

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

---

Legislative Document

No. 1690

H.P. 1191

House of Representatives, March 27, 1997

**An Act to Allow Law Enforcement Agencies Access to Motor Vehicle Insurance Information.**

---

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LABRECQUE of Gorham.  
Cosponsored by Representatives: BIGL of Bucksport, BOUFFARD of Lewiston, MAYO of Bath, Senator: TREAT of Kennebec and  
Representatives: BRAGDON of Bangor, McALEVEY of Waterboro, SAVAGE of Union.

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

4 Sec. 1. 29-A MRSA c. 13, sub-c. II-A is enacted to read:

6 SUBCHAPTER II-A

8 UNINSURED MOTORIST IDENTIFICATION  
DATABASE PROGRAM

10 §1620. Uninsured motorist identification database program

12 The following provisions apply to the development and  
maintenance of an uninsured motorist identification database  
program by the Secretary of State.

16 1. Creation of program. The Secretary of State or a  
designated agent shall create an uninsured motorist  
identification data program to establish an uninsured motorist  
identification computer database, referred to in this subchapter  
as the "database," to verify compliance with a motor vehicle  
owner's obligation under this chapter to maintain insurance.

22 2. Computer database. The Secretary of State or a  
designated agent shall develop and maintain the database from the  
information provided by insurers as required by section 1621.

26 3. Law enforcement access. The database must be developed  
and maintained so that state and local law enforcement agencies  
can efficiently access the database.

30 4. Duties. The Secretary of State or a designated agent  
shall:

34 A. Update the database with the motor vehicle insurance  
information provided by the insurers in accordance with  
section 1621; and

38 B. Compare all current motor vehicle registrations against  
the database.

40 §1621. Motor vehicle insurance reporting; penalty

42 1. Duties of insurer and agents. Each insurance company or  
insurance agent who issues a policy to meet the requirements of  
this chapter shall comply with the provisions of this section.

46 A. The insurer or agent shall issue a temporary insurance  
card in a standard form approved by the Superintendent of  
Insurance. The card must be typewritten and must contain:

2  
4  
6  
8  
10  
12  
14  
16  
18  
20  
22  
24  
26  
28  
30  
32  
34  
36  
38  
40  
42  
44  
46  
48  
50

- (1) The signature of the issuing insurance agent;
- (2) The insured's name and address;
- (3) A description of the vehicle being insured, including the make, model, color and vehicle identification number; and
- (4) The limits of the liability under the policy.

B. The insurance agent shall notify the insurance company of the cancellation within 48 hours of cancellation of a policy that was maintained to meet the requirements of this chapter. Within 48 hours of notification by the agent of the cancellation, or, if there is no insurance agent, within 48 hours of cancellation of a policy that was maintained to meet the requirements of this chapter, the insurance company shall notify and provide record of cancellation to the Secretary of State or the secretary's designee.

2. Record of cancellation. The record must include:

- A. The name, date of birth and driver's license number of each insured owner or operator and the address of the named insured;
- B. The make, year and vehicle identification number of each insured vehicle; and
- C. The policy number, effective date and expiration date of each policy.

3. Form. Each insurer shall provide this information in a form the Secretary of State agrees to accept.

4. Penalty. The Superintendent of Insurance may assess a fine against an insurer of up to \$250 for each day the insurer fails to comply with this section. If an insurer shows that the failure to comply with this section was inadvertent, accidental or the result of excusable neglect, the superintendent shall excuse the fine.

**§1622. Registration suspension**

1. Failure to maintain insurance. If the comparison under section 1620, subsection 4 shows that a motor vehicle is not insured, the Secretary of State shall send written notice to the former insured that the former insured has one week from the day the notice is received to renew the policy or obtain from another source the coverage required by this chapter and to send proof of

2 the insurance to the Secretary of State. If proof of insurance  
4 is not received from the former insured within 10 days of mailing  
6 the written notice, the Secretary of State or the secretary's  
8 designee shall suspend the registration of that motor vehicle.

6 2. Cancellation; reinstatement. On receipt of notification  
8 of cancellation from an insurer as provided in section 1621,  
10 subsection 1, paragraph B, the Secretary of State shall send  
12 written notice to the former insured that the former insured has  
14 one week from the day the notice is received to renew the policy  
16 or obtain from another source the coverage required by this  
18 chapter and to send proof of the insurance to the Secretary of  
20 State. If proof of insurance is not received from the former  
22 insured within 10 days of mailing the written notice, the  
24 Secretary of State or the secretary's designee shall suspend the  
26 registration of the former insured's motor vehicle.

18 If the former insured shows proof of liability insurance or  
20 financial responsibility, the vehicle registration must be  
22 reinstated.

22 **§1624. Disclosure of insurance information; penalty**

24 1. Disclosure of information. Information in the database  
26 provided by a person to the Secretary of State is considered to  
28 be property of the person providing the information. The  
30 information may not be disclosed from the database except as  
32 follows:

30 A. For the purpose of investigating, litigating or  
32 enforcing the owner's obligation to maintain insurance under  
34 this chapter, as the Secretary of State verifies insurance  
36 through the state computer network for a state or local  
38 government agency;

36 B. For the purpose of investigating, litigating or  
38 enforcing the owner's obligation to maintain insurance under  
40 this chapter, as the Secretary of State issues, upon  
42 request, a certificate to any state or local government  
44 agency documenting the insurance status, according to the  
46 database, of a specific individual or motor vehicle for the  
48 time period designated by the state or local government  
agency; and

44 C. Upon request, as the Secretary of State discloses  
46 whether or not a person is an insured individual to:

48 (1) That individual;

2                   (2) The parent or legal guardian of that individual if  
the individual is an unemancipated minor;

4                   (3) The legal guardian of that individual if the  
individual is legally incapacitated;

6                   (4) A person who has power of attorney from the  
8 insured individual;

10                   (5) A person who submits a notarized release from the  
insured individual dated no more than 90 days before  
12 the date the request is made; or

14                   (6) A person suffering loss or injury in a motor  
vehicle accident in which the insured individual is  
16 involved, but only as part of an accident report as  
authorized in section 2251.

18                   2. Penalty. Any person who knowingly releases or discloses  
20 information from the database for a purpose other than those  
authorized in this section or to a person who is not entitled to  
22 the information is guilty of a Class E crime.

24                   3. Liability of insurer. An insurer is not liable to any  
26 person for complying with section 1621 by providing information  
to the Secretary of State.

28                   4. Liability of State. The State is not liable to any  
30 person for gathering, managing or using the information in the  
database as provided in this subchapter.

32  
34                   **SUMMARY**

36                   This bill requires the Secretary of State to create the  
uninsured motorist identification database program to allow state  
38 and local law enforcement agencies to verify compliance with a  
motor vehicle owner's obligation to maintain liability  
40 insurance. It is based on recently enacted Utah legislation.

42                   The bill requires each insurer that issues motor vehicle  
liability insurance to provide monthly reports to the Secretary  
44 of State identifying each motor vehicle policy in effect as of  
the previous month. The bill requires the issuance of  
46 standardized temporary insurance cards and requires an insurance  
company or insurance agent to notify the Secretary of State after  
48 cancellation of a policy maintained to meet the financial  
responsibility and insurance requirements of the Maine Revised  
Statutes, Title 29-A, chapter 13. The insurer may be fined for  
50 failure to comply with these duties.

2           The Secretary of State is required to notify, in writing, a  
4 former insured that the person has one week to obtain motor  
6 vehicle liability insurance and to provide proof of such to the  
8 Secretary of State. If a former insured fails to comply, the  
Secretary of State is required to suspend the registration of a  
motor vehicle for which insurance has been cancelled.

10           The information provided to the Secretary of State under the  
12 uninsured motorist identification database program is considered  
14 to be the property of the person providing the information and  
may only be disclosed in certain circumstances. An insurer is  
not liable to any person for providing the required information  
nor is the State liable for gathering, managing or using the  
information in the program.