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BILL



ANALYSIS

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House Bill 4193 (Substitute H-1 as passed by the House)  
Sponsor: Representative Aric Nesbitt  
House Committee: Insurance  
Senate Committee: Insurance

Date Completed: 6-16-15

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to do the following:**

- **Provide that a certificate of no-fault automobile insurance in electronic form would be evidence that insurance was in force for the vehicle described in the certificate.**
- **Limit the extent to which a police officer could view an electronic device when a person displayed an electronic copy of his or her insurance certificate; and specify that consent to a search of the device would not be presumed.**
- **Allow a police officer to require a person to forward an electronic copy of an insurance certificate to a specified location.**
- **Provide that the State or a law enforcement agency would not be liable for damage to or loss of an electronic device that occurred when a police officer viewed an electronic copy of an insurance certificate.**

The Code requires the owner or operator of a motor vehicle, upon the request of a police officer, to produce evidence that the vehicle is insured under Chapter 31 of the Code (which prescribes the requirements for no-fault insurance). If a person fails to comply with the officer's request or fails to have the required insurance, he or she is responsible for a civil infraction.

Under the bill, if a person displayed an electronic copy of his or her certificate of insurance using an electronic device, the officer could view only the electronic copy of the certificate and would be prohibited from manipulating the device to view any other information on it. The individual would not be presumed to have consented to a search of the device.

The officer could require the person to electronically forward the electronic copy of the certificate to a specified location. The officer then could view the electronic copy in a setting in which it was safe for him or her to verify that the information contained in the electronic copy was valid and accurate.

The bill also would specify that the State, a law enforcement agency, or an employee of the State or a law enforcement agency would not be liable for damage to or loss of an electronic device that occurred as a result of a police officer's viewing an electronic copy of an insurance certificate in the manner provided in the bill, regardless of whether the officer or the owner or operator of the vehicle was in possession of the device at the time the damage or loss occurred.

Under the Code, a certificate of insurance issued by an insurance company, certifying that the security that meets requirements of Chapter 31 is in force, must be accepted as prima facie evidence that insurance is in force for the vehicle described in the certificate until its expiration date. Under the bill, this would apply to a certificate of insurance in paper or electronic form.

The bill would take effect 90 days after being signed into law.

MCL 257.328

Legislative Analyst: Ryan M. Bergan

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker