

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 617

H.P. 462 House of Representatives, March 4, 1987  
Reference to the Committee on Banking and Insurance  
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative NADEAU of Saco.

Cosponsored by Representatives GWADOSKY of Fairfield,  
RUHLIN of Brewer and RAND of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Promote Financial Responsibility of  
2 Motorists.  
3

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

6 29 MRSA §790 is enacted to read:

7 §790. Certificate evidencing insurance

8 1. Definitions. As used in this section, unless  
9 the context otherwise indicates, the following terms  
10 have the following meanings.

11 A. "Certificate" means a certificate issued by a  
12 law enforcement officer pursuant to subsection 2.

1 B. "Insured" means covered by an automobile  
2 bodily injury and property damage liability in-  
3 surance.

4 2. Issuance of certificate. A law enforcement  
5 officer shall issue a certificate as set out in sub-  
6 section 4 to the operator of any motor vehicle which:

7 A. Is involved in an accident; or

8 B. Is stopped by that law enforcement officer  
9 for a possible violation of this Title or any  
10 rule promulgated under this Title.

11 3. Operator to return certificate. Any operator  
12 who is issued a certificate under subsection 2 is re-  
13 sponsible for providing the information required on  
14 the certificate and shall mail the certificate to the  
15 Secretary of State within 72 hours after being issued  
16 the certificate.

17 4. Form of certificate. The certificate shall be  
18 in such form as the Secretary of State determines,  
19 subject to the requirement of this subsection. A cer-  
20 tificate issued under this section must be signed and  
21 dated by the law enforcement officer who issues it.  
22 The following information shall be provided by the  
23 operator to whom the certificate is issued:

24 A. Whether he was insured on the date of issu-  
25 ance;

26 B. If so insured, the name of the person holding  
27 the policy, the policy number and the name and  
28 location of the insurance agent and agency which  
29 issued or processed the policy; and

30 C. The signature of the operator.

31 5. Violation. Any operator who does the follow-  
32 ing violates this section:

33 A. Is not insured as of the date the certificate  
34 is issued;

35 B. Fails to mail in the certificate pursuant to  
36 subsection 3; and

1 C. Provides false or misleading information on  
2 the certificate to the Secretary of State.

3 6. Penalty. Any person who violates this section  
4 commits a civil violation for which the Secretary of  
5 State may suspend his license or right to operate a  
6 motor vehicle for a period of 6 months or for which a  
7 civil penalty of not less than \$1,000 may be ad-  
8 judged, but not both.

9 7. Agent immunity from liability. An insurance  
10 agent, broker or agency may not be held liable:

11 A. For any false or misleading statements made  
12 by the operator on the certificate; or

13 B. For any information beyond what is contained  
14 in the records of that agent, broker or agency  
15 concerning any policy for the purpose of subsec-  
16 tion 4, paragraph A or B.

17 STATEMENT OF FACT

18 This bill establishes a system whereby a motor  
19 vehicle operator involved in an accident or stopped  
20 by a law enforcement officer will be issued a certif-  
21 icate which the operator must fill out and return  
22 concerning the status of his automobile insurance  
23 coverage. If any operator cannot prove that he was  
24 covered and he fails to complete and mail the certif-  
25 icate to the Secretary of State within 72 hours or if  
26 he provides any false or misleading information, he  
27 will lose his license for 6 months or be subject to a  
28 civil penalty of not less than \$1,000.

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