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September 13, 1983

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ARIZONA ATTORNEY GENERAL**

The Honorable Jacque Steiner
Arizona State Senator
The Honorable Cal Holman
Arizona State Representative
Phoenix, Arizona 85007

Re: I83-102 (R83-086)

Dear Senator Steiner and
Representative Holman:

You have requested that this office issue an opinion concerning what constitutes "current and valid" evidence of financial responsibility as required by A.R.S. § 28-1253, which was added by Chapter 272, 1983 Ariz. Laws, 1st Reg. Sess.

A.R.S. § 28-1253 sets forth six methods by which a motorist may satisfy the requirement that proof of financial responsibility be carried in the vehicle. The statute provides, in pertinent part:

- A. Every person operating a motor vehicle on any highway in this state shall possess evidence within the motor vehicle of current financial responsibility applicable to the motor vehicle. . . evidence, for the purposes of this article, includes an original, a photocopy or a copy of a current and valid:
1. Motor vehicle or automobile liability policy which meets the requirements of section 28-1170.
 2. Binder or certificate of motor vehicle or automobile liability insurance which meets the requirements of section 28-1170.
 3. Certificate of self-insurance issued by the department under article 6 of this chapter.

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4. Surety bond which meets the requirements of section 28-1173.
5. Certificate of deposit which meets the requirements of section 28-1174.
6. Motor vehicle insurance identification card issued by an authorized insurer or an authorized agent of the insurer for a motor vehicle or automobile liability policy which meets the requirements of section 28-1170.

You have indicated that some confusion exists with respect to the type of evidence an operator must produce to show that his evidence of financial responsibility is "current and valid."

The statute, by its terms, requires an operator to produce one of the six enumerated documents as evidence of current and valid financial responsibility. The phrase "current and valid" relates to the nature of the financial responsibility and not the nature of the evidence. Therefore, the statute does not require the operator to provide independent evidence indicating that the document is, in fact, current and valid.^{1/}

It is incumbent upon the operator to ensure that his financial responsibility is current and valid. Accordingly pursuant to A.R.S. § 28-1253, an operator must possess as evidence of financial responsibility an insurance liability policy, certificate, binder, or identification card that satisfies the requirements of A.R.S. § 28-1170; a certificate of self-insurance; a surety bond meeting the requirements of

1. In fact, a document authorized by A.R.S. § 28-1253 may not indicate, on its face, that it is current and valid. For example, an insurance policy often is written for a limited period of time and then renewed as subsequent payments are made. Although the policy itself states that coverage is for the initial period only, it is acceptable evidence of financial responsibility pursuant to A.R.S. § 28-1253.A.1. An insurance binder, by contrast, permissible evidence under A.R.S. § 28-1253.A.2., will indicate its current and valid status by the dates shown on the document.

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A.R.S. § 28-1173; or a certificate of deposit that complies with A.R.S. § 28-1174. The evidentiary document must comply with the pertinent statutory criteria, but independent evidence of the document's "current and valid" status is not required by the statute.

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:lm