

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 309

S. P. 132

In Senate, February 2, 1979

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

Presented by Mrs. Clark of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning the Financial Responsibility Laws.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 29 MRSA § 783, sub-§ 1, as last amended by PL 1973, c. 689, § 1, is repealed and the following enacted in its place: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 has resulted in bodily injury to or death of any person, or in property damage to an apparent extent of \$600 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. 2. 29 MRSA § 783, sub-§ 2, ¶ A, first ¶, as last amended by PL 1977, c. 694, § 510, is further amended to read:

A. Upon receipt by him of the report of an accident which has resulted in death, bodily injury or property damage to an apparent extent of \$600 or more,

the Secretary of State, pursuant and subject to chapter 17, shall, 30 days following the date of request for compliance with the 2 following requirements, suspend the license or the right to obtain a license, or revoke the right to operate of any person operating, and the registration certificates and registration plates of any person owning a motor vehicle, trailer or semitrailer in any manner involved in the accident, or the right to register the vehicle unless the operator and owner:

Sec. 3. 29 MRSA § 783, sub-§ 2, ¶A, sub-¶ (1) is repealed and the following enacted in its place:

(1) Shall have secured a written release, duly authenticated, from the other party or parties involved in the accident; and

Sec. 4. 29 MRSA § 783, sub-§ 2, ¶A, sub-¶ (2) as amended by PL 1973, c. 738, § 10, is repealed and the following enacted in its place:

(2) 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 one year from the date of request for compliance, provided no further filing is required under section 782, subsection 1.

Sec. 5. 29 MRSA § 783, sub-§ 3 is repealed.

Sec. 5-A 29 MRSA § 783, sub-§ 4, as last amended by PL 1977, c. 481, § 20, is repealed.

Sec. 6. 29 MRSA § 783, sub-§ 5, ¶B, is repealed and the following enacted in its place:

B. To either the owner or licensed operator of a motor vehicle, trailer or semitrailer involved in an accident when the Secretary of State shall be satisfied that there is no reasonable likelihood that either the owner or operator will be held responsible under principles of civil liability;

Sec. 7. 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 over 18 years of age when the owner was not negligent in giving consent to use the vehicle to that individual.

Sec. 8. 29 MRSA § 783, sub-§ 6, 3rd sentence, is repealed and the following enacted in its place:

If the Secretary of State finds that revocation 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 and the safety of the public will not be impaired, he may issue a restricted license to the operator subject to the restrictions and conditions he may deem necessary and subject to immediate revocation by him whenever he determines the license has been misused.

Sec. 9. 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 or to give proof of his financial responsibility, then and in such event such nonresident shall not operate any motor vehicle, trailer or semitrailer in this State nor shall any motor vehicle, trailer or semitrailer owned by him be operated within this State by any person.

Sec. 10. 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 nonresident's operating privilege had the accident occurred in this State, the Secretary of State shall suspend the license of that resident and all of his registration certificates and registration plates. This suspension shall continue until the 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

Present financial responsibility law acts to protect the public from individuals who are a danger to the public safety because of their behavior in motor vehicles. This is accomplished by placing requirements to assure financial responsibility on owners and operators of motor vehicles who are involved in accidents which have caused bodily injury or substantial property damage.

This bill amends the financial responsibility law by accomplishing the following:

1. Removing the option of providing a security deposit to establish financial responsibility;
2. Providing for the availability of a limited use, restricted driver's license when the Secretary of State finds that revocation of one's license imposes an extreme hardship and the safety of the public will not be impaired;
3. Exempting the owner of a vehicle from the financial responsibility requirements when the vehicle was loaned nonnegligently to an individual over 18 years of age;
4. Raising the property damage minimum which triggers application of the financial responsibility requirements from \$200 to \$600;
5. Requiring hearing officers to use the comparative negligence standard, rather than traditional standards of causation, when determining who caused an accident and whether the financial responsibility requirements should be applied;

6. Permitting the Secretary of State to waive the requirement of filing proof of financial responsibility at any time after one year rather than withholding this discretion from him until after 3 years, as is now the case; and

7. Exempting bankrupt individuals from the requirements of the financial responsibility law.