

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1259

H.P. 945

House of Representatives, February 28, 2001

An Act to Protect Maine Citizens from Uninsured Motorists.

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MacDOUGALL of North Berwick.
Cosponsored by Senator CARPENTER of York and
Representatives: BOWLES of Sanford, COLLINS of Wells, CRESSEY of Baldwin, DAVIS
of Falmouth, FOSTER of Gray, HEIDRICH of Oxford, SNOWE-MELLO of Poland,
WHEELER of Bridgewater.

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

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4 **Sec. 1. 29-A MRSA §1601, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

6 **3. Failure to produce evidence of insurance.** If a person fails to produce evidence of liability insurance or financial responsibility, this failure is prima facie evidence that the person is uninsured and in violation of this section. When a person fails to produce evidence of liability insurance or financial responsibility, a law enforcement officer shall complete a Violation Summons and Complaint and send one copy to the Secretary of State.

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16 **Sec. 2. 29-A MRSA §1601, sub-§5-A** is enacted to read:

18 **5-A. Additional penalties.** In addition to any other penalties for violation of this section, a person who is:

20 A. Stopped for a routine motor vehicle violation and fails to produce evidence of liability insurance or financial responsibility is assessed a \$500 fine in addition to the fine assessed for the violation cited. The fine accrues to the Highway Fund;

26 B. Arrested for OUI and fails to produce evidence of liability insurance or financial responsibility is assessed a \$1,000 fine in addition to the penalties for operating under the influence of alcohol or drugs. The fine accrues to the Highway Fund; or

32 C. Involved in a vehicular accident and fails to produce evidence of liability insurance or financial responsibility is assessed a \$1,000 fine and shall pay restitution to the injured party for damages not covered by the injured party's insurance. The fine accrues to the Highway Fund.

38 **Sec. 3. 29-A MRSA §1601, sub-§6**, as amended by PL 1997, c. 165, §1 and c. 176, §1, is further amended to read:

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42 **6. Suspension.** Satisfactory evidence of liability insurance or financial responsibility must be presented to the bureau by the end of the 3rd business day after issuance of a Violation Summons and Complaint charging a violation of this section. If such evidence is not provided, the Secretary of State shall suspend the registration of the motor vehicle that was operated without evidence of liability insurance or financial responsibility. Thirty days after the receipt of an abstract of an adjudication of a violation of this section, the Secretary of State shall suspend:

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- 2 A. The license of that person;
- 4 B. The registration of a vehicle owned by that person; or
- 6 C. The right to apply for a driver's license or vehicle
8 registration.

10 The suspension continues until that person provides proof of
12 financial responsibility to the Secretary of State pursuant to
14 section 1605.

16 **Sec. 4. 29-A MRSA §1611, sub-§3,** as enacted by PL 1993, c.
18 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

20 **3. Maintenance of insurance.** The owner or owners of any
22 vehicle subject to this section shall maintain at all times the
24 required amount of insurance or bond during the term of the
26 vehicle's registration. For vehicles registered in this State,
28 the Secretary of State shall immediately suspend or revoke,
30 pursuant to chapter 23, the registration certificate and
32 registration plates of any vehicle for which the insurance or
34 bond in the amounts required is not maintained. Any person whose
36 registration certificate, registration plates and operating
authority license have been suspended or revoked pursuant to this
section shall immediately return the registration certificate,
registration plates and the operating authority license to the
Secretary of State. An insurance company that becomes aware of a
client who allows the insurance to lapse, cancels the insurance
or in any way fails to meet the requirements of this section for
a motor vehicle registered in this State immediately shall notify
the Secretary of State of this occurrence with the identity of
the motor vehicle owner and the registration number of the motor
vehicle. For vehicles not required to be registered in this
State, the Secretary of State shall suspend the person's
operating authority license or right to operate in this State.

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SUMMARY

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42 This bill requires a law enforcement officer to summons a
44 motor vehicle operator who can not provide evidence of insurance
46 and to send a copy of the summons to the Department of Secretary
48 of State. If the motor vehicle owner fails to provide proof of
insurance to the Secretary of State, Bureau of Motor Vehicles by
the end of the 3rd business day after the summons, the Secretary
of State shall suspend the motor vehicle's registration. The
bill also establishes an additional penalty of \$500 if a person
is stopped for a routine motor vehicle violation, \$1,000 if a
50 person is arrested for OUI and \$1,000 plus restitution if a

2 person is involved in a vehicular accident and fails to produce
evidence of liability insurance or financial responsibility. The
bill also requires insurance companies to notify the Secretary of
4 State if an insured person allows the insurance to lapse on a
motor vehicle.