

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES  
OFFICE OF GENERAL COUNSEL

February 10, 2012

TO: COLONEL DAVID BRIERTON  
Director  
Florida Highway Patrol

VIA: STEPHEN HURM   
General Counsel

FROM: DOUGLAS D. SUNSHINE   
Assistant General Counsel

SUBJECT: Electronic Notification by Smart Phone as Proof of Property Damage Liability Security.  
316.646, Florida Statutes (2010); Florida Administrative Code Rule 15A-3.006  
DOCKET NO.: 2012-0005363

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**STATEMENT OF THE ISSUE:**

Will the Florida Highway Patrol accept electronic notification on a smart phone as proof of property damage liability security? Does the Department need to officially prescribe this method in accordance with Section 316.646(1), Florida Statutes?

**CONCLUSION:**

Currently, the Florida Highway Patrol does not accept electronic notification on a smart phone as proof of property damage liability security because this is not a method prescribed by the Department in Florida Administrative Code Rule 15A-6.003. The Department does have the discretionary authority to prescribe such a method as proof of property damage liability security pursuant to section 316.646(1), Florida Statutes, but has not done so.

**DISCUSSION:**

The Department of Highway Safety and Motor Vehicles has been given the discretion to prescribe ways in which a driver may prove valid insurance. §§ 316.646(1) & 324.042, Fla. Stat. (2010). In compliance with these statutes, the Department promulgated Florida Administrative Code Rule 15A-6.003. This Rule mandates that a "required I.D. card must be provided for all policies issued or renewed with PIP and property damage liability on and after October 1, 1989." The Rule further specifies that the card must be 3 ½ inches x 2 ¼ inches. Implicit in this size requirement is the requirement that the driver present a physical card as proof.

Please refer to the above referenced docket number when submitting further inquiries regarding this matter.

DDS/  
CC: DHSMV Attorneys

**SCANNED**