

MAINE STATE LEGISLATURE

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

Legislative Document

No. 508

H. P. 349

House of Representatives, February 5, 1959

Referred to the Committee on Judiciary. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Dennett of Kittery.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Revising Laws Relating to Financial Responsibility.

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

Sec. 1. R. S., c. 15, § 7, amended. The 3rd paragraph of section 7 of chapter 15 of the Revised Statutes, as amended by section 1 of chapter 306 of the public laws of 1955, is further amended to read as follows:

'The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the estimated amount of ~~\$100~~ \$50 or more, or some person acting for him, or the owner of said vehicle having knowledge of the accident should the operator of same be unknown, shall, immediately by the quickest means of communication, give notice of the accident either to a state police officer, sheriff or other police official, or to the police department of the municipality wherein the accident occurred. Any person failing to comply with the requirements of this paragraph shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both ~~such fine and imprisonment~~. Every such notice received by any such official or department shall be promptly investigated.'

Sec. 2. R. S., c. 22, § 76, sub-§ I, amended. Subsection I of section 76 of chapter 22 of the Revised Statutes is amended to read as follows:

I. Suspension of licenses. Upon receipt of an abstract of the record in case of conviction of any person for a violation of the provisions of any state law relative to motor vehicles, the Secretary of State, in his discretion, may forthwith suspend the license of the person so convicted and the registration certificates and registration plates issued for any motor vehicle, trailer or

semi-trailer registered in the name of such person unless and until such person gives and thereafter maintains for a period of ~~3~~ 5 years proof of his financial responsibility. The Secretary of State shall take action as required in this section upon receiving proper evidence of any such conviction of any person in another state.'

Sec. 3. R. S., c. 22, § 77, sub-§ I, amended. The first sentence of subsection I of section 77 of chapter 22 of the Revised Statutes is amended to read as follows:

'Where an accident has resulted in bodily injury to or death of any person, or in property damage to an apparent extent of ~~\$100~~ \$50 or more, the accident report required by ~~section 7 of~~ chapter 15, **section 7**, shall contain, in a form prescribed by the Secretary of State information to enable the Secretary of State to determine whether the requirements for the deposit of security and proof of financial responsibility are inapplicable by reason of the existence of insurance or other exceptions specified in this section.'

Sec. 4. R. S., c. 22, § 77, sub-§ II, ¶B, amended. Paragraph B of subsection II of section 77 of chapter 22 of the Revised Statutes, as amended by section 2 of chapter 39 of the public laws of 1955, is further amended to read as follows:

'B. Upon receipt by him of the report of an accident other than as provided for in paragraph C ~~of this subsection~~, which has resulted in death, bodily injury, or property damage to an apparent extent of ~~\$100~~ \$50 or more, the Secretary of State shall, 30 days following the date of request for compliance with the 2 following requirements, suspend the license or revoke the right to operate ~~of any person operating~~, and the registration certificates and registration plates of any person **operating or** owning a motor vehicle, trailer or semi-trailer in any manner involved in such accident, unless such operator or owner or both:'

Sec. 5. R. S., c. 22, § 77, sub-§ II, ¶B, sub-¶2, amended. Subparagraph 2 of paragraph B of subsection II of section 77 of chapter 22 of the Revised Statutes, as amended by section 3 of chapter 39 of the public laws of 1955 and by chapter 390 of the public laws of 1957, is further amended to read as follows:

'2. Shall immediately give and thereafter maintain proof of financial responsibility for ~~3~~ 5 consecutive years next following the date of filing the proof as provided under ~~the provisions of subsection II~~ of section 81, **subsection II**. The Secretary of State may waive the requirements of filing proof after ~~3~~ 5 years from the date of the original filing thereof.'

Sec. 6. R. S., c. 22, § 77, sub-§ III, amended. Subsection III of section 77 of chapter 22 of the Revised Statutes is amended to read as follows:

'**III. Form of security.** Such security, when ordered, shall be in such form and in such amount as the Secretary of State may require, but in no case **less than \$500 nor** in excess of the amount of proof required under ~~the provisions of~~ sections 75 to 82. Proof of responsibility as prescribed in ~~subsection 1 of~~ section 81, **subsection I**, shall in all cases be deemed sufficient security hereunder.'

Sec. 7. R. S., c. 22, § 77, sub-§ IV, amended. Subsection IV of section 77 of chapter 22 of the Revised Statutes is amended to read as follows:

IV. 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 ~~one year~~ **2 years** after the date of such accident; ~~and such.~~ **Such** deposit, or any balance thereof, shall be returned to the depositor or his personal representative whenever, after the expiration of such ~~year~~ **2-year period**, the Secretary of State shall be given reasonable evidence to believe that there is no such action pending and no such judgment unsatisfied.'

Sec. 8. R. S., c. 22, § 77, sub-§ V, ¶B, repealed. Paragraph B of subsection V of section 77 of chapter 22 of the Revised Statutes is repealed as follows:

~~'B. 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 that neither such owner nor operator caused the accident;'~~

Sec. 9. R. S., c. 22, § 77, sub-§ VI, amended. The 2nd sentence of subsection VI of section 77 of chapter 22 of the Revised Statutes is amended to read as follows:

'If the aggrieved or injured person or his legal representative shall not have brought suit within ~~one year~~ **2 years** from the date of the accident, then the Secretary of State, upon receiving reasonable evidence of the fact, may, subject to the 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 as ~~hereinbefore~~ provided.'

Sec. 10. R. S., c. 22, § 79, repealed and replaced. Section 79 of chapter 22 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 79. Application to nonresidents and accidents in other states.

I. Nonresidents. All of the provisions of sections 75 to 82 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 as required, 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 of State shall not issue to such nonresident any operator'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 of State 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.

II. Information to home state. When a nonresident's operating privilege is suspended pursuant to section 77, the Secretary of State shall transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection III.

III. Accidents in other states. Upon receipt of such certification that the operating privilege of a resident of this State has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, or for failure to deposit both security and proof of financial responsibility, under circumstances which require the Secretary of State to suspend a nonresident's operating privilege had the accident occurred in this State, the Secretary of State shall suspend the license of such resident and all of his registration certificates and registration plates. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security; and until such resident files proof of financial responsibility if required by such law.'

Sec. 11. R. S., c. 22, § 81-A, additional. Chapter 22 of the Revised Statutes is amended by adding a new section to be numbered 81-A, to read as follows:

'Sec. 81-A. Reinstatement of licenses and registrations; fee. Whenever a license or registration is suspended or revoked and the filing of proof of financial responsibility is, by sections 75 to 82, made a prerequisite to reinstatement of such license or registration, or both, or to the issuance of a new license or registration, or both, no such license or registration shall be reinstated or new license or registration issued unless the licensee or registrant, in addition to complying with the other provisions of sections 75 to 82, pays to the Secretary of State a fee of \$25. Only one such fee shall be paid by any one person irrespective of the number of licenses and registrations to be then reinstated for or issued to such person.

The fees paid pursuant to this section shall be used by the Secretary of State to administer the provisions of sections 75 to 82.'