

Display of Motor Carrier Credentials in Electronic Format

Model Language

Goal: This model language is offered to provide a legal framework in support of the display of credentials by vehicle operators to law enforcement. This is intended for use in connection with IRP cab cards and IFTA licenses and similar credentials.

This document offers key elements and sample language that a jurisdiction might wish to have in its statutes or administrative regulations regarding electronic credentials.

	Element description	Suggested sample language	Reference link
1	<u>Display proof.</u> Require vehicle operator or driver to provide proof to law enforcement upon demand of the officer.	The operator of the motor vehicle shall display the proof required under this subsection upon demand from any commercial vehicle enforcement officer or commercial vehicle inspector.	Wisconsin statutes, with edits. https://docs.legis.wisconsin.gov/statutes/statutes/344/VI/62/2
2	<u>Paper or electronic format.</u> Proof may be either paper or electronic format.	The operator may provide proof in either paper or electronic format, including by display of electronic images on an electronic device.	Wisconsin statutes, with edits. https://docs.legis.wisconsin.gov/statutes/statutes/344/VI/62/2
3	<u>Privacy</u> of other content on the electronic device of the operator/driver.	If an operator displays this proof in electronic format on an electronic device, the officer or inspector may not view, and producing proof in electronic format is not considered consent for the officer or inspector to view, any content on the electronic device except the proof required under this subsection.	Wisconsin statutes, with edits. https://docs.legis.wisconsin.gov/statutes/statutes/344/VI/62/2
4	<u>Liability.</u> Protection for the law enforcement officer and law enforcement agency from unfounded/nuisance claims for damage to the electronic device; while of course providing for reasonable claims.	If an operator displays this proof in electronic format on an electronic device, the operator shall assume all liability for any damage to the electronic device, except for damage willfully or maliciously caused by a commercial vehicle enforcement officer or commercial vehicle inspector.	Missouri statutes, with edits. http://www.moga.mo.gov/mostatutes/stathtml/30300000241.HTML

Thoughts on definitions and terms:

1. Device. Electronic device might alternatively or additionally be referred to as a mobile electronic device. A jurisdiction may wish to enumerate 'cellular phone or other electronic device' to provide context and understanding. Such devices might additionally be enumerated or defined to include telephones, cell phones, mobile phones, and computers, including tablet computers.
2. Paper/printed. Paper might be a clearly understood term, but a jurisdiction might prefer the terms printed, or tangible.
3. Electronic. The use of the broad term 'electronic format' is recommended in order to not only cover the current concept of an electronic image, but to use the broader term 'format', to allow for perhaps future legitimate electronic information that might not be a photographic image of a paper document. The format could instead be an electronic listing, for example.
4. Law enforcement officer. This document uses the term 'commercial vehicle enforcement officer or commercial vehicle inspector', but jurisdictions may wish to use other terms meeting their needs such as law enforcement officer, traffic officer, peace officer, or others.