

MAINE STATE LEGISLATURE

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D. OF R.

STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-232)

COMMITTEE AMENDMENT" A " to S.P. 132, L.D. 309, Bill, "AN ACT Concerning the Financial Responsibility Laws."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 29 MRSA §783, sub-§1, as last amended by PL 1973, c. 689, §1 is repealed and the following enacted in its place:

1. Contents of report and duty of Chief of the State Police.

Where an accident on a public way, or in any place where public traffic may reasonably be anticipated, has resulted in bodily injury to or death of any person, or in property damage to an apparent extent of \$300 or more, the accident report required by section 891 shall contain, in a form prescribed by the Secretary of State, information to enable the Secretary of State to determine whether the requirement for proof of financial responsibility is inapplicable by reason of the existence of insurance or other exceptions specified in this section. The driver, or the person acting for him in reporting, shall furnish such additional relevant information as the Secretary of State shall require. The Secretary of State may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous.

Sec. 29 MRSA §783, sub-§2, ¶A, as last amended by PL 1977, c. 694, §510, is repealed and the following enacted in its place:

A. Upon receipt by the Secretary of State of the report of an accident on a public way, or in any place where public traffic may reasonably be anticipated, which has resulted in death, bodily injury or property damage to an apparent extent of \$300 or more, the Secretary of State, pursuant and subject to chapter 17, shall, 30 days following the date of request for compliance with the following requirement, suspend the license, the right to obtain a license, or the right to operate of any person operating, and the registration certificates and registration plates or the right to register of any person owning a motor vehicle, trailer or semi trailer in any manner involved in the accident, unless the operator and owner shall immediately give and maintain proof of financial responsibility as provided under section 787, subsection 2. The Secretary of State may waive the requirement of filing proof of financial responsibility at any time after 3 years from the date of request for compliance, provided no further filing is required under section 782, subsection 1.

Sec. 3. 29 MRSA §783, sub-§2, ¶F is enacted to read:

F. Upon receipt by the Secretary of State of a copy of any judgment which has been rendered against either the owner or the operator of the motor vehicle involved in the accident, which judgment resulted from a cause of action that arose from that accident, the Secretary of State shall, pursuant to chapter 17, immediately suspend the license, the right to obtain a license, or the right to operate of any person operating who has thus become a judgment debtor, and the registration certificates and plates or the right to register any vehicle of any person owning a motor vehicle, trailer or semitrailer involved in the accident who has thus become a judgment debtor, unless the judgment is completely satisfied or until the judgment debtor or debtors shall have secured a written release, in the form required by the Secretary of State, from the judgment creditors.

Sec. 4. 29 MRSA §783, sub-§3 is repealed.

Sec. 5. 29 MRSA §783, sub-§4, as last amended by PL 1977, c. 481, §20, is repealed.

Sec. 6. 29 MRSA §783, sub-§5, ¶H is enacted to read:

H. To an owner of a motor vehicle, trailer or semitrailer operated by another individual 18 years of age or older when the owner was not negligent in giving consent to use the vehicle to that individual.

Sec. 7. 29 MRSA §783, sub-§6, as amended by PL 1973, c. 738, §11 is repealed and the following enacted in its place:

6. Suspension; duration. The suspension required in subsection 2 shall remain in effect; the motor vehicle, trailer or semitrailer

in any manner involved in that accident shall not be registered in the name of the person whose license or registration was /so suspended, and no other motor vehicle, trailer or semi trailer shall be registered in the name of that person; nor any new licenses issued to that person, unless and until he has obtained a release or a discharge in bankruptcy or a judgment in his favor in an action to recover damages for damage to property or the death of or bodily injury to any person resulting from that accident or unless he shall have satisfied in the manner provided any judgment rendered against him in such an action, and at all events gives and thereafter maintains proof of his financial responsibility. If the Secretary of State finds that suspension of the license of an operator or his right to operate a motor vehicle imposes an extreme hardship for which there is no other practical remedy, the safety of the public will not be impaired, and a judgment has not been rendered against him, the Secretary of State may issue a restricted license to the operator subject to the restrictions and conditions he may deem necessary and subject to immediate suspension by him whenever he determines the license has been mis-used.

Sec. 8. 29 MRSA §785, sub-§1, first sentence is amended to read:

This subchapter shall apply to any person who is not a resident of this State, and if such nonresident has failed ~~to furnish security~~ ~~er-~~to give proof of his financial responsibility, then and in such event ~~such~~ that nonresident shall not operate any motor vehicle, trailer or semi trailer in this State nor shall any motor vehicle, traile. or semi trailer owned by him be operated within this State by any person.

Sec. 9. 29 MRSA §785, sub-§3 is repealed and the following enacted in its place:

3. Accidents in other states. Upon receipt of the certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to provide proof of financial responsibility, under circumstances which require the Secretary of State to suspend a non-resident's operating privilege had the accident occurred in this State, the Secretary of State may suspend the license of that resident and all registration certificates and registration plates. The suspension may continue until that resident furnishes evidence of his compliance with the law of the other state, and until that resident files proof of financial responsibility if required by that law.'

Statement of Fact

This amendment expands the financial responsibility law to cover accidents in shopping center parking lots and service stations, on camp roads, and so on. It also lowers the property damage threshold in the bill from \$600 to \$300 and restores the mandatory 3-year period within which the Secretary of State may not waive the requirement of financial responsibility. Finally, this amendment deletes the requirement in the bill that the Secretary of State apply the comparative negligence standard in causation hearings.

Reported by the Committee on Business Legislation.
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