

# MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H   L E G I S L A T U R E

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Legislative Document

No. 875

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H. P. 1586

House of Representatives, February 14, 1939.

Referred to Committee on Judiciary. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Mills of Farmington.

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S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

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**AN ACT to Require Security for the Payment of Liability for Damages Arising out of Motor Vehicle Accidents, and to Eliminate from the Highways Irresponsible and Reckless Motor Vehicle Operators.**

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

**Sec. 1. R. S., c. 29, §§ 91-98, amended.** Sections 91 to 98, inclusive, of chapter 29 of the revised statutes, are hereby repealed, and the following sections are substituted therefor:

‘Sec. 91. Definitions. (a) As used in the following 11 sections the following words shall have the following meanings: (1) “Secretary” shall mean the secretary of state or any of his deputies. (2) “Motor vehicles” shall include trailers, tractors and motorcycles. (3) “Province” shall mean any province of the Dominion of Canada. (4) “Guest-occupant” shall mean any person, other than an employee of the owner or registrant of a motor vehicle or of a person responsible for its operation with the owner’s or registrant’s express or implied consent, being in or upon, entering or leaving, such vehicle without payment for transportation. (5) “Person” shall include individuals, partnerships, corporations, receivers, trustees, executors and administrators, but shall not include the state or any political subdivision thereof. (6) The singular shall include the plural; the plural

shall include the singular; and the masculine shall include the feminine and neuter, as the context may require.'

'Sec. 92. Security after accident. (a) Any person who has suffered bodily injury or death, or damage to property by reason of an automobile accident in this state in which the motor vehicle of another person was involved and who is not satisfied that the owner, operator, or person responsible for the operation of such vehicle, is financially able to satisfy a judgment for the damages caused by such accident may personally, or through his legal representative, petition the secretary of state in writing for an order requiring such owner, operator, or person to furnish security for the payment of any judgment in damages for such accident which the petitioner may thereafter recover. Upon receipt of such petition, the secretary shall promptly inquire into the circumstances of the accident, and if after such inquiry he is of the opinion that the person, or persons, complained of, or any of them, may be held legally liable in any claim for damages resulting from such accident, and are of doubtful financial responsibility, he shall order such person, or persons, to furnish security within 10 days from the date of filing his order to satisfy any judgment, or judgments, for damages resulting from such accident as may be recovered against any such person by or on behalf of the petitioner; provided, however, that if any person complained of shall satisfy the secretary that his liability, if any, for damages resulting from the accident, is insured by a policy or secured by a bond or deposit conforming to section 95 of this chapter, the petition as to such person shall be dismissed.

(b) Such security, where ordered, shall be in such form and in such amount as the secretary of state may require, but in no case shall the amount of the security required for 1 accident be in excess of \$11,000.

(c) Neither the findings of the secretary of state, nor of the court on appeal as hereinafter provided, upon questions so inquired into, nor any action taken as a result thereof, nor the security furnished pursuant to provisions of this section, shall be referred to in any way or be any evidence of negligence or due care of any party in any civil action to recover damages.

(d) If a person required to furnish security pursuant to provisions of this section neglects or refuses to comply, the secretary of state shall thereupon suspend his operator's license, chauffeur's license and all of his registration certificates. In case such person has no license, subject to suspension, in the state, the secretary of state shall enter an order prohibiting such person from further operating any motor vehicle in the state and prohibiting the operation in the state of any motor vehicle owned, or con-

trolled by him. Every such suspension and prohibition shall remain in effect until the secretary is satisfied that it is no longer reasonably required to affect the purposes of this section.

(e) Security furnished in compliance with the requirements of this section shall be applicable only to the payment of a judgment in favor of the petitioner against the depositor for damages arising out of the accident in question in any action at law in a court of competent jurisdiction begun not later than 1 year after the date of such accident; and such deposit, or any balance thereof, shall be returned to the depositor or his personal representative whenever, after the expiration of such year, the secretary of state shall be given satisfactory evidence that there is no such action pending and no such judgment unsatisfied.

(f) Any person aggrieved by any action, finding or order of the secretary of state, under the provisions of this section, may, within 10 days thereafter, appeal to a justice of the supreme judicial court or of the superior court, by presenting to him a petition therefor in term time or vacation, and the justice shall fix the time and place of hearing, which may be at chambers and in vacation. The court shall have jurisdiction in equity, in a summary and speedy hearing on the merits, to review questions of fact and of law involved and may make any appropriate decree, including such order as to costs as it deems equitable. The action, finding or order of the secretary of state shall remain in full force and effect pending the final decision of the court, unless the court after notice to the secretary shall by special order otherwise direct.'

'Sec. 93. Suspension for non-payment of judgment. (a) The operator's license, chauffeur's license, and all of the registration certificates of any person shall forthwith be suspended by the secretary of state upon receipt by him of an authenticated copy of the record of the court showing the rendition of judgment and failure to satisfy within 30 days such final judgment rendered against him by a court of competent jurisdiction in this state or in any other state or the District of Columbia, or in any province, or in any district court of the United States, for damages on account of bodily injury, including death, or damage to property, resulting hereafter from the ownership, maintenance, use or operation of a motor vehicle.

(b) Such operator's license, chauffeur's license, and registration certificates when suspended shall, except as hereinabove otherwise provided, remain so suspended and shall not be renewed, nor shall any such license be issued to such person nor shall any motor vehicle be thereafter registered in the name of such person while any such judgment remains unsatisfied and subsisting or until every such judgment is satisfied or discharged,

and until the said person shall have furnished proof of financial responsibility as hereinafter specified. For the purposes of this act a discharge in bankruptcy shall not be deemed a satisfaction of any judgment. If, after such proof has been furnished, any other such judgment shall be recovered against such person resulting from an event occurring before such proof was given but after this act shall take effect, such licenses and certificates shall again be and remain suspended, and no other such license or certificate shall be issued to such person while any such judgment remains unsatisfied and subsisting, as aforesaid.

(c) If such person who has failed to satisfy within 30 days any final judgment, as aforesaid, shall not be a resident of this state, he shall not operate any motor vehicle in this state, nor shall any motor vehicle owned or controlled by him be operated in this state by any person, nor shall any operator's or chauffeur's license be issued to such person or any motor vehicle registered in his name, until every such judgment shall be stayed, satisfied or discharged as herein provided, and until such person shall have given proof of financial responsibility as hereinafter specified.

(d) The judgment creditor may file an authenticated copy or transcript of such judgment with the secretary immediately after the expiration of said 30 days. If the defendant is reported to be a non-resident of the state, the secretary shall forthwith transmit a copy of such certified copy or transcript, certified to by him, to the official in charge of the issuance of operators' and chauffeurs' licenses and registration certificates of the state, district or province of which the defendant is reported to be a resident.

(e) Every judgment herein referred to shall, for the purposes of this act, be deemed satisfied if it shall be established to the satisfaction of the secretary.

(1) That \$5,000 has been credited upon any judgment or judgments rendered in excess of that amount for or on account of bodily injury to or death of 1 person as the result of any 1 accident; or

(2) That, subject to the limit of \$5,000 for any 1 person so injured or killed, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount for or on account of bodily injury to or the death of more than 1 person as the result of any 1 accident; or

(3) That \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount for damage to property as the result of any 1 accident.

Credit for such amount shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purposes of this section.

If it shall be established to the satisfaction of the secretary payment has been made in settlement of any claims for bodily injury, death or property damage arising from a motor vehicle accident resulting in injury, death or property damage to 2 or more persons in such accident, any such payment shall be credited in reduction of the amounts provided for in this section.'

'Sec. 94. Suspension after conviction or for misconduct. (a) (1) Whenever the secretary is required under any law of this state to suspend or revoke the operator's or chauffeur's license of any person upon receiving record of the conviction of such person for any offense under the motor vehicle laws of this state, the secretary upon receiving such record shall forthwith, without notice or hearing, suspend or revoke the license of such person as required; and he shall also suspend any and all of the registration certificates issued for any motor vehicle registered in the name of the person so convicted as owner, except that he shall not suspend such evidences of registration in the event such owner has previously given or shall immediately furnish and thereafter maintain proof of financial responsibility as hereinafter specified.

(2) The suspensions or revocation hereinbefore required shall remain in effect and the secretary shall not issue to any such person any new or renewal of license or register or re-register in the name of such person any motor vehicle, until permitted under the motor vehicle laws of this state and not then unless and until said person shall furnish proof of financial responsibility as hereinafter specified.

(3) The secretary shall take action as required in this section upon receiving proper evidence of any conviction of a person in another state or in the District of Columbia or in any province for any offense which, if committed in this state, would require suspension or revocation of license in this state.

(4) For the purposes of this section the term conviction shall include a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, upon a charge which upon conviction of the defendant would require the secretary to suspend or revoke his license.

(5) The secretary may also require proof of financial responsibility from any person who, while operating a motor vehicle, shall have been involved in a motor vehicle accident in this state, caused, in the opinion of the secretary, by the negligence or misconduct of such person; and the secretary may suspend all such person's or persons', operators' and chauff-

feurs' licenses and registration certificates until such proof of financial responsibility has been furnished.

(b) The clerk or recording officer of the court, or the transcribing justice of a court which has no recording officer, shall immediately forward to the secretary a certified copy of the record of the judgment, order other proceedings of the court, which shall be prima facie evidence of the conviction or other action therein stated. In the event that the person so shown to have been convicted, or to have forfeited bail or collateral, is reported to be a non-resident, the secretary shall transmit a copy of such record authenticated by him, to the official in charge of the issuance of motor vehicle operators' licenses, chauffeurs' licenses and registration certificates of the state, district or province of which such person is reported to be a resident.

(c) Whenever the secretary of state determines that any person required to give proof hereunder by reason of a conviction is not the owner of a motor vehicle but, at the time of such conviction, was a chauffeur or motor vehicle operator, howsoever designated, in the employ of an owner of a motor vehicle or a member of the immediate family or household of the owner of a motor vehicle, the secretary shall accept proof of financial responsibility furnished by such owner in lieu of proof by such other person so long as such latter person is operating a motor vehicle for which the owner has given proof as herein provided. The secretary of state shall designate the restrictions imposed by this section on the face of such person's license. No such license shall be reinstated or any new license issued until otherwise permitted by law.'

'Sec. 95. Proof of financial responsibility, definition and amount. Proof of financial responsibility when required pursuant to the provisions of the preceding sections shall mean proof of ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use or operation of a motor vehicle, for or on account of bodily injury to or death of any 1 person in the amount of \$5,000, and, subject, to said limit for any 1 person injured or killed, in the amount of \$10,000 for or on account of bodily injury to or death of 2 or more persons, in any 1 accident, and for damage to property in the amount of \$1,000 resulting from any 1 accident. Such proof in said amounts shall be furnished for each motor vehicle registered by or in the name of the person required to furnish proof. Such proof may be furnished either (A) by a certificate or certificates of insurance; (B) by a bond; or (C) by deposit of money or securities; all as hereinafter prescribed.'

Sec. 95-A. Financial responsibility may be established by filing cer-

tificate of insurance. (a) Proof of financial responsibility may be furnished by filing with the secretary of state the written certificate or certificates of any insurance carrier duly authorized to do business in this state, certifying that it has issued to or for the benefit of the person furnishing such proof and named as the insured a motor vehicle liability policy or policies meeting the requirements of this section and of section 97 of this chapter, and that said policy or policies is or are then in full force and effect. Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies and shall explicitly describe all motor vehicles covered thereby, unless the policy or policies are issued to a person who is not the owner of a motor vehicle. The issuance of a certificate to serve as proof of financial responsibility shall be conclusive evidence that every motor vehicle liability policy therein cited fully conforms to all the requirements of this chapter.

(b) The secretary shall not accept any certificate or certificates unless the same shall cover all motor vehicles registered in the name of the person furnishing such proof as owner; and an additional certificate or certificates shall be required as a condition precedent to the subsequent registration of any motor vehicle or motor vehicles in the name of the person giving such proof as owner.

(c) When an insurance carrier has certified a motor vehicle liability policy to serve as proof of financial responsibility, it shall give 10 days written notice to the secretary of state before cancellation of such policy, and the policy shall continue in full force and effect until the date of cancellation specified in such notice, unless it expires before that date.

(d) When a certificate is filed showing that a motor vehicle liability policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him it shall be unlawful for such person to operate any motor vehicle not covered by such certificate. In such event the secretary shall designate the above restriction upon the operator's or chauffeur's license of such person.

(e) The owner of a motor vehicle may be relieved of the foregoing restriction and be permitted to operate any other motor vehicle upon filing a certificate showing that there has been issued to him a motor vehicle liability policy insuring him against liability imposed upon him by law for bodily injury to or death of any person, or damage to property, to the amounts and limits provided under section 97 of this chapter arising out of the use or operation by him of any motor vehicle and which otherwise complies with the requirements of this chapter with respect to such type of



policy. Such form of policy is hereinafter referred to as an operator's policy.

(f) When the person required to give proof of financial responsibility is not the owner of a motor vehicle then such operator's policy shall be sufficient proof of financial responsibility.

(g) A non-resident who is the owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the secretary a certificate of an insurance carrier authorized to transact business in the state wherein the motor vehicle is registered; or if a non-resident does not own a motor vehicle, then he may file a certificate of an insurance carrier authorized to transact business in the state wherein he resides. Such certificates shall conform to the provisions of this section and of section 97 of this chapter; and the secretary shall accept the same, provided that the insurance carrier complies with the following conditions:

(1) That it execute a power of attorney authorizing the secretary to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.

(2) That it duly adopt a resolution, which shall be binding upon it, declaring that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued herein.

(3) That it also agree to accept as final and binding any final judgment of any court of competent jurisdiction in this state duly rendered in any action arising out of a motor vehicle accident in this state.

If any foreign insurance carrier which has qualified to furnish proof of financial responsibility as hereinbefore required defaults in any said undertakings or agreements, the secretary shall not thereafter accept any certificate of such carrier, whether theretofore filed or thereafter tendered, as proof of financial responsibility, and may cancel proofs of responsibility already filed, so long as such default continues.'

'Sec. 95-B. Bond as proof of financial responsibility. Proof of financial responsibility may be furnished by filing with the secretary the bond of a surety company, duly authorized to transact business within the state, or a bond with at least 2 individual sureties, each owning real estate within this state, which real estate shall be scheduled in the bond, approved by a judge or clerk of a court of record, conditioned for the payment of the amounts specified in section 95 of this chapter, with interest and costs. Such bond shall be filed with the secretary, shall not be cancellable except after 10 days' written notice to the secretary, and shall constitute a lien in favor of the state upon the real estate so scheduled of any individual

surety, which lien shall exist in favor of any holder of a final judgment, against the person who has filed such proof, on account of injury to, including death of, a person or persons, or damage to property, resulting from the ownership, maintenance, use or operation thereafter of a motor vehicle, upon the filing of notice to that effect by the secretary in the registry of deeds in the county where such real estate is located.'

'Sec. 95-C. Deposit of cash or securities as proof of financial responsibility. Proof of financial responsibility may be furnished by filing with the secretary the certificate of the treasurer of state that the person named therein has deposited with him a sum in money or securities approved by him in the amounts as specified in section 95 of this chapter. The treasurer of state shall accept any such deposit and issue a certificate therefor to the secretary. In case of a corporation subject to regulation by the public utilities commission the secretary may accept other proof of financial responsibility in lieu of the proofs hereinbefore enumerated. The treasurer of state shall pay interest on money, so deposited, if so directed by the secretary, not exceeding 5% per year, and if securities are so deposited the depositor shall be entitled to receive the income thereof. He may from time to time, with the written consent of the treasurer of state, change the securities comprising his deposit. A reasonable sum, not exceeding \$10 shall be charged for investigation of the title of any surety's real estate, or of securities so deposited and of the value of the same and for the filing fee to be paid to the register of deeds.'

'Sec. 96. Maintenance, substitution and cancellation of proof of financial responsibility. Where proof of financial responsibility has been required and furnished pursuant to the provisions of the preceding sections it shall thereafter be maintained, subject to the following conditions:

(1) Whenever any proof of financial responsibility, so furnished by any person, shall no longer fulfill the purposes for which required, the secretary shall require other or further proof of financial responsibility, and shall suspend the license, and all of the registration certificates of such person until such further or other proof shall be furnished.

(2) The secretary shall cancel any bond or return any certificate of insurance, or he shall direct and the treasurer of state shall return any money or securities, to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility.

(3) The secretary, upon request, shall cancel any bond or return any certificate of insurance, or the secretary shall direct and the treasurer of state shall return to the person entitled thereto any money or securities

deposited, as proof of financial responsibility or waive the requirement of filing proof of financial responsibility in any of the following events:

1. At any time after 3 years from the date such proof was required when, during the 3-year period preceding the request, the person furnishing such proof has not been convicted of any offense referred to in section 94 of this chapter; or
2. In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle; or
3. In the event the person who has given proof of financial responsibility surrenders his operator's or chauffeur's license, registration certificates and registration plates to the secretary.

But the secretary shall not release such proof if any action for damages upon a liability referred to in section 93 of this chapter is then pending or any judgment upon any such liability then outstanding and unsatisfied or if the secretary has received notice that such person has within the period of 3 months immediately preceding been involved as a driver in any motor vehicle accident for which he may be legally responsible. An affidavit of the applicant of the non-existence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the secretary. Whenever any person to whom proof of financial responsibility has been released as hereinabove provided applies for an operator's or chauffeur's license or the registration of a motor vehicle within a period of 3 years from the date proof of financial responsibility was originally required, any such application shall be refused unless the applicant shall re-establish such proof for the remainder of such period.'

'Sec. 97. Relative to motor vehicle liability policies as proof of financial responsibility. (a) A motor vehicle liability policy as said term is used in section 95-A of this chapter shall mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this state, or to transact business in the state, district or province in which the motor vehicle or vehicles therein described is or are registered, or, if none be described, then in the state, district or province in which the insured resides, to or for the benefit of the person named therein as insured, which policy shall meet the following requirements:

(1) Said policy shall designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) Said policy shall insure the person named therein and any other

person using or responsible for the use of said motor vehicle or motor vehicles with the permission of said insured.

(3) Said policy, except as hereinafter otherwise expressly provided, shall insure every said person on account of the maintenance, use or operation of said motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of \$5,000 for or on account of bodily injury to or death of 1 person as a result of any 1 accident and, subject to said limit as to 1 person, the amount of \$10,000 for or on account of bodily injury to or death of all persons as a result of any 1 accident, and the amount of \$1,000 for damage to property of others as a result of any 1 accident.

(b) When an operator's policy is required or elected it shall insure the person named therein as insured against the liability imposed by law upon the insured for or on account of bodily injury to or death of any person or persons or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(c) A motor vehicle liability policy or policies to serve as proof of financial responsibility need not cover liability for bodily injury to or death of the insured, or a son, daughter, wife, husband, mother, father, brother or sister of the insured or guest-occupants of a motor vehicle owned, registered, used or operated by the insured, nor any liability for or on account of bodily injury to any employee of the insured in the course of his employment who is entitled to payments or benefits under the provisions of any workmen's compensation law nor any liability for damage to property in charge of the insured or the insured's employees or other agents.

(d) Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage hereinbefore specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this chapter and not otherwise contrary to law.

(e) Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of financial responsibility.

(f) The secretary may accept several policies of 1 or more insurance carriers which together meet the requirements of this section.

(g) Pending the issuance of a policy, any binder, which contains, or by

reference includes, the provisions herein prescribed shall be sufficient proof of financial responsibility.

(h) Every such motor vehicle liability policy or binder shall be subject to the following provisions, whether or not contained therein:

(1) The liability of the insurance company under such policy shall become absolute whenever loss or damage covered by such policy occurs. If any person shall secure final judgment against the insured for loss or damage covered by any such policy and if such judgment is not satisfied within 30 days after it shall have become final, then such judgment creditor shall be entitled to recover under the terms of such policy, in the same manner and to the same extent as the insured, except as hereinafter provided; and, except as hereinafter provided, no fraud, misrepresentation, assumption of liability or other act of the insured in obtaining or retaining such policy, or in adjusting a claim under such policy, and no failure of the insured to give any notice, forward any paper or otherwise cooperate with the insurance company shall constitute a defense as against such judgment creditor; provided, however, that the insurance company shall not be liable on any such judgment if it has not had prompt notice of any reasonable opportunity to appear in and defend the action in which such judgment was rendered, or if the judgment has been obtained through collusion between the judgment creditor and the insured; and provided, further, that the insurance company shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in the policy.

(2) No such policy shall be cancelled or annulled as respects any loss or damage, by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void.

(3) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payment made on account of any loss or damage, claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this section, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

(i) The policy, the written application therefor, if any, and any rider

or endorsement which shall not conflict with the provisions of this law shall constitute the entire contract between the parties.

(j) The insurance company shall, upon the request of the insured, deliver to the insured for filing, or at the request of the insured shall file direct, with the secretary an appropriate certificate in conformity with the provisions of section 95-A of this chapter.

(k) Any company authorized to issue motor vehicle liability policies may, pending the issue of such a policy, execute an agreement, to be known as a "binder"; or may, in lieu of such a policy, issue an endorsement to an existing policy. Every such binder or endorsement shall be subject to the provisions of this section and shall be construed to provide indemnity or insurance in like manner and to the same extent as a motor vehicle liability policy conforming to the provisions of this section.

(l) Except as in section 98 of this chapter provided, no motor vehicle liability policy issued or delivered in this state shall be accepted as proof of financial responsibility until a copy of the form of policy shall have been on file with the insurance commissioner for at least 30 days, unless sooner approved in writing by him. The insurance commissioner shall approve any form of policy, provided such form otherwise conforms to requirements of the law, which specifies the name, address and business, if any, of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and contains an agreement that the insurance thereunder is provided in accordance with the coverage defined in this section, and is subject to all the provisions of this chapter. If the commissioner is of the opinion that the form of policy does not conform to law, he shall within 30 days notify the carrier in writing specifying his reasons therefor.'

'Sec. 97-A. Relative to bonds and deposits as proof of financial responsibility. A bond, money or securities filed or deposited by or on behalf of any person under the provisions of section 95-B or section 95-C of this chapter shall be held by the secretary or the treasurer of state to satisfy any execution issued against such person on a judgment for damages as hereinbefore provided arising out of the ownership, maintenance, use or operation of a motor vehicle. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. If such a judgment rendered against the principal or the surety company or individual bond furnished under the provisions of section 95-C of this chapter shall not be satisfied within 30 days after it has become final as hereinbefore provided, the judgment creditor may, for his own use and benefit and at his sole ex-

pense, bring an action or actions in his own name or in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who executed such bond.'

'Sec. 98. Miscellaneous provisions and penalties. (a) Any person whose operator's or chauffeur's license or registration certificate or certificates has or have been suspended as provided in the preceding 11 sections of this chapter, and has or have not been reinstated, shall immediately return to the secretary every such license and registration certificate, along with all registration plates held by him. The secretary is hereby authorized to take possession of any such license, certificate or plate upon the suspension of license or registration under the provisions of such sections or to direct any peace officer to take possession thereof and return the same to him.

(b) If an owner's certificate of registration has been suspended under any of the provisions of such sections, it shall not be transferred nor the motor vehicle in respect to which it was issued registered in another name, unless and until the secretary is satisfied that such transfer or registration is proposed in good faith and not for the purpose, or with the effect, of defeating the purposes of this act.

(c) The secretary shall upon request furnish any insurance carrier, or surety, a certified abstract of the operating record of any person subject to the provisions of such sections, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and if there is no record of any conviction of such person of a violation of any provision of any statute relating to the operation of a motor vehicle or of any injury or damage caused by such person, the secretary shall so certify. The secretary shall collect \$1 for each such certificate. Such record shall not be admissible as evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

(d) Nothing in such sections contained shall be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if endorsed to conform to the requirements of such sections, shall be accepted as proof of financial responsibility when required thereunder; nor shall anything therein contained be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance, operation or use by other persons in the insured's employ or in his behalf of a motor vehicle or motor vehicles not owned by the insured.

(e) Any person whose operator's or chauffeur's license or registration or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license or registration is contingent upon the furnishing of proof of financial responsibility and who, during such suspension or revocation or in the absence of full authorization from the secretary, operates any motor vehicle upon any highway, or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, shall be punished by imprisonment for not less than 2 days or more than 6 months or by a fine of not more than \$500, or by both such fine and imprisonment.

(f) Any person who forges, or without authority signs any proof of financial responsibility required by the secretary in the administration of the preceding 11 sections of this chapter shall be punished by imprisonment for not more than 90 days or by fine of not less than \$100, nor more than \$1,000, or by both such fine and imprisonment.

(g) Any person who violates any provision of such sections for which another penalty is not prescribed by law shall be punished by imprisonment for not more than 90 days or by a fine of not more than \$1,000, or by both such fine and imprisonment.

(h) The secretary may make rules and regulations reasonably necessary for the administration of this act.

(i) Nothing in this act shall be construed to prevent the plaintiff in any action at law from pursuing other processes provided by law.'

**Sec. 2. Saving clause.** Nothing in this act shall affect any right or remedy accrued or liability to penalty incurred under the provisions of the revised statutes hereby repealed.

**Sec. 3. Validating clause.** If any provision or provisions of this act shall be adjudged to be unconstitutional, the validity of the remaining provisions shall not be affected thereby.