



2013 ASSEMBLY BILL 65

March 14, 2013 - Introduced by Representatives CZAJA, NYGREN, BIES, BROOKS, BALLWEG, GENRICH, JACQUE, JAGLER, KAHL, KNODL, KNUDSON, KOOYENGA, KRUG, T. LARSON, LEMAHIEU, MURSAU, OHNSTAD, A. OTT, NASS, SCHRAA, SWEARINGEN, THIESFELDT, TRANEL and STONE, cosponsored by Senators LASEE, GROTHMAN, LEHMAN, LEIBHAM, OLSEN and SHILLING. Referred to Committee on Insurance.

- 1 **AN ACT to amend** 344.62 (2), 344.64 (1), 344.64 (2) and 344.65 (1) (c) of the
2 **statutes; relating to:** proof of motor vehicle liability insurance.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, a person may not operate a motor vehicle on a highway unless the owner or operator of the vehicle has in effect a motor vehicle liability policy with respect to the vehicle that provides coverage in at least certain minimum amounts. While operating the vehicle, the person must have in his or her immediate possession proof of insurance complying with this requirement and the person must display this proof on demand by any traffic officer. However, a person may not be convicted of failing to have proof of insurance in his or her possession if the person later produces proof of insurance, in effect at the time a citation was issued, at the time of the person's appearance in court in response to the citation or in the office of the traffic officer who issued the citation.

Also under current law, a person may not do any of the following for purposes of creating the appearance of satisfying insurance requirements: 1) forge, falsify, counterfeit, or fraudulently alter any proof of insurance or other insurance document; 2) possess any forged, falsified, fictitious, counterfeit, or fraudulently altered proof of insurance or other insurance document; or 3) represent that any proof of insurance or other insurance document is valid and in effect, knowing or having reason to believe that the proof of insurance or other insurance document is not valid or not in effect.

This bill specifies that a person may provide proof of insurance in either printed or electronic format, including by display of images on a cellular telephone or other

ASSEMBLY BILL 65

electronic device. If electronic proof is displayed on any device, the person to whom the proof is displayed may not view on the device any content except the proof. The bill also specifies that the prohibitions relating to forged, falsified, counterfeit, fraudulently altered, or invalid proofs of insurance or other insurance documents also apply with respect to proofs of insurance in electronic format and electronic images.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 344.62 (2) of the statutes is amended to read:

2 344.62 (2) Except as provided in s. 344.63, no person may operate a motor
3 vehicle upon a highway in this state unless the person, while operating the vehicle,
4 has in his or her immediate possession proof that he or she is in compliance with sub.
5 (1). The operator of the motor vehicle shall display the proof required under this
6 subsection upon demand from any traffic officer. The proof required under this
7 subsection may be produced in either printed or electronic format, including by
8 display of electronic images on a cellular telephone or other electronic device. If this
9 proof is displayed in electronic format on any cellular telephone or other electronic
10 device, the traffic officer may not view, and producing proof in electronic format is not
11 considered consent for the traffic officer to view, any content on the telephone or other
12 device except the proof required under this subsection.

13 **SECTION 2.** 344.64 (1) of the statutes is amended to read:

14 344.64 (1) Forge, falsify, counterfeit, or fraudulently alter any printed or
15 electronic proof of insurance, policy of insurance, or other insurance document or
16 electronic image, or possess any ~~forged, falsified, fictitious, counterfeit, or~~
17 ~~fraudulently altered~~ printed or electronic proof of insurance, policy of insurance, or
18 other insurance document or electronic image that is forged, falsified, fictitious,
19 counterfeit, or fraudulently altered.

ASSEMBLY BILL 65

1 **SECTION 3.** 344.64 (2) of the statutes is amended to read:

2 344.64 (2) Represent that any printed or electronic proof of insurance, policy
3 of insurance, or other insurance document or electronic image is valid and in effect,
4 knowing or having reason to believe that the proof of insurance, policy of insurance,
5 or other insurance document or electronic image is not valid or not in effect.

6 **SECTION 4.** 344.65 (1) (c) of the statutes is amended to read:

7 344.65 (1) (c) No person charged with violating s. 344.62 (2) may be convicted
8 if the person produces proof that he or she was in compliance with s. 344.62 (1) at the
9 time the person was issued a uniform traffic citation for violating s. 344.62 (2). This
10 proof may be produced either at the time of the person's appearance in court in
11 response to the citation or in the office of the traffic officer issuing the citation. This
12 proof may be produced in either paper or electronic format, including by display of
13 electronic images on a cellular telephone or other electronic device. If this proof is
14 displayed in electronic format on any cellular telephone or other electronic device,
15 the person to whom the proof is displayed may not view, and producing proof in
16 electronic format is not considered consent for the person to view, any content on the
17 telephone or other device except the proof required under s. 344.62 (2).

18

(END)