

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 322

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GOSEN (Sponsor), BLACK, HINSON,  
BAHR AND WIELAND (Co-sponsors).

1211H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 303.024, RSMo, and to enact in lieu thereof two new sections relating to the modernization of certain information provided by insurance companies, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 303.024, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 303.024 and 379.013, to read as follows:

- 303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent of the insurer, shall furnish an insurance identification card to the named insured for each motor vehicle insured by a motor vehicle liability policy that complies with the requirements of sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370. **Such insurance identification card may be produced in either paper or electronic format. Acceptable electronic forms include display of electronic images on a cellular phone or any other type of portable electronic device.**
2. The insurance identification card shall include all of the following information:
- (1) The name and address of the insurer;
  - (2) The name of the named insured;
  - (3) The policy number;
  - (4) The effective dates of the policy, including month, day and year;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (5) A description of the insured motor vehicle, including year and make or at least five  
14 digits of the vehicle identification number or the word Fleet if the insurance policy covers five  
15 or more motor vehicles; and

16 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR  
17 VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

18 3. A new insurance identification card shall be issued when the insured motor vehicle  
19 is changed, when an additional motor vehicle is insured, and when a new policy number is  
20 assigned. A replacement insurance identification card shall be issued at the request of the  
21 insured in the event of loss of the original insurance identification card.

22 4. The director shall furnish each self-insurer, as provided for in section 303.220, an  
23 insurance identification card for each motor vehicle so insured. The insurance identification card  
24 shall include all of the following information:

25 (1) Name of the self-insurer;

26 (2) The word self-insured; and

27 (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED  
28 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the  
29 card.

30 5. An insurance identification card shall be carried in the insured motor vehicle at all  
31 times. The operator of an insured motor vehicle shall exhibit the insurance identification card  
32 on the demand of any peace officer, commercial vehicle enforcement officer or commercial  
33 vehicle inspector who lawfully stops such operator or investigates an accident while that officer  
34 or inspector is engaged in the performance of the officer's or inspector's duties. **The evidence**  
35 **of financial responsibility may be provided using a mobile electronic device.** If the operator  
36 fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to  
37 the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a  
38 motor vehicle liability insurance binder, [or] receipt, **or a photocopy or an image displayed on**  
39 **a mobile electronic device** which contains the policy information required in subsection 2 of  
40 this section, shall be satisfactory evidence of insurance in lieu of an insurance identification card.  
41 **The display of an image of the insurance card on a mobile electronic device shall not serve**  
42 **as consent for such officer, inspector, or other person to access other contents of the mobile**  
43 **electronic device in any manner other than to verify the image of the insurance card.**  
44 **Whenever a person presents a mobile electronic device as proof of financial responsibility**  
45 **to any peace officer, commercial vehicle enforcement officer, or commercial vehicle**  
46 **inspector under this section, such person shall assume all liability for any damage to the**  
47 **mobile electronic device except for damage willfully or maliciously caused by a law**  
48 **enforcement officer or a department of revenue employee or agent. As used in this section,**

49 the term “mobile electronic device” means any small handheld computing or  
50 communications device that has a display screen with a touch input or a miniature  
51 keyboard.

52 6. Any person who knowingly or intentionally produces, manufactures, sells, or  
53 otherwise distributes a fraudulent document, **photocopy, or image displayed on a mobile**  
54 **electronic device** intended to serve as an insurance identification card is guilty of a class D  
55 felony. Any person who knowingly or intentionally possesses a fraudulent document **or**  
56 **photocopy** intended to serve as an insurance identification card **or knowingly or intentionally**  
57 **uses a fraudulent image displayed on a mobile electronic device** is guilty of a class B  
58 misdemeanor.

379.013. 1. Insurance policy forms and endorsements for classes of insurance  
2 described in subdivisions 1, 2, 3, and 5 of subsection 1 of section 379.010 issued or renewed  
3 in this state, or covering risks in this state, which do not contain personally identifiable  
4 information, may be made available electronically on the insurer’s website in lieu of  
5 mailing or delivering a copy of policy forms and endorsements to an insured.

6 2. If the insurer elects to make such insurance policy forms and endorsements  
7 available electronically on the insurer’s website in lieu of mailing or delivering a paper  
8 copy to the insured, it shall comply with all the following conditions with respect to such  
9 policy forms and endorsements:

10 (1) The policy forms and endorsements issued or sold in this state shall be easily and  
11 publicly accessible on the insurer’s website and remain that way for as long as the policy  
12 form or endorsement is in force or actively sold in this state;

13 (2) The insurer shall retain and store the policy forms and endorsements after they  
14 are withdrawn from use or replaced with other policy forms and endorsements for a period  
15 of five years and make them available to insureds and former insureds upon request and  
16 at no cost;

17 (3) The policy forms and endorsements shall be available on the insurer’s website  
18 in an electronic format that enables the insured to print and save the policy forms and  
19 endorsements using programs or applications that are widely available on the internet and  
20 free to use;

21 (4) At policy issuance and renewal, the insurer shall provide clear and conspicuous  
22 notice to the insured, in the manner it customarily communicates with an insured, that it  
23 does not intend to mail or deliver a paper copy of the policy forms or endorsements. The  
24 notice shall provide instructions on how the insured may access the policy forms and  
25 endorsements on the insurer’s website. The insurer shall also notify the insured of the  
26 right to obtain a paper copy of the policy forms and endorsements at no cost and provide

27 either a toll-free telephone number or the telephone number of the insured's producer by  
28 which the insured can make this request;

29 (5) At policy renewal, the insurer shall provide clear and conspicuous notice to the  
30 insured, in the manner it customarily communicates with an insured, of any changes which  
31 have been made to the policy forms or endorsements since the prior coverage period. Such  
32 notice shall be made in accordance with the requirements of subdivision (4) of this  
33 subsection; and

34 (6) On each declarations page, or similar coverage summary document, issued to  
35 an insured, the insurer shall clearly identify the exact policy forms and endorsements  
36 purchased by the insured, so that the insured may easily access those forms on the  
37 insurer's website.

38 3. The director may promulgate any rules necessary to implement and effectuate  
39 the provisions of this section. No rule or portion of a rule promulgated under the authority  
40 of this section shall become effective unless it has been promulgated under the provisions  
41 of section 536.024.

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