

MAINE STATE LEGISLATURE

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

Legislative Document

No. 48

S. P. 47

House of Representatives, January 19, 1943.

Referred to Committee on Judiciary in concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Senator Bishop of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**AN ACT Amending the Administration of the Financial Responsibility
Law.**

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

Emergency preamble. Whereas, a state of war exists between the United States and Germany, Italy, Japan and other foreign countries; and

Whereas, in the judgment of the legislature this fact creates an emergency within the meaning of section 16 of Article XXXI of the Constitution of Maine and requires the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Sec. 1. R. S., c. 29, § 93, amended. Section 93 of chapter 29 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 93. Reports. ~~(a) Duty of chief of state police. Immediately after receipt of any accident report required by section 128 of this chapter, the chief of the state police shall forward said report to the secretary.~~ ~~(b)~~ (a) Security and proof of financial responsibility required following accident.

I. ~~Upon receipt by the secretary of the report of an accident~~ Immediately after receipt of any accident report required by section 128 of this chapter, which has resulted in death, the secretary shall forthwith suspend

the license of any person operating, and the registration certificates and registration plates if said person be the owner of the motor vehicle, trailer, or semi-trailer involved in such accident, unless and until such operator shall have previously furnished or immediately furnishes sufficient security and thereafter maintains proof of financial responsibility ~~in the future, as specified in the following paragraph~~ for a period of 5 years.

II. Upon receipt by him of the report of an accident other than as provided for in paragraphs I and III of this subsection, which has resulted in bodily injury, or property damage to an apparent extent of \$50 or more, the secretary shall, 10 days following the date of said accident, suspend the license or revoke the right to operate of any person operating, and the registration certificates and registration plates of any person owning a motor vehicle, trailer or semi-trailer, in any manner involved in such accident, unless such operator or owner or both (1) shall have secured a written release, duly authenticated, from the other party or parties involved in such accident, or shall have previously furnished or immediately furnishes sufficient security to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such owner or operator by or on behalf of the aggrieved person or his legal representative, and (2) shall immediately give and thereafter maintain proof of financial responsibility ~~in the future~~ for a period of 3 years.

III. Upon receipt by him of the report that a person, while operating a motor vehicle, trailer or semi-trailer, had no license to operate, and was in any manner involved in an accident resulting in death, bodily injury, or in damage to property in any amount, the secretary shall forthwith enter an order prohibiting the issuance of an operator's license to said person, or the issuance of any registration certificate and registration plates to any motor vehicle, trailer or semi-trailer owned, or controlled by said person, unless and until said person shall furnish sufficient security and thereafter maintain proof of financial responsibility ~~in the future as hereinbefore provided~~ for a period of 3 years.

IV. The secretary shall not suspend, and if suspension has been issued he shall restore, any license or registration when the debtor gives proof of his financial responsibility and when the debtor obtains a statement from the creditor permitting the payment of such claim in installments, and while the payment of any said installment is not in default. The statement shall indicate the installment agreement is a full and complete satisfaction of all claims arising out of said accident.

V. In the event the debtor fails to pay any installment when due, then

upon notice of default the secretary shall forthwith suspend the license or registration certificate, or both as the case may be, of the debtor until such claim is satisfied, as provided in this act.

~~(e)~~ (b) **Form of security.** Such security, when ordered, shall be in such form and in such amount as the secretary may require, but in no case in excess of the amount of proof required under this act. Proof of responsibility as prescribed in section 97 (a) shall in all cases be deemed sufficient security hereunder.

~~(d)~~ (c) **Application of security.** Security furnished in compliance with the requirements hereof shall be applicable only to the payment of a judgment against the depositor for damages arising out of the accident in question in an action at law in a court of this state 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 shall be given reasonable evidence to believe that there is no such action pending and no such judgment unsatisfied.

~~(e)~~ (d) **Limitation.** The provisions of section 93 ~~(b)~~ (a) shall not apply:

I. To the owner of a motor vehicle, trailer or semi-trailer operated by one having obtained possession or control thereof without his express or implied consent;

II. To either the owner or licensed operator of a motor vehicle, trailer or semi-trailer involved in an accident when the secretary shall be satisfied beyond a reasonable doubt that neither such owner or operator caused or contributed to cause the accident;

III. To either the owner or operator of a motor vehicle, trailer or semi-trailer involved in an accident that was caused by the criminal act of a third party, for which criminal act such third party has been convicted;

IV. To either the owner or operator of a motor vehicle, trailer or semi-trailer involved in an accident where no damage or injury was caused to other than the person or property of such owner or operator, unless at the time of said accident such owner or operator was violating some provision of the state laws relative to motor vehicles.

~~(f)~~ (e) **Suspension; duration.** The suspension required in section 93 ~~(b)~~ (a) shall remain in effect, the motor vehicle, trailer or semi-trailer in any manner involved in such accident shall not be registered in the name

of the person whose license or registration was so suspended, and no other motor vehicle, trailer or semi-trailer shall be registered in the name of such person nor any new licenses issued to such person unless and until he has obtained a release or a judgment in his favor in an action at law to recover damages for damage to property or the death of or bodily injury to any person resulting from such accident or unless he shall have satisfied in the manner hereinafter provided any judgment rendered against him in such an action, and at all events gives and thereafter maintains proof of his financial responsibility **for the prescribed period**. If the aggrieved or injured person or his legal representative shall not have brought suit within 1 year from the date of the accident then the secretary, upon receiving reasonable evidence of the fact, may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates provided he shall give and thereafter maintain proof of financial responsibility **for the prescribed period**. A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this act.'

Sec. 2. R. S., c. 29, § 95, amended. Section 95 of chapter 29 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 95. Action against nonresident. All of the provisions of this act shall apply to any person who is not a resident of this state, and if such nonresident has failed to furnish security or to give proof of his financial responsibility ~~in the future~~ **for the prescribed period** as required hereunder, then and in such event such nonresident shall not operate any motor vehicle, trailer or semi-trailer in this state nor shall any motor vehicle, trailer or semi-trailer owned by him be operated within this state by any person, and the secretary shall not issue to such nonresident any operator's ~~or chauffeur's~~ license or register any motor vehicle, trailer or semi-trailer owned by such nonresident in the same manner as required with respect to a resident of this state. The operation by a nonresident, or with his express or implied consent if an owner, of a motor vehicle, trailer or semi-trailer on a public way of the state shall be deemed equivalent to an appointment by such nonresident of the secretary or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action against him, growing out of any accident in which said nonresident may be involved while so operating or so permitting to be operated a motor vehicle on such a way.'

Sec. 3. R. S., c. 29, § 97, amended. Section 97 of chapter 29 of the re-

vised statutes, as amended, is hereby further amended by adding to paragraph (b) of said section a new sub-paragraph to be numbered IV, and to read as follows :

'IV. Any policy of insurance issued to meet the requirements of this chapter, shall be non-cancelable except after 10 days' notice to the secretary of state; the certificates may indicate coverage is afforded until further notice.'

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.