

"P" 13 (2015)

"M" 12 (2015)

Albany, New York

November 19, 2015

TO: All Enforcement Agencies and Magistrates

SUBJECT: Electronic Insurance ID Cards

Pursuant to amendments to Part 32 of the Commissioner's Regulations, effective April 29, 2015, insurance companies will be authorized to issue electronic insurance ID cards. Currently, only paper ID cards are accepted.

The regulation provides that electronic insurance ID cards shall be acceptable proof of insurance in the same manner as paper insurance ID cards. The electronic insurance ID card must be capable of being displayed on a portable electronic device, as defined in section 1225-d of the Vehicle and Traffic Law. The regulation also provides that a driver may temporarily surrender his or her personal electronic device to law enforcement personnel for the purpose of providing proof of insurance through an electronic insurance ID card. Such temporary surrender shall cause the driver to give a limited consent for law enforcement personnel to utilize the electronic device for the purpose of obtaining information regarding the status of the driver's insurance only. This shall not otherwise invalidate any legally obtained warrant or consent to search as authorized by law.

The electronic insurance ID card must conform to the requirements set forth in Part 32.17 of the regulation, a copy of which is attached. These requirements are similar to those for paper insurance ID cards. Electronic insurance ID cards may not be used for temporary insurance ID cards, or by entities that are self-insured, or by fleets, dealers or transporters.

Please share this information with your staff. Thank you.

Theresa L. Egan
Executive Deputy Commissioner

Attachment

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STATE OF NEW YORK
DEPARTMENT OF MOTOR VEHICLES

Pursuant to the authority contained in sections 215(a), 311(10) and 312(4) of the Vehicle and Traffic Law, the Commissioner of Motor Vehicles hereby amends the Regulations of the Commissioner of Motor Vehicles as follows:

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Subdivisions (a), (b), (f), (g) and (l) of section 32.3 are amended to read as follows:

(a) Agent. [A person] An insurance agent licensed by the New York State [Insurance] Department of Financial Services as defined in Section 2101 of the NYS Insurance Law.

(b) Broker. [A person] An insurance broker licensed by the New York State [Insurance] Department of Financial Services as defined in Section 2101 of the NYS Insurance Law.

(f) Effective Date. The actual date that liability insurance coverage is effective. Coverage shall commence at 12:01a.m. on the effective date. [Effective date for a full-term For Hire (FH) policy shall be either January 1, March 1 or October 1, depending on the registration class of the motor vehicle; provided however, the Commissioner shall have the discretion to change or further stagger the effective dates of FH policies upon at least ninety (90) days notice to insurance companies.] The effective date for a replacement vehicle or a vehicle added to an in force policy shall be the actual date that such coverage was provided or bound for that vehicle. It shall not be some previous or subsequent processing date or the inception or renewal date of the policy. The effective date on an ID card issued based on a policy that was reinstated following a lapse in coverage shall reflect the actual date of such reinstatement.

(g) Expiration Date. The actual date that liability coverage is no longer effective due to expiration of the policy or binder by its terms. Coverage shall end at 12:01a.m. on the expiration date. [Expiration date for a For Hire (FH) policy shall be January 1, March 1 or October 1, depending on the registration class of the motor vehicle; provided however, the Commissioner shall have the discretion to change or further stagger the expiration dates of FH policies upon ninety (90) days notice to insurance companies.] The expiration date on an ID card issued for an added vehicle or a replacement vehicle on an in force policy shall not be later than the actual policy expiration date.

(l) Insurance Company. (i) A company or risk retention group (RRG) licensed by the New York State [Insurance] Department of Financial Services to write motor vehicle liability insurance in New York State, or (ii) a company or risk retention group (RRG) which is not authorized to write motor vehicle liability insurance in New York State, but which has filed with the Commissioner a power of attorney and resolution in accordance with Section 311 of the Vehicle and Traffic Law with respect to a vehicle lawfully registered in another state or in both this state and another state.

Paragraph (1) of subdivision (b) and paragraph (5) of subdivision (g) of section 32.4 are amended to read as follows:

(1) an agent, broker, agency, brokerage or insurance company licensed by the New York State [Insurance] Department of Financial Services (insurer shall have a valid DMV issued ICC);

(5) ID cards shall be issued in the full DBA name [only] for registering in an organization's DBA name. Example: The registrant/insured name Capital District Restaurant Group DBA Gimme Pizza shall be Capital District Restaurant Group DBA Gimme Pizza[GIMMEE PIZZA] The insurance ID card must include the name of the individual and the trade name.

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Paragraph (4) of subdivision (c) of section 32.5 is amended to read as follows:

(4) The ID card issuer's [NYSID] New York State Department of Financial Services license was revoked on or prior to the effective date or preparation date (FS-75 only) printed on the ID card.

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Subdivision (c) of section 32.9 is amended to read as follows:

(c) Temporary ID cards. Temporary ID cards (FS-21) shall only be issued by an insurance company licensed by [NYSID] the New York State Department of Financial Services to write primary motor vehicle liability insurance coverage in New York State or such insurance company's authorized producers licensed by [NYSID] the New York State Department of Financial Services. Temporary NYAIP ID cards (FS-75) shall only be issued by producers who are both certified by the NYAIP and licensed by [NYSID] the New York State Department of Financial Services in full accordance with procedures and systems established by the NYAIP. Each ID card shall consist of at least two identical parts, 5 inches through 8 1/2 inches in width by 3 inches through 5 1/2 inches in height, printed on stock not lighter than 20-pound white bond, and shall bear the title "TEMPORARY NEW YORK STATE INSURANCE IDENTIFICATION CARD" and the form numbers prescribed by this Part. Minimum size: 3" X 5". Maximum size: 5 1/2" X 8 1/2". ID cards shall be computer issued. Portions of the required information, such as the legally required statements, may be pre-printed. ID cards shall contain the compliant encrypted 2D bar code security feature produced in full accordance with the specifications prescribed by this Part and DMV technical documentation. Temporary ID cards (FS-21) provided in conjunction with a new policy shall be issued for a period of 60 days except as limited by section 32.3(g) of this Part.

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Paragraph (1) of subdivision (b) of section 32.10 is amended to read as follows:

(1) ID Card Issuer's [NYSID] New York State Department of Financial Services.
license number

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Paragraphs (1), (2) and (7) of subdivision (c) and subdivisions (c) and (d) of section 32.10 are amended to read as follows:

(c) Generation of ID cards with compliant encrypted 2D bar codes. Insurance companies, agents and brokers licensed by [NYSID] the New York State Department of Financial Services that issue ID cards shall issue ID cards in full compliance with the data content, format and technical requirements of this Part, including DMV technical documentation. DMV developed ID card issuance software and documentation can be used by insurance companies, agents and brokers to meet the technical requirements of this Part.

(1) DMV developed software. The DMV stand-alone software requires a Windows [(95/98/2000/NT)] operating system, an ink-jet or laser printer (desktop or network printing at a minimum of 300 dpi), a modem (28.8 minimum speed) and at least temporary access to the Internet along with an e-mail address. The modem and Internet requirements are only for initial download, set-up, and to receive any future updates. Upon the request of a [NYSID] New York State Department of Financial Services licensed agent, broker, agency or insurance company NYSID shall distribute the DMV software to its licensees in accordance with procedures established by [NYSID] the New York State Department of Financial Services.

(2) Technical documentation. Insurance companies, agencies, brokerages may wish to bar code enable existing automated ID card issuance applications and systems. Upon receipt of an executed confidentiality statement executed by an authorized employee of an insurance company, agency or brokerage DMV will furnish its developmental materials. Such development materials provide a starting point

for internal development of mainframe or other environments, platforms, etc. A vendor who has an existing relationship with a [NYSID] New York State Department of Financial Services licensee may obtain development materials from DMV upon submission of the required confidentiality agreement and a letter from the licensee or an authorized employee of the licensee confirming the business relationship.

(7) Encryption key and PIN number. Provision is made for the replacement of security components that may be compromised. However, [NYSID] the New York State Department of Financial Services, in consultation with the department may withhold the issuance of replacement security components if security is repeatedly compromised due to the repeated failure of a specific licensee to institute appropriate procedures and necessary safeguards.

(d) Process overview. Upon submission of an ID card with a compliant encrypted 2D bar code, DMV shall scan (decode the symbol), authenticate the encryption key and PIN number and electronically verify that the issuer's [NYSID] New York State Department of Financial Services license is not revoked. DMV will make appropriate name, vehicle and date comparisons to ensure that the card is otherwise in compliance with the requirements of this Part. Key data elements including insurance company code, issuer's [NYSID] New York State Department of Financial Services license number, policy number and effective date of coverage or registration shall be captured and posted to DMV's insurance information database. In accordance with Part 34 of this Title, these key data elements along with name, address and vehicle information will be included in an electronic mandatory verification (MVF) transaction sent to an insurance company due to the absence of required electronic proof of insurance.

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Section 32.16 is renumbered as section 32.17 and a new section 32.16 is amended to read as follows:

(a) (1) Notwithstanding any other provision of this Part, electronic insurance ID cards may be issued by an insurance company if the insurance company chooses to issue electronic insurance ID cards, and such electronic insurance ID cards shall be acceptable as proof of insurance in the same manner as paper insurance ID cards that are authorized by this Part. Such electronic proof of insurance must be capable of being displayed on a portable electronic device, as defined in paragraph (a) of subdivision two of section 1225-d of the Vehicle and Traffic Law. Electronic insurance ID cards may not be issued: for temporary ID cards, entities that are self-insured or for fleet transactions, dealers or transporters, as set forth in section 32.13.

(2) If an insurance company elects to issue electronic insurance ID cards, nothing in this section shall be construed to require such company to issue electronic insurance ID cards on portable electronic devices other than those that the insurance company elects to utilize for this purpose and that meet the insurance company's and the Department's requirements for such issuance.

(3) A driver may temporarily surrender his or her personal electronic device to law enforcement personnel for the purpose of providing proof of insurance through an electronic insurance ID card. Such temporary surrender shall cause the driver to give a limited consent for law enforcement personnel to utilize the electronic device on which the electronic insurance ID card is located for the purpose of obtaining information regarding the status of the driver's insurance only. This shall not otherwise invalidate any legally obtained warrant or consent to search as authorized by law.

(b) Electronic insurance ID cards must meet the requirements set forth in this Part that are applicable to paper insurance ID cards, except as to those provisions which by their nature can have no application. In no event shall an electronic insurance ID card be issued unless it meets the requirements set forth in subdivision (c) of this section.

(c) Mandatory requirements. Each electronic insurance ID card shall display the following information:

- (1) The title: NEW YORK STATE INSURANCE IDENTIFICATION CARD;
- (2) DMV assigned insurance company code (ICC);
- (3) Insurance company name;
- (4) Name and address of the insurance company that issued the electronic insurance ID card;
- (5) Name and address of the insured registrant or insured registrants, if two individuals, printed in accordance with the requirements set forth in this Part;
- (6) Policy number;
- (7) Effective date, including month (MM), day (DD), year (YYYY) and time (12:01a.m.);
- (8) Expiration date, including month (MM), day (DD), year (YYYY) and time (12:01a.m.);
- (9) Description of vehicle including year (YYYY), make and an accurate and complete vehicle identification number (VIN);
- (10) The applicable certification statement prescribed by Section 32.9(e) of this Part;
- (11) Other required or permitted wording such as "REPLACEMENT VEHICLE", "HISTORICAL" or "TOW TRUCK" as is appropriate;
- (12) The statement: "(Not acceptable to obtain registration after 45 days from effective date)";
- (13) A compliant encrypted 2D bar code produced in full accordance with the specifications prescribed by this Part and DMV technical documentation; and

(14) The four statements required by section 32.9(f).

(d) Additional information, including an insurance company's trademark or other symbol, may be added to an ID card as long as it does not interfere with the required information. No data, symbols background images, etc. shall appear in the area reserved for printing a compliant encrypted 2D bar code.

(e) Historical Motor Vehicle. If the motor vehicle described on the ID card is to be registered as an historical motor vehicle, the word HISTORICAL must be displayed.

(f) Tow Truck. If the motor vehicle described on the ID card is to be registered as a tow truck, the words TOW TRUCK must be displayed.

(g) Replacement Vehicle. (1) If the motor vehicle described on an electronic insurance ID card is a replacement vehicle, the first issuance of such ID card shall contain the notation "REPLACEMENT VEHICLE. The "REPLACEMENT VEHICLE" notation shall appear on electronic insurance ID card.

(2) A registrant may apply for an original registration upon surrender of registration items previously used for a replaced vehicle and presentation of an electronic insurance ID card without a "REPLACEMENT VEHICLE" notation.

(h) Nothing in this section shall be construed to authorize an insurance company to issue an electronic insurance ID card instead of a paper insurance ID card without the consent of the person or entity named on such insurance ID card. Provided however, if the person receiving an e-card has notified his or her insurance company that such person wishes to receive a paper insurance ID card in addition to the electronic insurance ID card, the insurance company must issue the insurance card to such person in both the electronic and paper form.

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