

Electronic Image of Credential

Electronic Format:

Option 1: The operator of the motor vehicle shall display the proof required under this subsection upon demand from any traffic officer. The proof required under this subsection may be produced in either printed or electronic format, including by display of electronic images on a cellular telephone or other electronic device. If this proof is displayed in electronic format on any cellular telephone or other electronic device, the traffic officer may not view, and producing proof in electronic format is not considered consent for the traffic officer to view, any content on the telephone or other device except the proof required under this subsection.

Option 2: The evidence of (registration/license) may be provided in either a tangible format or in an electronic format. Acceptable electronic formats include the display of electronic images on a cellular phone or other electronic device.

Sovereign Immunity (Liability):

An officer, employee, or agent of the state, is immune from civil liability in his or her personal capacity when the conduct made the basis of the claim is based upon the agent's doing any of the following:

- Exercising his or her judgment in the administration of a department or agency of government, including, but not limited to, examples such as:
- Discharging duties imposed on a department or agency by statute, rule, or regulation, insofar as the statute, rule, or regulation prescribes the manner for performing the duties and the state agent performs the duties in that manner.
- Exercising judgment in the enforcement of the criminal laws of the state, including, but not limited to, law enforcement officers' arresting or attempting to arrest persons.

Notwithstanding subsection (c), an officer, employee, or agent of the state is not immune from civil liability in his or her personal capacity if:

- The Constitution or laws of the United States, or the Constitution of this state, or laws, rules, or regulations of this state enacted or promulgated for the purpose of regulating the activities of a governmental agency require otherwise; or
- The officer, employee, or agent acts willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law.

This section shall not be construed to eliminate, alter, or otherwise modify any other immunity regarding officers, employees, or agents of the state established under the Constitution and laws of this state.

Law Enforcement Limits to Access on Electronic Device (Privacy):

Option 1: If this proof is displayed in electronic format on any cellular telephone or other electronic device, the traffic officer may not view, and producing proof in electronic format is not considered consent for the traffic officer to view, any content on the telephone or other device except the proof required under this subsection.

Option 2: The use of a cellular phone or other electronic device to display evidence of insurance does not constitute consent for law enforcement or other governmental employees to access any other content on the electronic device. Any law enforcement officer or other governmental employee presented with an electronic device pursuant to this section shall be subject to the provisions of Section 36-1-12 for damages to the electronic device resulting from acts taken when viewing the device pursuant to this section.