

# MAINE STATE LEGISLATURE

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April 25, 1969

Wallace E. Brown

Motor Vehicles

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Attorney General

Certificates of Financial Responsibility "in behalf of."

SYLLABUS:

The filing of a Certificate of Financial Responsibility (Form SR 22) in the name of the named assured "in behalf of" the person for whom the filing is made, certifying that the policy is an "Owner's Policy," applicable to the vehicle described, entitles such person only to an operator's license limited to the operation of the vehicle described in said certificate, even where the certificate states that such person is the spouse of the named assured.

FACTS:

With your memorandum of March 4, 1969, you submitted photocopies of four recent certifications of financial responsibility insurance coverage, submitted by various insurance companies for persons required to submit proof of financial responsibility. In each case, the insurance company submitted the completed form "in behalf" of the individual concerned. The filings are as follows:

- A. "Chamard, Charles A. in behalf of Louise Chamard, Wife";
- B. "Colson, Sharon L. in behalf of Husband, Ralph E. Colson, Jr.";
- C. "Ada F. Hovey on behalf of Carl Hovey"; and
- D. "Sawyer, Gladys E. (filing in behalf of Sawyer, Lawrence)".

Certifications A and B are stated to be in behalf of the spouse. In the case of C, you stated that the correspondence indicates that Ada is the mother of Carl Hovey. In the case of D, the relationship is unknown.

QUESTIONS:

1. In each of the above instances, is the person for whom the certification was filed entitled to be issued an unrestricted driver's license, or only a restricted one?

2. If restricted, is the answer the same in the case of husband and wife?

ANSWERS:

1. Only a restricted license.
2. Yes.

REASONS:

1. It is usual for liability insurance policies to provide that the following persons are insured;

- (a) with respect to the owned automobile;
  - (1) the named insured and any resident of the same household;
  - (2) any other person using such automobile with the permission of the named insured;
- (b) with respect to a nonowned automobile;
  - (1) the named insured;
  - (2) any relative, provided the actual use thereof is with the permission of the owner.

These policies also provide that "named insured" means the individual named in the declarations and his spouse, if a member of the same household, and "relative" means a relative of the named insured who is a resident of the same household.

On the Financial Responsibility Forms you enclosed, it is to be noted that there are two places for the company to place an "X" to indicate the type of policy which is providing the coverage of the person for whom the certification is being filed. If the box designated "Operator's Policy" is marked, the certification is for a nonowner required to file proof. If the box designated "Owner's Policy" is marked, the certification covers the named insured with respect to the vehicle therein described. If the filing is in the name of the vehicle owner "in behalf" of a named spouse or relative, the certification still does not show whether the person on whose behalf it is filed, is insured, in accordance with the provisions of the policy, for both owned and nonowned automobiles, or only for the owned vehicle described on the Form.

April 25, 1969

Therefore, in each case under consideration, the Secretary of State should issue an operator's license limited to the operation of the automobile described in the certification. No assumptions should be made.

2. Your second question concerns the situation where the certification is filed "in behalf of" the assured's spouse. Here, also, if the certification is for an "Owner's Policy" and a vehicle described therein, no assumption can be made that the spouse is a member of the assured's household and thereby entitled to coverage as a "named assured." The spouse is, therefore, entitled only to an operator's license limited to the operation of the vehicle described in the certification.

The above result may not reflect the intention of the insurance carrier. If not, the insurance carrier may correct the situation either by indicating on the certificate that the individual for whom it is filed has the coverage of a named insured, or by adding under the description of the assured vehicle: "and nonowned vehicles."

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