

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2112
6

7 S.P. 786

In Senate, February 23, 1984

8 Approved for introduction by the Legislative Council pursuant to Joint
9 Rule 26.

10 Referred to the Committee on Judiciary. Ordered printed and sent down
for concurrence.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Diamond of Cumberland.

11 Cosponsors: Senator Pearson of Penobscot and Senator Twitchell of
Oxford.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT Requiring Proof of Financial
18 Responsibility for Persons Who Have Been
19 Convicted Under the Drunk Driving Laws.
20

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

23 Sec. 1. 29 MRSA §783, as amended by PL 1979,
24 c.430, §§ 1-7, is further amended to read:

25 §783. Reports

26 1. Contents of report and duty of Chief of the
27 State Police. Where an accident on a public way, or
28 in any place where public traffic may reasonably be
29 anticipated, has resulted in bodily injury to or
30 death of any person, or in property damage to an ap-
31 parent extent of \$300 or more, the accident report
32 required by section 891 shall contain, in a form pre-
33 scribed by the Secretary of State, information to en-
34 able the Secretary of State to determine whether the

1 requirement for proof of financial responsibility is
2 inapplicable by reason of the existence of insurance
3 or other exceptions specified in this section. The
4 driver, or the person acting for him in reporting,
5 shall furnish such additional relevant information as
6 the Secretary of State shall require. The Secretary
7 of State may rely upon the accuracy of the informa-
8 tion unless and until he has reason to believe that
9 the information is erroneous.

10 1-A. Contents of report; operating under the in-
11 fluence of intoxicating liquors or with excessive
12 blood-alcohol level. An individual who has been con-
13 vinced or adjudicated guilty under section 1312-B or
14 1312-C, or whose license, right to obtain a license
15 or right to apply for or obtain a license has been
16 suspended pursuant to section 1311-A, shall furnish,
17 at the request of the Secretary of State, a report to
18 the Secretary of State. The report shall contain, in
19 a form prescribed by the Secretary of State, informa-
20 tion to enable the Secretary of State to determine
21 whether the requirement for proof of financial re-
22 sponsibility is inapplicable by reason of the exis-
23 tence of insurance or other exceptions specified in
24 this section. The individual, or person acting for
25 him in reporting, shall furnish any additional rele-
26 vant information as the Secretary of State shall re-
27 quire.

28 2. Security and proof of financial responsibili-
29 ty required following accident or suspension, adjudi-
30 cation or conviction under the drunk driving laws.

31 A. Upon receipt by the Secretary of State of the
32 report of an accident on a public way, or in any
33 place where public traffic may reasonably be an-
34 ticipated, which has resulted in death, bodily
35 injury or property damage to an apparent extent
36 of \$300 or more, the Secretary of State, pursuant
37 and subject to chapter 17, shall, 30 days follow-
38 ing the date of request for compliance with the
39 following requirement, suspend the license, the
40 right to obtain a license, or the right to oper-
41 ate of any person operating, and the registration
42 certificates and registration plates or the right
43 to register of any person owning a motor vehicle,
44 trailer or semitrailer in any manner involved in

1 the accident, unless the operator and owner shall
2 immediately give and maintain proof of financial
3 responsibility as provided under section 787,
4 subsection 2. The Secretary of State may waive
5 the requirement of filing proof of financial re-
6 sponsibility at any time after 3 years from the
7 date of request for compliance, provided no fur-
8 ther filing is required under section 782, sub-
9 section 1.

10 A-1. Upon receipt by the Secretary of State of
11 notice of conviction or adjudication of guilt
12 under section 1312-B or 1312-C and notice of the
13 resultant suspension by the court pursuant to
14 2241-H, or after suspension pursuant to section
15 1311-A, the suspension shall remain in effect un-
16 til the operator shall give and maintain proof of
17 financial responsibility as provided under sec-
18 tion 787, provided that the period of suspension
19 shall in no case be less than the original period
20 of suspension imposed.

21 B. Upon receipt of notice from the Secretary of
22 State which contains information that an automo-
23 bile liability policy was carried at the time of
24 the arrest under the drunk driving laws or the
25 time of the accident, or that the liability of
26 the owner or operator for damages resulting from
27 the accident was covered by any other form of in-
28 surance or bond, the insurance carrier shall
29 within 15 days notify the Secretary of State in
30 such manner as he may require in case such policy
31 or bond was not in effect at the time of such ac-
32 cident. Where erroneous information with respect
33 to the existence of insurance or other exceptions
34 specified in this section is furnished to the
35 Secretary of State, he shall take appropriate ac-
36 tion after the receipt by him of correct informa-
37 tion with respect to such coverage or other ex-
38 ceptions.

39 C. Any person whose operator's license or regis-
40 tration certificates and registration plates have
41 been suspended and have not been reinstated shall
42 immediately return every such license, registra-
43 tion certificates and registration plates to the
44 Secretary of State. Any person, who, after no-

1 tice of such suspension, fails or refuses to re-
2 turn every such license, registration certificate
3 and registration plate to the Secretary of State,
4 shall be guilty of a misdemeanor.

5 D. Pursuant to chapter 17, the Secretary of
6 State, upon any reasonable ground appearing on
7 the records in his office, may suspend or revoke
8 the operator's license of any person and may sus-
9 pend or revoke any and all of the registration
10 certificates and registration plates for any mo-
11 tor vehicle and may refuse to issue to any such
12 person any license or to register in the name of
13 such person any motor vehicle unless and until
14 such person gives proof of his financial respon-
15 sibility for such period as the Secretary of
16 State may require.

17 F. Upon receipt by the Secretary of State of a
18 copy of any judgment which has been rendered
19 against either the owner or the operator of the
20 motor vehicle involved in ~~the~~ an accident, which
21 judgment resulted from a cause of action that
22 arose from that accident, the Secretary of State
23 shall, pursuant to chapter 17, immediately sus-
24 pend the license, the right to obtain a license,
25 or the right to operate of any person operating
26 who has thus become a judgment debtor, and the
27 registration certificates and plates or the right
28 to register any vehicle of any person owning a
29 motor vehicle, trailer or semitrailer involved in
30 the accident who has thus become a judgment debt-
31 or, unless the judgment is completely satisfied
32 or until the judgment debtor or debtors shall
33 have secured a written release, in the form re-
34 quired by the Secretary of the State, from the
35 judgment creditors.

36 5. Limitation. Subsection 2 shall not apply:

37 A. To the owner of a motor vehicle, trailer or
38 semitrailer operated by one having obtained pos-
39 session or control thereof without his express or
40 implied consent;

41 B. To either the owner or licensed operator of a
42 motor vehicle, trailer or semitrailer involved in

1 an accident when the Secretary of State shall be
2 satisfied that neither such owner nor operator
3 caused the accident;

4 C. To either the owner or operator of a motor
5 vehicle, trailer or semitrailer involved in an
6 accident that was caused by the act of a 3rd party,
7 which act constituted a violation of this Title
8 and for which violation such 3rd party has
9 been convicted or adjudicated;

10 D. To either the owner or operator of a motor
11 vehicle, trailer or semitrailer involved in an
12 accident where no damage or injury was caused to
13 other than the person or property of such owner
14 or operator, unless at the time of said the acci-
15 dent such owner or operator was violating some
16 provision of the state laws relative to motor ve-
17 hicles;

18 E. To any person involved in an accident while
19 operating a motor vehicle licensed by the Public
20 Utilities Commission of this State;

21 F. To the owner or licensed operator of a motor
22 vehicle, trailer or semitrailer involved in an
23 accident, if such owner had in effect at the time
24 of such accident an automobile liability policy
25 with respect to the motor vehicle, trailer or
26 semitrailer involved in such accident; nor to
27 such operator, if not the owner of such motor ve-
28 hicle, trailer or ~~semi-trailer~~ semitrailer, if
29 there was in effect at the time of such accident
30 an automobile liability policy or bond with re-
31 spect to his operation of motor vehicles not
32 owned by him; nor to such operator or owner if
33 the liability of such operator or owner for dam-
34 ages resulting from such accident is, in the
35 judgment of the Secretary of State, covered by
36 any other form of liability insurance policy or
37 bond. No such policy or bond ~~shall~~ may be effec-
38 tive under this section unless issued by an in-
39 surance company or surety company authorized to
40 do business in this State, except that if such
41 motor vehicle, trailer or semitrailer was not
42 registered in this State, or was a motor vehicle,
43 trailer or ~~semi-trailer~~ semitrailer which was

1 registered elsewhere than in this State at the
2 effective date of the policy or bond, or the most
3 recent renewal thereof, such policy or bond shall
4 not be effective under this section unless the
5 insurance company or surety company if not autho-
6 rized to do business in this State shall execute
7 a power of attorney authorizing the Secretary of
8 State to accept service on its behalf of notice
9 or process in any action upon such policy or bond
10 arising out of such accident. Every such policy
11 or bond is subject, if the accident has resulted
12 in bodily injury or death, to a limit, exclusive
13 of interest and costs, of not less than \$20,000
14 because of bodily injury to or death of one per-
15 son in any one accident and, subject to ~~said~~ the
16 limit for one person, to a limit of not less than
17 \$40,000 because of bodily injury to or death of 2
18 or more persons in any one accident, and, if the
19 accident has resulted in injury to or destruction
20 of property, to a limit of not less than \$10,000
21 because of injury to or destruction of property
22 of others in any one accident;

23 G. To the operator of a motor vehicle, trailer
24 or ~~semi-trailer~~ semitrailer involved in an acci-
25 dent if at the time such motor vehicle, trailer
26 or ~~semi-trailer~~ semitrailer was owned by the
27 State of Maine or any political subdivision
28 thereof or was owned by a corporation which has
29 complied by the method provided in section 787,
30 subsection 2, paragraph C; or

31 H. To an owner of a motor vehicle, trailer or
32 semitrailer operated by another individual 18
33 years of age or older when the owner was not neg-
34 ligent in giving consent to use the vehicle to
35 that individual.

36 Notwithstanding the provisions of this subsection,
37 subsection 2 shall apply in all cases of suspension
38 resulting from conviction or adjudication of guilt
39 under sections 1312-B and 1312-C or suspension pursu-
40 ant to 1311-A.

41 6. Suspension; duration. The suspension required
42 in subsection 2 shall remain in effect; the motor ve-
43 hicle, trailer or semitrailer in any manner involved

1 ~~in that accident~~ shall not be registered in the name
2 of the person whose license or registration was so
3 suspended, and no other motor vehicle, trailer or
4 semitrailer shall be registered in the name of that
5 person; nor any new licenses issued to that person,
6 unless and until he has obtained a release or a dis-
7 charge in bankruptcy or a judgment in his favor in an
8 action to recover damages for damage to property or
9 the death of or bodily injury to any person resulting
10 from that accident or unless he shall have satisfied
11 in the manner provided any judgment rendered against
12 him in such an action, and at all events gives and
13 thereafter maintains proof of his financial responsi-
14 bility. If the Secretary of State finds that suspen-
15 sion of the license of an operator or his right to
16 operate a motor vehicle imposes an extreme hardship
17 for which there is no other practical remedy, the
18 safety of the public will not be impaired, and a
19 judgment has not been rendered against him, the Sec-
20 retary of State may issue a restricted license to the
21 operator subject to the restrictions and conditions
22 he may deem necessary and subject to immediate sus-
23 pension by him whenever he determines the license has
24 been misused.

25 7. Penalty. Any person who gives information
26 required in a report or otherwise as provided for in
27 this section, knowing or having reason to believe
28 such information is false, shall be punished by a
29 fine of not more than \$500 or by imprisonment for not
30 more than 6 months, or by both.

31 Sec. 2. 29 MRSA §1311-A, sub-§5, ¶D is enacted
32 to read:

33 D. Notwithstanding any other provision of law,
34 the Secretary of State shall not reinstate any
35 person's license, right to operate or right to
36 apply for or obtain a license which has been sus-
37 pended pursuant to this section until that person
38 has fully complied with the provisions of law re-
39 lating to financial responsibility pursuant to
40 chapter 9.

41 Sec. 3. 29 MRSA §1312-D, sub-§9 is enacted to
42 read:

