpose of verifying cur-  
28 rent motor vehicle insurance coverage via web services established by  
29 insurers through the internet, world wide web or a similar proprietary  
30 or common carrier electronic system, in compliance with the specifica-  
31 tions and standards of the insurance industry committee on motor vehi-  
32 cle administration (IICMVA), provided that the department shall pro-  
33 mulgate rules to provide insurers an alternative method for reporting  
34 motor vehicle insurance policy data rather than establishing web ser-  
35 vices or utilizing IICMVA's insurance data transfer guide;

36 (e) With the exception of unplanned system outages, the verification  
37 system shall be available twenty-four (24) hours a day to verify the  
38 insurance status of any motor vehicle registered in this state through  
39 the vehicle's identification number, policy number, registered owner's  
40 name or other identifying characteristic or marker; provided that a  
41 reasonable amount of downtime may be allotted for planned system out-  
42 ages;

1 (f) The verification system shall include appropriate provisions, con-  
2 sistent with IICMVA standards, to secure its data against unauthorized  
3 access and to maintain a record of all information requests; and

4 (g) All information exchanged between the department and insurance  
5 companies, any database created, all information contained in the  
6 verification system and all reports, responses or other information  
7 generated for the purposes of the verification system shall be exempt  
8 from disclosure as provided in section 9-340C, Idaho Code.

9 (2) As a condition for writing motor vehicle liability insurance poli-  
10 cies in this state, insurance carriers shall cooperate with the department  
11 in establishing and maintaining the insurance verification system and shall  
12 provide access to motor vehicle insurance policy status information as may  
13 be provided in rules promulgated by the department.

14 (3) Insurers that make good faith efforts to comply with the provisions  
15 of this section shall be immune from civil or administrative liability re-  
16 lated to this section.

17 (4) Peace officers shall access information from the online insurance  
18 verification system to verify the current validity of motor vehicle liabil-  
19 ity insurance. If insurance is verified, then the peace officer shall not  
20 issue a citation for an infraction violation of the provisions of section  
21 49-1232, Idaho Code.

22 (5) If an Idaho uniform citation is issued to a person for an infraction  
23 violation of the provisions of section 49-1232, Idaho Code, and it is sub-  
24 sequently found that the legally required motor vehicle insurance coverage  
25 was in force at the time of the issuance of the citation, then the court shall  
26 dismiss the citation without penalty and such citation shall not appear on  
27 the person's record.

28 (6) This section shall not apply to any vehicle insured under commer-  
29 cial motor vehicle coverage and shall not apply to implements of husbandry  
30 and golf carts. As used in this section, "commercial motor vehicle cover-  
31 age" means an insurance policy that covers a business's vehicles and employ-  
32 ees ~~and is approved by the department of insurance~~.

33 (7) The department may promulgate rules in accordance with the provi-  
34 sions of chapter 52, title 67, Idaho Code, to carry out the provisions of this  
35 section.

36 SECTION 2. That Section 3, Chapter 103, Laws of 2012, be, and the same is  
37 hereby amended to read as follows:

38 SECTION 3. Section 1 of this act shall be in full force and effect on  
39 and after July 1, 2015. Section 2 of tThis act shall be in full force  
40 and effect on and after January 1, 2014.