

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

July 9, 1957

To: Paul A. MacDonald, Deputy Secretary of State

Re: Hilda Paul Accident Case—
Financial Responsibility Law

This is in response to your request for an opinion on the following fact situation:

“On May 19, 1956, a 1947 Ford sedan owned by Hilda Paul of Farmington and driven by her son, Lyle D. Paul of Farmington, was involved in an accident on Route 4 in North Jay. Property damage to the Paul car was estimated at \$60 and to the other vehicle involved, driven by Robert Neilson of Bath, at \$75. Carl Ames, a passenger in the Paul vehicle, was cut on the forehead and bruised about the chest. Both drivers reported the accident according to law and the Paul boy was subsequently convicted of operating so as to endanger.

The vehicle driven by Lyle Paul was not covered by liability insurance and consequently the provisions of the Financial Responsibility Law were invoked against both him and his mother who was the owner of the car. It subsequently appeared that young Paul, the operator, was on a mission of his own and apparently stood in the position of a gratuitous bailee.

This Department was advised some years ago by the late Abraham Breitbard when he occupied the position of Deputy Attorney General that in such a situation the security provision of the law should not be invoked but that proof of insurance for the future should be required for the gratuitous bailor, as well as the bailee.

When the insurance requirement was invoked against Mrs. Paul, we were informed that the car involved in the accident had been disposed of and another vehicle owned by her which had been insured all along was the only vehicle she intended to operate.”

With respect to the above fact situation you ask the following three questions:

“1. Should the Secretary of State require proof of insurance coverage to be furnished by Hilda Paul on a vehicle or vehicles owned by her when said vehicles were not involved in the accident?

2. If your answer to the above question is in the negative, shall the Secretary of State invoke the requirements of the Financial Responsibility Law against an owner with respect to an automobile subsequently acquired following an accident which would otherwise subject the owner to the requirements of the Financial Responsibility Law?

3. If your answer to the first question is in the negative, is an operator who was not an owner, required to give proof of financial responsibility for all his vehicles?”

We answer question No. 1 in the affirmative.

Having answered question No. 1 in the affirmative, questions No. 2 and No. 3 need not be answered.

The following portions of the Financial Responsibility Law relate to the questions presented:

Sec. 77-II-B.

“Upon receipt by him of the report of an accident other than as provided for in paragraph C of this subsection, which has resulted in death, bodily injury or property damage to an apparent extent of \$100 or more, the Secretary shall, 30 days following the date of request for compliance with the 2 following requirements, suspend the 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 semi-trailer in any manner involved in such accident, unless such operator or owner or both:

1 . . .

2. Shall immediately give and thereafter maintain proof of financial responsibility for 3 years next following the date of filing the proof as provided under the provisions of subsection II of section 81.”

Note the use of words in the plural, above italicized, indicating that intent was to consider all registration certificates and plates of a person owning a motor vehicle involved in such accident.

Sec. 77-II-F

“The Secretary, upon any reasonable ground appearing on the records in his office, may suspend or revoke the operator’s license of any person and may suspend or revoke any and all of the registration certificates and registration plates for any motor vehicle and may refuse to issue to any such person any license or to register in the name of such person any motor vehicle unless and until such person gives proof of his financial responsibility for such period as the Secretary may require.”

Sec. 77-VI

“Suspension; duration. The suspension required in subsection II of this section shall remain in effect, the motor vehicle, trailer or semi-trailer in any manner involved in such 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 such person; nor any new licenses issued to such person, unless and until he has obtained a release or a judgment . . .”

Sec. 81

“. . . Whenever required under the provisions of sections 75 to 82, inclusive, such proof in such amounts shall be furnished for each motor vehicle, trailer or semi-trailer registered by such person.”

The clarity of the words used in the above quoted portions of the Law is such that it is not necessary, in our opinion, to search further for legislative intent. Each and every one of the above cited provisions adds to the strength of the proposition, until in our opinion, their combined effect compels the conclusion that cars other than the one involved in the immediate accident are directly affected by the Financial Responsibility Law.

FRANK F. HARDING
Attorney General