

JUDICIARY COMMITTEE REPORT

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 117

1. The Substitute corrects many minor errors in form and thus avoids 30 or 40 floor amendments.
2. Some minor changes were made, e.g., providing for penalty for false affidavits, incorporating Administrative Procedures Act.
3. The bill is excellent; it fills a long-felt need.

The bill is in good legal form and is constitutional.

The bill is the "Uniform Motor-Vehicle Safety Responsibility Act" with virtually no change. Every state of the Union except Alaska has some features of this Act. It was prepared by the National Committee on Uniform Traffic Laws.

4. 41 states have security requirements.

2 require proof of financial responsibility for the future following an accident.

5 require it for the future following certain convictions or unsatisfied judgments.

(From Dept. of Commerce publication entitled "Act IV - Uniform Motor-Vehicle Safety Responsibility Act".)

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to eliminate the irresponsible driver  
7 from the highways of the State; to provide  
8 for the giving of security and proof of  
9 financial responsibility by owners and  
10 operators of motor vehicles; and providing  
11 for an effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 Section 1. SHORT TITLE. This Act shall be known and may be  
14 cited as the "Motor Vehicle Safety Responsibility Act".

15 Sec. 2. DECLARATION OF PURPOSE. The legislature is concerned  
16 over the rising toll of motor vehicle accidents and the suffering  
17 and loss thereby inflicted. The legislature determines that it is  
18 a matter of grave concern that motorists shall be financially  
19 responsible for their negligent acts, so that innocent victims of  
20 motor vehicle accidents may be recompensed for the injury and  
21 financial loss inflicted upon them. The legislature finds and  
22 declares that the public interest can best be served by the re-  
23 quirements herein that the operator of a motor vehicle involved in  
24 an accident shall respond for such damages and show proof of  
25 financial ability to respond for damages in future accidents as a  
26 prerequisite to his exercise of the privilege of operating a motor  
27 vehicle within the State of Alaska.

28 Sec. 3. DEFINITIONS. The following words and phrases when  
29 used in this Act shall, for the purpose of this Act, have the

1 meanings respectively ascribed to them in this section, except  
2 when the context otherwise requires.

3 (1) "Department" -- the Department of Public Safety of  
4 Alaska.

5 (2) "Driver" -- every person who drives or is in actual  
6 physical control of a vehicle.

7 (3) "Judgment" -- any judgment which shall have become  
8 final by expiration without appeal of the time within which an  
9 appeal might have been perfected, or by final affirmation on  
10 appeal, rendered by a court of competent jurisdiction of any state  
11 or of the United States, upon a cause of action arising out of the  
12 ownership, maintenance, or use of any vehicle of a type subject to  
13 registration under the laws of this state, for damages, including  
14 damages for care and loss of services, because of bodily injury to  
15 or death of any person, or for damages because of injury to or  
16 destruction of property, including the loss of use thereof, or  
17 upon a cause of action on an agreement of settlement for such  
18 damages.

19 (4) "License to operate a motor vehicle" -- any opera-  
20 tor's or chauffeur's license or any other license or permit to  
21 operate a motor vehicle issued under the laws of this state includ-  
22 ing:

23 (a) Any temporary license or instruction permit.

24 (b) The privilege of any person to drive a motor  
25 vehicle whether or not such person holds a valid license.

26 (c) Any non-resident's operating privilege as  
27 defined herein.

28 (5) "Motor vehicle" -- every vehicle which is self-  
29 propelled and every vehicle which is propelled by electric power

1 obtained from overhead trolley wires, but not operated upon rails.

2 (6) "Non-resident" -- every person who is not a resident  
3 of this state.

4 (7) "Non-resident's operating privilege" -- the privi-  
5 lege conferred upon a non-resident by the laws of this state  
6 pertaining to the operation by such person of a motor vehicle, or  
7 the use of a vehicle owned by such person, in this state.

8 (8) "Operator" -- every person, other than a chauffeur,  
9 who drives or is in actual physical control of a motor vehicle  
10 upon a highway or who is exercising control over or steering a  
11 vehicle being towed by a motor vehicle.

12 (9) "Owner" -- a person, other than a lien-holder,  
13 having the property in or title to a vehicle. The term includes  
14 a person entitled to the use and possession of a vehicle subject  
15 to a security interest in another person, but excludes a lessee  
16 under a lease not intended as security.

17 (10) "Park or Parking" -- means the standing of a  
18 vehicle, whether occupied or not, otherwise than temporarily for  
19 the purpose of and while actually engaged in loading or unloading  
20 merchandise or passengers.

21 (11) "Person" -- every natural person, firm, copartner-  
22 ship, association or corporation.

23 (12) "Registration" -- the registration certificate or  
24 certificates and registration plates issued under the laws of this  
25 state pertaining to the registration of vehicles.

26 (13) "Revocation of driver's license" -- the termina-  
27 tion by formal action of the department of a person's driver's  
28 license or privilege to operate a motor vehicle on the public  
29 highways, which termination shall not be subject to renewal or

1 restoration except that an application for a new license may be  
2 presented and acted upon by the department after the expiration  
3 of at least one year after the date of revocation.

4 (14) "State" -- a state, territory or possession of the  
5 United States, the District of Columbia, the Commonwealth of  
6 Puerto Rico or a province of the Dominion of Canada.

7 (15) "Superintendent" -- the Superintendent of the  
8 State Police of Alaska or his successor.

9 (16) "Suspension of driver's license" -- the temporary  
10 withdrawal by formal action of the department of a person's  
11 driver's license or privilege to operate a motor vehicle on the  
12 public highways which temporary withdrawal shall be for a period  
13 specifically designated by the department.

14 (17) "Vehicle" -- every device in, upon or by which any  
15 person or property is or may be transported or drawn upon a high-  
16 way, excepting devices moved by human power or used exclusively  
17 upon stationary rails or tracks.

18 Sec. 4. SUPERINTENDENT TO ADMINISTER ACT.

19 (1) The Superintendent shall administer and enforce  
20 the provisions of this Act for the Department of Public Safety and  
21 may make rules and regulations necessary for its administration.

22 (2) The Superintendent shall receive and consider any  
23 pertinent information upon request of persons aggrieved by his  
24 orders or acts under any of the provisions of this Act.

25 (3) The Superintendent shall prescribe and provide  
26 suitable forms requisite or deemed necessary for the purposes of  
27 this Act.

28 Sec. 5. COURT REVIEW. Any order or act of the superintendent  
29 under the provisions of this Act shall be subject to review by

1 appeal to the superior courts of this state in accord with Chapter  
2 of the Administrative Procedures Act.

3 Sec. 6. DEPARTMENT TO FURNISH OPERATING RECORD. The depart-  
4 ment shall upon request furnish any insurance carrier authorized  
5 to do business in the state or interested state agency a certified  
6 abstract of the operating record of any person subject to the pro-  
7 visions of this Act, which abstract shall include enumeration of  
8 any motor vehicle accidents in which such person has been involved  
9 and reference to any convictions of said person for violation of  
10 the motor vehicle laws as reported to the department, and a record  
11 of any vehicles registered in the name of such persons. The  
12 department shall collect for each abstract the sum of \$1.00.

13 Sec. 7. APPLICATION OF ACT. The provisions of this Act,  
14 requiring deposit of security and suspensions for failure to  
15 deposit security, subject to certain exemptions, shall apply to  
16 the driver and owner of any vehicle of a type subject to registra-  
17 tion under the motor vehicle laws of this state which is in any  
18 manner involved in an accident within this state, which accident  
19 has resulted in bodily injury to or death of any person or damage  
20 to the property of any one person in excess of \$200.00.

21 (1) The department, not less than 20 days after receipt  
22 of a report of an accident as described in the preceding section,  
23 shall determine the amount of security which shall be sufficient  
24 in its judgment to satisfy any judgment or judgments for damages  
25 resulting from such accident as may be recovered against each  
26 driver or owner. Such determination shall not be made with respect  
27 to drivers or owners who are exempt under succeeding sections of  
28 this Act from the requirements as to security and suspension.

29 (2) The department shall determine the amount of

1 security deposit required of any person upon the basis of the  
2 reports or other information submitted. In the event a person  
3 involved in an accident as described in this Act fails to make a  
4 report or submit information indicating the extent of his injuries  
5 or the damage to his property within thirty days after the accident  
6 and the department does not have sufficient information on which  
7 to base an evaluation of such injuries or damage, then the depart-  
8 ment after reasonable notice to such person, if it is possible to  
9 give such notice, otherwise without such notice, shall not require  
10 any deposit of security for the benefit or protection of such  
11 person.

12 (3) The department within thirty days after receipt of  
13 report of any accident referred to herein and upon determining  
14 the amount of security to be required of any person involved in  
15 such accident or to be required of the owner of any vehicle  
16 involved in such accident shall give written notice to every such  
17 person of the amount of security required to be deposited by him  
18 and that an order of suspension will be made as hereinafter pro-  
19 vided upon the expiration of 10 days after the sending of such  
20 notice unless within said time security be deposited as required  
21 by said notice.

22 Sec. 8. EXCEPTIONS TO REQUIREMENT OF SECURITY. The require-  
23 ments as to security and suspension in this Act shall not apply:

24 (1) To the driver or owner if the owner had in effect  
25 at the time of the accident an automobile liability policy or  
26 bond with respect to the vehicle involved in the accident, except  
27 that a driver shall not be exempt under this paragraph if at the  
28 time of the accident the vehicle was being operated without the  
29 owner's permission, express or implied;

1           (2) To the driver, if not the owner of the vehicle  
2 involved in the accident, if there was in effect at the time of  
3 the accident an automobile liability policy or bond with respect  
4 to his driving of vehicles not owned by him;

5           (3) To a driver or owner whose liability for damages  
6 resulting from the accident is, in the judgment of the department,  
7 covered by any other form of liability insurance policy or bond;

8           (4) To any person qualifying as a self-insurer under  
9 Sec. 42 or to any person operating a vehicle for such self-insurer;

10          (5) To the driver or owner of a vehicle involved in an  
11 accident wherein no injury or damage was caused to the person or  
12 property of anyone other than such driver or owner;

13          (6) To the driver or owner of a vehicle which at the  
14 time of the accident was parked, unless such vehicle was parked  
15 at a place where parking was at the time of the accident prohibited  
16 under any applicable law or ordinance;

17          (7) To the owner of a vehicle if at the time of the  
18 accident the vehicle was being operated without his permission,  
19 express or implied, or was parked by a person who had been operat-  
20 ing such vehicle without such permission;

21          (8) To the owner of a vehicle involved in an accident  
22 if at the time of the accident such vehicle was owned or leased  
23 to the United States, this state or any political subdivision of  
24 this state or a municipality thereof, or to the driver of such  
25 vehicle if operating such vehicle with permission; or

26          (9) To the driver or the owner of a vehicle in the  
27 event at the time of the accident the vehicle was being operated  
28 by or under the direction of a police officer who, in the perform-  
29 ance of his duties, shall have assumed custody of such vehicle.

1           Sec. 9. REQUIREMENTS AS TO POLICY OR BOND.

2           (1) No policy or bond shall be effective under Sec. 8  
3 unless issued by an insurance company or surety company authorized  
4 to do business in this state, except as provided in subdivision (2)  
5 of this section, nor unless such policy or bond is subject, if the  
6 accident has resulted in bodily injury or death, to a limit,  
7 exclusive of interest and costs, of not less than \$10,000.00  
8 because of bodily injury to or death of one person in any one  
9 accident and, subject to said limit for one person, to a limit of  
10 not less than \$20,000.00 because of bodily injury to or death of  
11 two or more persons in any one accident, and if the accident has  
12 resulted in injury to, or destruction of, property to a limit of  
13 not less than \$5,000.00 because of injury to or destruction of  
14 property of others in any one accident.

15           (2) No policy or bond shall be effective under Sec. 8  
16 with respect to any vehicle which was not registered in this  
17 state or was a vehicle which was registered elsewhere than in this  
18 state at the effective date of the policy or bond or the most  
19 recent renewal thereof, unless the insurance company or surety  
20 company issuing such policy or bond is authorized to do business  
21 in this state, or if said company is not authorized to do business  
22 in this state, unless it shall execute a power of attorney  
23 authorizing the insurance commissioner or his successor to accept  
24 service on its behalf of notice or process in any action upon such  
25 policy or bond arising out of such accident.

26           (3) The department may rely upon the accuracy of the  
27 information in a required report of an accident as to the existence  
28 of insurance or a bond unless and until the department has reason  
29 to believe that the information is erroneous.

1           Sec. 10. FORM AND AMOUNT OF SECURITY.

2           (1) The security required under this Act shall be in  
3 such form and such amount as the department may require, but in  
4 no case in excess of the limits specified in Sec. 9 in reference  
5 to the acceptable limits of a policy or bond.

6           (2) Every depositor of security shall designate in  
7 writing every person in whose name such deposit is made and may  
8 at any time change such designation, but any single deposit of  
9 security shall be applicable only on behalf of persons required to  
10 furnish security because of the same accident.

11          Sec. 11. FAILURE TO DEPOSIT SECURITY - SUSPENSIONS. In the  
12 event that any person required to deposit security under this Act  
13 fails to deposit such security within 10 days after the depart-  
14 ment has sent the notice as hereinbefore provided, the depart-  
15 ment shall thereupon suspend:

16           (1) The license of each driver in any manner involved  
17 in the accident;

18           (2) If the driver is a non-resident, the privilege of  
19 operating within this state a vehicle of a type subject to regis-  
20 tration under the laws of this state;

21           (3) If such owner is a non-resident, the privilege of  
22 such owner to operate or permit the operation within this state  
23 of a vehicle of a type subject to registration under the laws of  
24 this state.

25          Such suspensions shall be made in respect to persons required  
26 by the department to deposit security who fail to deposit such  
27 security, except as otherwise provided under succeeding sections  
28 of this Act.

29          Sec. 12. RELEASE FROM LIABILITY.

1           (1) A person shall be relieved from the requirement  
2 for deposit of security for the benefit or protection of another  
3 person injured or damaged in the accident in the event he is re-  
4 leased from liability by such other person.

5           (2) A covenant not to sue shall relieve the parties  
6 thereto as to each other from the security requirements of this Act.

7           (3) In the event the department has evaluated the  
8 injuries or damage to any minor in an amount not more than \$200  
9 the department may accept, for the purposes of this Act only,  
10 evidence of a release from liability executed by a natural guar-  
11 dian or a legal guardian on behalf of such minor without the appro-  
12 val of any court or judge.

13           Sec. 13. ADJUDICATION OF NONLIABILITY. A person shall be  
14 relieved from the requirement for deposit of security in respect  
15 to a claim for injury or damage arising out of the accident in  
16 the event such person has been finally adjudicated not to be  
17 liable in respect to such claim.

18           Sec. 14. AGREEMENTS FOR PAYMENT OF DAMAGES.

19           (1) Any two or more of the persons involved in or  
20 affected by an accident as described in Sec. 7 may at any time  
21 enter into a written agreement for the payment of an agreed  
22 amount with respect to all claims of any of such persons because  
23 of bodily injury to or death or property damage arising from such  
24 accident, which agreement may provide for payment in installments,  
25 and may file a signed copy thereof with the department.

26           (2) The department, to the extent provided by any such  
27 written agreement filed with it, shall not require the deposit  
28 of security and shall terminate any prior order of suspension, or,  
29 if security has previously been deposited, the department shall

1 immediately return such security to the depositor or his personal  
2 representative.

3 (3) In the event of a default in any payment under such  
4 agreement and upon notice of such default the department shall  
5 take action suspending the license of such person in default as  
6 would be appropriate in the event of failure of such person to  
7 deposit security when required under this Act.

8 (4) Such suspension shall remain in effect and such  
9 license shall not be restored unless and until:

10 (a) Security is deposited as required under this  
11 Act in such amount as the department may then determine, or

12 (b) When, following any such default and suspen-  
13 sion, the person in default has paid the balance of the  
14 agreed amount, or

15 (c) One year has elapsed following the effective  
16 date of such suspension and evidence satisfactory to the  
17 department has been filed with it that during such period  
18 no action at law upon such agreement has been instituted  
19 and is pending.

20 Sec. 15. PAYMENT UPON JUDGMENT. The payment of a judgment  
21 arising out of an accident or the payment upon such judgment of  
22 an amount equal to the maximum amount which could be required for  
23 deposit under this Act shall, for the purposes of this Act, release  
24 the judgment debtor from the liability evidenced by such judgment.

25 Sec. 16. TERMINATION OF SECURITY REQUIREMENT. The depart-  
26 ment, if satisfied as to the existence of any fact which under  
27 Sec. 12, 13, 14 or 15 would entitle a person to be relieved from  
28 the security requirements of this Act, shall not require the de-  
29 posit of security by the person so relieved from such requirement

1 and shall terminate any prior order of suspension in respect to  
2 such person, the department shall immediately return such deposit  
3 to such person or to his personal representative.

4 Sec. 17. DURATION OF SUSPENSION. Unless a suspension is  
5 terminated under other provisions of this Act, an order of sus-  
6 pension by the department under this Act shall remain in effect  
7 and no license shall be renewed for or issued to any person whose  
8 license is so suspended until

9 (1) Such person shall deposit or there shall be de-  
10 posited on his behalf the security required under this Act, or

11 (2) One year shall have elapsed following the date of  
12 such suspension and evidence satisfactory to the department has  
13 been filed with it that during such period no action for damages  
14 arising out of the accident resulting in such suspension has been  
15 instituted.

16 An affidavit of the applicant that no action at law for dam-  
17 ages arising out of the accident has been filed against him or, if  
18 filed, that it is not still pending shall be prima facie evidence  
19 of that fact. The department may take whatever steps are necessary  
20 to verify the statement set forth in any said affidavit.

21 Sec. 18. APPLICATION TO NON-RESIDENTS, UNLICENSED DRIVERS,  
22 UNREGISTERED VEHICLES AND ACCIDENTS IN OTHER STATES.

23 (1) In case the driver or the owner of a vehicle of a  
24 type subject to registration under the laws of this state involved  
25 in an accident within this state has no license or registration in  
26 this state, then such driver shall not be allowed a license, nor  
27 shall such owner be allowed to register any vehicle in this state,  
28 until he has complied with the requirements of this Act to the  
29 extent that would be necessary if, at the time of the accident, he

1 had held a license or been the owner of a vehicle registered in  
2 this state.

3 (2) When a non-resident's operating privilege is sus-  
4 pended pursuant to Sec. 11, the department shall transmit a cer-  
5 tified copy of the record of such action to the official in charge  
6 of the issuance of licenses and registration certificates in  
7 the state in which such non-resident resides, if the law of such  
8 other state provides for action in relation thereto similar to  
9 that provided for in subsection (3) of this section.

10 (3) Upon receipt of such certification that the opera-  
11 ting privilege of a resident of this state has been suspended or  
12 revoked in any such other state pursuant to a law providing for  
13 its suspension or revocation for failure to deposit security  
14 for the payment of judgments arising out of a motor-vehicle  
15 accident, under circumstances which would require the department  
16 to suspend a non-resident's operating privilege had the accident  
17 occurred in this state, the department shall suspend the license  
18 of such resident. Such suspension shall continue until such  
19 resident furnishes evidence of his compliance with the law of  
20 such other state relating to the deposit of such security.

21 Sec. 19. AUTHORITY OF DEPARTMENT TO DECREASE AMOUNT OF  
22 SECURITY. The department may reduce the amount of security order-  
23 ed in any case within six months after the date of the accident if  
24 in its judgment the amount ordered is excessive. In case the  
25 security originally ordered has been deposited, the excess de-  
26 posit over the reduced amount ordered shall be returned to the  
27 depositor or his personal representative forthwith.

28 Sec. 20. CORRECTION OF ACTION OF DEPARTMENT. Whenever the  
29 department has taken any action or has failed to take any action

1 under this Act by reason of having received erroneous information  
2 or by reason of having received no information, then upon receiving  
3 correct information within one year after the date of an accident  
4 the department shall take appropriate action to carry out the  
5 purposes and effect of this Act. The foregoing shall not, however  
6 be deemed to require the department to reevaluate the amount of  
7 any deposit required under this Act.

8       Sec. 21. CUSTODY OF SECURITY. The department shall place  
9 any security deposited with it under this Act in the custody of  
10 the Treasurer.

11       Sec. 22. DISPOSITION OF SECURITY.

12             (1) Such security shall be applicable and available  
13 only

14                 (a) For the payment of any settlement agreement  
15 covering any claim arising out of the accident upon instruc-  
16 tion of the person who made the deposit, or

17                 (b) For the payment of a judgment or judgments,  
18 rendered against the person required to make the deposit,  
19 for damages arising out of the accident in an action at law  
20 begun not later than one (1) year after the deposit of such  
21 security, or within one (1) year after the date of deposit  
22 of any security following failure to make payments under an  
23 agreement to pay.

24             (2) Every distribution of funds from the security  
25 deposits shall be subject to the limits of the department's  
26 evaluation on behalf of a claimant.

27       Sec. 23. RETURN OF DEPOSIT. Upon the expiration of one (1)  
28 year from the date of any deposit of security any security re-  
29 maining on deposit shall be returned to the person who made such

1 deposit or to his personal representative if an affidavit or other  
2 evidence satisfactory to the department has been filed with it:

3 (1) That no action for damages arising out of the  
4 accident for which deposit was made is pending against any person  
5 on whose behalf the deposit was made, and

6 (2) That there does not exist any unpaid judgment ren-  
7 dered against any such person in such an action.

8 The foregoing provisions of this section shall not be con-  
9 strued to limit the return of any deposit of security under any  
10 other provision of this Act authorizing such return.

11 Sec. 24. MATTERS NOT TO BE EVIDENCE IN CIVIL SUITS. The  
12 report required following an accident, the action taken by the  
13 department pursuant to this Act, the findings, if any, of the  
14 department upon which such action is based, and the security filed  
15 as provided in this Act, shall not be referred to in any way,  
16 and shall not be any evidence of the negligence or due care of  
17 either party, at the trial of any action at law to recover damages.

18 Sec. 25. PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE.  
19 The provisions of this Act requiring the deposit of proof of  
20 financial responsibility for the future, subject to certain ex-  
21 ceptions, shall apply with respect to persons who are convicted of  
22 or forfeit bail for certain offenses under motor vehicle laws or  
23 who, by ownership or operation of a vehicle of a type subject to  
24 registration under the motor vehicle laws of this state, are in-  
25 volved in an accident within this state, which accident results in  
26 bodily injury or death of any person or damage to the property of  
27 any one person in excess of two hundred (\$200.00) dollars.

28 The term "proof of financial responsibility for the future"  
29 as used in this Act shall mean: Proof of ability to respond in

1 damages for liability, on account of accidents occurring subseq-  
2 uent to the effective date of said proof, arising out of the own-  
3 ership, maintenance or use of a vehicle of a type subject to reg-  
4 istration under the laws of this state, in the amount of ten thou-  
5 sand (\$10,000.00 dollars because of bodily injury to or death of  
6 one person in any one accident, and, subject to said limit for one  
7 person, in the amount of twenty thousand (\$20,000.00 ) dollars be-  
8 cause of bodily injury to or death of two or more persons in any  
9 one accident, and in the amount of five thousand (\$5,000.00)  
10 dollars because of injury to or destruction of property of others  
11 in any one accident. Wherever used in this Act the terms "proof  
12 of financial responsibility" or "proof" shall be synonymous with  
13 the term "proof of financial responsibility for the future".

14 Sec. 26. PROOF REQUIRED UPON CERTAIN CONVICTIONS. Whenever,  
15 under any law of this state, the license of any person is sus-  
16 pended or revoked by reason of a conviction or a forfeiture of  
17 bail, the department shall not issue to such person any new or  
18 renewal of license in the name of such person until permitted to  
19 do so under the motor vehicle laws of this state, and need not do  
20 so then unless and until such person shall give and thereafter  
21 maintain proof of financial responsibility for the future.

22 Sec. 27. ACTION IN RESPECT TO UNLICENSED PERSON. If a per-  
23 son has no license, but by final order or judgment is convicted  
24 of or forfeits any bail or collateral deposited to secure an  
25 appearance for trial for any offense requiring the suspension or  
26 revocation of license, or for driving a motor vehicle upon the  
27 highways without being licensed to do so, or for driving an un-  
28 registered vehicle upon the highways, no license shall be there-  
29 after issued to such person unless he shall give and thereafter

1 maintain proof of financial responsibility for the future.

2 Whenever the department suspends or revokes a non-resident  
3 operating privilege by reason of a conviction or forfeiture of  
4 bail, such privilege shall remain so suspended or revoked unless  
5 such person shall have previously given or shall immediately give  
6 and thereafter maintain proof of financial responsibility for the  
7 future.

8 Sec. 28. WHEN PROOF REQUIRED AFTER ACCIDENTS. Upon receipt  
9 by the superintendent of the report of any accident which has re-  
10 sulted in bodily injury or death, or property damage to the ex-  
11 tent of two hundred (\$200.00) dollars or more, the superintendent  
12 shall suspend the license of the operator of any motor vehicle  
13 involved in said accident unless such operator or owner:

14 (1) Shall have previously furnished or immediately  
15 furnishes sufficient security as required by this Act, or is ex-  
16 cepted from furnishing security under Sec. 8 of this Act, and:

17 (2) Thereafter maintains proof of financial respon-  
18 sibility for three years next following the accident.

19 The provisions of this section shall not apply to any owner  
20 or operator with respect to any accident in which a judgment in  
21 his favor has been rendered on a cause of action arising out of  
22 such accident, which judgment establishes his freedom from  
23 fault.

24 Sec. 29. SUSPENSION FOR NONPAYMENT OF JUDGMENTS. The de-  
25 partment upon receipt of a certified copy of a judgment and a  
26 certificate of facts relative to such judgment, on a form pro-  
27 vided by the department, shall forthwith suspend the license and  
28 any non-resident's operating privilege of any person against  
29 whom such judgment was rendered, except as hereinafter otherwise

1 provided in this Act.

2 Sec. 30. WHEN COURTS TO REPORT NONPAYMENT OF JUDGMENTS.

3 Whenever any person fails within thirty (30) days to satisfy any  
4 judgment arising out of a motor vehicle accident, it shall be the  
5 duty of the clerk of the court, or of the judge of a court which  
6 has no clerk, in which any such judgment is rendered within this  
7 state to forward to the superintendent a certified copy of such  
8 judgment and a certificate of facts relative to such judgment.

9 Sec. 31. FURTHER ACTION WITH RESPECT TO NON-RESIDENTS. If  
10 the defendant named in any certified copy of a judgment reported  
11 to the department is a non-resident, the department shall trans-  
12 mit a certified copy of the judgment to the official in charge of  
13 the issuance of licenses and registrations of the state of which  
14 the defendant is a resident.

15 Sec. 32. EXCEPTION IN RELATION TO GOVERNMENT VEHICLES. The  
16 provisions of Secs. 28 and 29 shall not apply with respect to  
17 any accident caused by the ownership or operation, with permission  
18 of a vehicle owned or leased to the United States, this state or  
19 any political subdivision of this state or a municipality thereof.

20 Sec. 33. EXCEPTION WHEN CONSENT GRANTED BY JUDGMENT CREDITOR  
21 If the judgment creditor consents in writing, in such form as the  
22 department may prescribe, that the judgment debtor be allowed  
23 license or non-resident's operating privilege, the same may be  
24 allowed by the department, in its discretion, for six (6) months  
25 from the date of such consent and thereafter until such consent is  
26 revoked in writing, notwithstanding default in the payment of such  
27 judgment, or of any installments thereof prescribed in Sec. 29,  
28 provided the judgment debtor furnishes proof of financial responsi-  
29 bility.

1           Sec. 34. EXCEPTION WHEN INSURER LIABLE. No license or non-  
2 resident's operating privilege of any person shall be suspended  
3 under the provisions of this Act if the department shall find that  
4 an insurer was obligated to pay the judgment upon which suspension  
5 is based, at least to the extent and for the amounts required in  
6 this Act, but has not paid such judgment for any reason. A find-  
7 ing by the department that an insurer is obligated to pay a judg-  
8 ment shall not be binding upon such insurer and shall have no  
9 legal effect whatever except for the purpose of administering this  
10 section. Whenever in any judicial proceedings it shall be deter-  
11 mined by any final judgment, decree or order that an insurer is  
12 not obligated to pay any such judgment, the department, notwith-  
13 standing any contrary finding theretofore made by it, shall forth-  
14 with suspend the license or any non-resident's operating privilege  
15 of any person against whom such judgment was rendered, as provided  
16 in Sec. 29.

17           Sec. 35. SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND  
18 PROOF GIVEN: DURATION OF PROOF.

19           (1) Where a person has an unsatisfied judgment against  
20 him requiring suspension under Sec. 29, his license or non-resident's  
21 operating privilege shall remain suspended and shall not be re-  
22 newed, nor shall any such license or registration be thereafter  
23 issued in the name of such person, including any such person not  
24 previously licensed, unless and until every such judgment is  
25 stayed, satisfied in full or to the extent hereinafter provided  
26 and until the said person gives proof of financial responsibility  
27 subject to the exceptions stated in Secs. 33, 34, and 39.

28           (2) The proof required above must be maintained so long  
29 as such person has a license or non-resident's operating privilege

1           Sec. 36. DRIVING WHILE LICENSE CANCELLED, SUSPENDED OR  
2 REVOKED. The department upon receiving a record of the conviction  
3 of any person upon a charge of driving a vehicle while the license  
4 of such person was suspended shall forthwith suspend the registra-  
5 tion of any vehicle registered in the name of such person until  
6 such person shall give and thereafter maintain proof of financial  
7 responsibility for the future for each such vehicle.

8           Sec. 37. DISCHARGE IN BANKRUPTCY. A discharge in bankruptcy  
9 following the rendering of any such judgment shall not relieve the  
10 judgment debtor from any of the requirements of this Act.

11           Sec. 38. PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS.

12           (1) Judgments herein referred to shall, for the purpose  
13 of this Act only, be deemed satisfied:

14                   (a) When ten thousand (\$10,000.00) dollars has  
15 been credited upon any judgment or judgments rendered in  
16 excess of that amount because of bodily injury to or death  
17 of one person as the result of any one accident; or

18                   (b) When, subject to such limit of ten thousand  
19 (\$10,000.00) because of bodily injury to or death of one  
20 person, the sum of twenty thousand (\$20,000.00) has been  
21 credited upon any judgment or judgments rendered in excess  
22 of that amount because of bodily injury to or death of two  
23 or more persons as the result of any one accident; or

24                   (c) When five thousand (\$5,000.00) dollars has  
25 been credited upon any judgment or judgments rendered in  
26 excess of that amount because of injury to or destruction of  
27 property of others as a result of any one accident;

28           (2) Provided, however, payments made in settlements of  
29 any claims because of bodily injury, death or property damage

1 arising from such accident shall be credited in reduction of the  
2 amounts provided for in this section.

3 Sec. 39. INSTALLMENT PAYMENT OF JUDGMENTS: DEFAULT.

4 (1) A judgment debtor upon due notice to the judgment  
5 creditor may apply to the court in which such judgment was ren-  
6 dered for the privilege of paying such judgment in installments  
7 and the court, in its discretion and without prejudice to any  
8 other legal remedies which the judgment creditor may have, may so  
9 order and fix the amounts and times of payment of the installments.

10 (2) The department shall not suspend a license or non-  
11 resident's operating privilege, and shall restore any license or  
12 non-resident's operating privilege suspended following non-payment  
13 of a judgment, when the judgment debtor gives proof of financial  
14 responsibility and obtains such an order permitting the payment  
15 of such judgment in installments, and while the payment of any  
16 said installments is not in default.

17 (3) In the event the judgment debtor fails to pay any  
18 installment as specified by such order, then upon notice of such  
19 default, the department shall forthwith suspend the license or  
20 non-resident's operating privilege of the judgment debtor until  
21 such judgment is satisfied, as provided in this Act.

22 Sec. 40. REGISTRATION AND OPERATOR'S RIGHTS LIMITED BY EXTENT  
23 OF PROOF.

24 (1) Owner's coverage. When a certificate is filed  
25 showing that a policy or policies have been issued covering a  
26 motor vehicle or vehicles owned by the insured, but not insuring  
27 such person when operating any motor vehicle not owned by him,  
28 such restriction may be removed upon the filing of a certificate  
29 showing an operator's policy issued to such person.

1           (2) The department, upon receiving satisfactory evidence  
2 of the violation of the restriction on such license may suspend  
3 said license until a certificate is filed showing an operator's  
4 policy issued to the holder of the license.

5           Sec. 41. ALTERNATE METHODS OF GIVING PROOF. Proof of finan-  
6 cial responsibility when required under this Act with respect to  
7 a person who is not the owner of such a vehicle, may be given by  
8 filing:

9           (1) A certificate of insurance as provided in Sec. 43  
10 or Sec. 44;

11           (2) A bond as provided in Sec. 49;

12           (3) A certificate of deposit of money or securities as  
13 provided in Sec. 51; or

14           (4) A certificate of self-insurance, as provided in  
15 Sec. 42, supplemented by an agreement by the self-insurer that,  
16 with respect to accidents occurring while the certificate is in  
17 force, he will pay the same amounts that an insurer would have  
18 been obligated to pay under an owner's motor-vehicle liability  
19 policy if it had issued such a policy to said self-insurer.

20           Sec. 42. SELF-INSURERS.

21           (1) Any person in whose name more than twenty-five (25)  
22 vehicles are registered in this state may qualify as a self-  
23 insurer by obtaining a certificate of self-insurance issued by the  
24 department as provided in subsection (2) of this section.

25           (2) The department may, in its discretion, upon the  
26 application of such a person, issue a certificate of self-insurance  
27 when it is satisfied that such person is possessed and will  
28 continue to be possessed of ability to pay judgments obtained  
29 against such person. Such certificate may be issued authorizing

1 a person to act as a self-insurer for either property damage or  
2 bodily injury, or both, or within such limits as the department  
8 prescribes.

4 (3) Upon not less than ten (10) days notice and a  
5 hearing pursuant to such notice, the department may upon reason-  
6 able grounds cancel a certificate of self-insurance. Failure to  
7 pay any judgment within thirty (30) days after such judgment shall  
8 have become final shall constitute a reasonable ground for the  
9 cancellation of a certificate of self-insurance.

10 Sec. 43. CERTIFICATE OF INSURANCE AS PROOF. Proof of finan-  
11 cial responsibility for the future may be furnished by filing with  
12 the department the written certificate of any insurance carrier  
13 duly authorized to do business in this state certifying that there  
14 is in effect a motor-vehicle liability policy for the benefit of  
15 the person required to furnish proof of financial responsibility.  
16 Such certificate shall give the effective date of such motor-  
17 vehicle liability policy, which date shall be the same as the  
18 effective date of the certificate, and shall designate by explicit  
19 description or by appropriate reference all vehicles covered  
20 thereby, unless the policy is issued to a person who is not the  
21 owner of a motor vehicle.

22 Sec. 44. CERTIFICATE FURNISHED BY NON-RESIDENT AS PROOF.  
23 A non-resident may give proof of financial responsibility by filing  
24 with the department a written certificate or certificates of an  
25 insurance carrier authorized to transact business in the state in  
26 which the vehicle, or vehicles, owned by such non-resident resides,  
27 if he does not own a vehicle, provided such certificate otherwise  
28 conforms with the provisions of this Act, and the department shall  
29 accept the same upon condition that said insurance carrier complies

1 with the following provisions with respect to the policies so  
2 certified:

3 (1) Said insurance carrier shall execute a power of  
4 attorney authorizing the superintendent to accept service on its  
5 behalf of notice or process in any action arising out of a motor-  
6 vehicle accident in this state;

7 (2) Said insurance carrier shall agree in writing that  
8 such policies shall be deemed to conform with the laws of this  
9 state relating to the terms of motor-vehicle liability policies  
10 issued therein.

11 Sec. 45. DEFAULT BY NON-RESIDENT INSURER. If any insurance  
12 carrier not authorized to transact business in this state, which  
13 has qualified to furnish proof of financial responsibility,  
14 defaults in any said undertakings or agreements, the department  
15 shall not thereafter accept as proof any certificate of said  
16 carrier whether theretofore filed or thereafter tendered as proof,  
17 so long as such default continues.

18 Sec. 46. MOTOR-VEHICLE LIABILITY POLICY.

19 (1) A "motor-vehicle liability policy" as the term is  
20 used in this Act shall mean an "owner's policy" or an "operator's  
21 policy" containing an agreement or endorsement as provided in  
22 Sec. 46 (a), or certified as provided in Sec. 43 or Sec. 44 as  
23 proof of financial responsibility for the future, and issued,  
24 except as otherwise provided in Sec. 44, by an insurance carrier  
25 duly authorized to transact business in this state, to or for the  
26 benefit of the person named therein as insured.

27 (2) Such owner's policy of liability insurance:

28 (a) Shall designate by explicit description or by  
29 appropriate reference all vehicles with respect to which

1 coverage is thereby to be granted; and

2 (b) Shall insure the person named therein and any  
3 other person, as insured, using any such vehicle or vehicles  
4 with the express or implied permission of such named insured,  
5 against loss from the liability imposed by law for damages  
6 arising out of the ownership, maintenance or use of such  
7 vehicle or vehicles within the United States of America or  
8 the Dominion of Canada, subject to limits exclusive of interest  
9 and costs, with respect to each such vehicle, as follows:  
10 ten thousand (\$10,000.00) dollars because of bodily injury to  
11 or death of one person in any one accident and, subject to  
12 said limit for one person, twenty thousand (\$20,000.00)  
13 dollars because of bodily injury to or death of two or more  
14 persons in any one accident, and five thousand dollars  
15 (\$5,000.00) because of injury to or destruction of property  
16 of others in any one accident.

17 (3) Such operator's policy of liability insurance shall  
18 insure the person named as insured therein against loss from the  
19 liability imposed upon him by law for damages arising out of the  
20 use by him of any motor vehicle not owned by him, within the same  
21 territorial limits and subject to the same limits of liability as  
22 are set forth above with respect to an owner's policy of liability  
23 insurance.

24 (4) Such motor-vehicle liability policy shall state the  
25 name and address of the named insured, the coverage afforded by  
26 the policy, the premium charged therefor, the policy period and  
27 the limits of liability, and shall contain an agreement or be  
28 endorsed that insurance is provided thereunder in accordance with  
29 the coverage as defined in this Act as respects bodily injury and

1 death or property damage, or both, and is subject to all the  
2 provisions of this Act.

3 (5) Such motor-vehicle liability policy need not insure  
4 any liability under any workmen's compensation law nor any liabil-  
5 ity for damage to property owned by, rented to, in charge of or  
6 transported by the insured.

7 (6) Every motor-vehicle liability policy shall be  
8 subject to the following provisions which need not be contained  
9 therein:

10 (a) The liability of the insurance carrier with  
11 respect to the insurance required by this Act shall become  
12 absolute whenever injury or damage covered by said motor-  
13 vehicle liability policy occurs; said policy may not be  
14 cancelled or annulled as to such liability after the occur-  
15 rence of the injury or damage; no statement made by the  
16 insured or on his behalf and no violation of said policy shall  
17 defeat or void said policy.

18 (b) The satisfaction by the insured of a judgment  
19 for such injury or damage shall not be a condition precedent  
20 to the right or duty of the insurance carrier to make payment  
21 on account of such injury or damage.

22 (c) The insurance carrier shall have the right to  
23 settle any claim covered by the policy, and if such settle-  
24 ment is made in good faith, the amount thereof shall be  
25 deductible from the limits of liability specified in sub-  
26 division (b) of subsection (2) of this section.

27 (d) The policy, the written application therefore,  
28 if any, and any rider or endorsement which does not conflict  
29 with the provisions of this Act shall constitute the entire

1 contract between the parties.

2 (7) Any policy which grants the coverage required for  
3 a motor-vehicle liability policy may also grant any lawful cover-  
4 age in excess of or in addition to the coverage specified for a  
5 motor-vehicle liability policy and such excess or additional  
6 coverage shall not be subject to the provisions of this Act. With  
7 respect to a policy which grants such excess or additional cover-  
8 age the term "motor-vehicle liability policy" shall apply only to  
9 that part of the coverage which is required by this section.

10 (8) Any motor-vehicle liability policy may provide that  
11 the insured shall reimburse the insurance carrier for any payment  
12 the insurance carrier would not have been obligated to make under  
13 the terms of the policy except for the provisions of this Act.

14 (9) Any motor-vehicle liability policy may provide  
15 for the prorating of the insurance thereunder with other valid  
16 and collectible insurance.

17 (10) The requirements for a motor-vehicle liability  
18 policy may be fulfilled by the policies of one or more insurance  
19 carrier which policies together meet such requirements.

20 (11) Any binder issued pending the issuance of a motor-  
21 vehicle liability policy shall be deemed to fulfill the require-  
22 ments for such a policy.

23 Sec. 47. NOTICE OF CANCELLATION OR TERMINATION OF CERTIFIED  
24 POLICY. When an insurance carrier has certified a motor-vehicle  
25 liability policy under Sec. 43 or Sec. 44 the insurance so certi-  
26 fied shall not be cancelled or terminated until at least ten (10)  
27 days after a notice of cancellation or termination of the insurance  
28 so certified shall be filed in the department, except that such  
29 a policy subsequently procured and certified shall, on the

1 effective date of its certification, terminate for the purpose of  
2 this Act the insurance previously certified with respect to any  
3 vehicle designated in both certificates.

4 Sec. 48. ACT NOT TO AFFECT OTHER POLICIES.

5 (1) This Act shall not be held to apply to or affect  
6 policies of automobile insurance against liability which may now  
7 or hereafter be required by any other law of this state, except  
8 that such policies, if they contain an agreement or are endorsed  
9 to conform with the requirements of this Act, may be certified as  
10 proof of financial responsibility under this Act.

11 (2) This Act shall not be held to apply to or affect  
12 policies insuring solely the insured named in the policy against  
13 liability resulting from the maintenance or use by persons in the  
14 insured's employ or on his behalf of vehicles not owned by the  
15 insured.

16 Sec. 49. BOND AS PROOF. Proof of financial responsibility  
17 may be evidenced by the bond of a surety company duly authorized  
18 to transact business within this state, which said bond shall be  
19 conditioned for payment of the amounts specified in Sec. 25. Such  
20 bond shall be filed with the department and shall not be cancel-  
21 able except after ten (10) days written notice to the department.

22 Sec. 50. ACTION ON BOND. If such judgment, rendered against  
23 the principal on such bond, shall not be satisfied within thirty  
24 (30) days after it has become final, the judgment creditor may,  
25 for his own use and benefit and at his sole expense, bring an  
26 action or actions in the name of the state against the company  
27 executing such bond.

28 Sec. 51. MONEY OR SECURITIES AS PROOF. Proof of financial  
29 responsibility may be evidenced by the certificate from the

1 treasurer that the person named therein has deposited with him  
2 twenty-five thousand (\$25,000.00) dollars in cash, or securities,  
3 such as may legally be purchased by savings banks or for trust  
4 funds or a market value of twenty-five thousand (\$25,000.00)  
5 dollars. The Treasurer shall not accept any such deposit and  
6 issue a certificate therefor and the department shall not accept  
7 such certificate unless accompanied by evidence that there are no  
8 unsatisfied judgments of any character against the depositor in  
9 the recording district where the depositor resides.

10 Sec. 52. APPLICATION OF DEPOSIT. Such deposit shall be held  
11 by the Treasurer to satisfy, in accordance with the provisions of  
12 this Act, any execution on a judgment issued against such person  
13 making the deposit, for damages, including damages for care and  
14 loss of services, because of bodily injury to or death of any per-  
15 son, or for damages because of injury to or destruction of property,  
16 including the loss of use thereof, resulting from the ownership,  
17 maintenance, use or operation of a vehicle of a type subject to  
18 registration under the laws of this state after such deposit was  
19 made. Money or securities so deposited shall not be subject to  
20 attachment or execution unless such attachment or execution shall  
21 arise out of a suit for damages as aforesaid.

22 Sec. 53. OWNER MAY GIVE PROOF FOR OTHERS.

23 (1) The owner of a motor vehicle may give proof of fin-  
24 ancial responsibility on behalf of his employee or a member of his  
25 immediate family or household in lieu of the furnishing of proof  
26 by any said person. The furnishing of such proof shall permit such  
27 person to operate only a motor vehicle covered by such proof. The  
28 department shall endorse appropriate restrictions on the face of  
29 the license held by such person, or may issue a new license con-

1 taining such restrictions.

2 (2) The department, upon receiving satisfactory evidence  
3 of the violation of such restriction, may suspend said license  
4 until a certificate is filed showing a policy issued to the driver,  
5 which policy covers the driver as operator or owner of the  
6 vehicle operated in violation of the restriction.

7 Sec. 54. SUBSTITUTION OF PROOF. The department shall consent  
8 to the cancellation of any bond or certificate of insurance or the  
9 department shall direct and the treasurer shall return any money  
10 or securities to the person entitled thereto upon the substitution  
11 and acceptance of other adequate proof of financial responsibility  
12 pursuant to this Act.

13 Sec. 55. OTHER PROOF MAY BE REQUIRED. Whenever any proof of  
14 financial responsibility filed under the provisions of this Act  
15 no longer fulfills the purposes for which required, the depart-  
16 ment shall, for the purpose of this Act, require other proof as  
17 required by this Act and shall suspend the license pending the  
18 filing of such other proof.

19 Sec. 56. DURATION OF PROOF: WHEN PROOF MAY BE CANCELLED OR  
20 RETURNED.

21 (1) The department shall upon request consent to the  
22 immediate cancellation of any bond or certificate of insurance,  
23 or the department shall direct and the treasurer shall return to  
24 the person entitled thereto any money or securities deposited  
25 pursuant to this Act as proof of financial responsibility, or  
26 the department shall waive the requirement of filing proof, in  
27 any of the following events:

28 (a) At any time after three (3) years from the  
29 date of such proof was required when, during the three-year

1 period preceding the request, the department has not received  
2 record of a conviction or a forfeiture of bail which would  
3 require or permit the suspension or revocation of the license  
4 or registration of the person by or for whom such proof was  
5 furnished; or

6 (b) In the event of the death of the person on  
7 whose behalf such proof was filed or the permanent incapacity  
8 of such person to operate a motor vehicle; or

9 (c) In the event the person who has given proof  
10 surrenders his license to the department;

11 (2) Provided, however, that the department shall not  
12 consent to the cancellation of any bond or the return of any money  
13 or securities in the event any action for damages upon a liability  
14 covered by such proof is then pending or any judgment upon any  
15 such liability is then unsatisfied, or in the event the person  
16 who has filed such bond or deposited such money or securities has  
17 within one (1) year immediately preceding such request been involved  
18 as a driver or owner in any motor-vehicle accident resulting in  
19 injury or damage to the person or property of others. An affidavit  
20 of the applicant as to the non-existence of such facts, or that  
21 he has been released from all of this liability, or has been  
22 finally adjudicated not to be liable, for such injury or damage,  
23 shall be sufficient evidence thereof in the absence of evidence  
24 to the contrary in the records of the department.

25 (3) Whenever any person, whose proof has been cancelled  
26 or returned under subdivision (c) of this section applies for a  
27 license within a period of three (3) years from the date proof was  
28 originally required, any such application shall be refused unless  
29 the applicant shall re-establish such proof for the remainder of

1 such three-year period.

2 Sec. 57. TRANSFER OF REGISTRATION TO DEFEAT PURPOSE OF ACT  
3 PROHIBITED.

4 (1) If an owner's registration has been suspended here-  
5 under, such registration shall not be transferred nor the vehicle  
6 in respect to which such registration was issued be registered in  
7 any other name until the department is satisfied that such transfer  
8 of registration is proposed in good faith and not for the purpose  
9 or with the effect of defeating the purposes of this Act.

10 (2) Nothing in this section shall in anywise affect  
11 the rights of any conditional vendor, chattel mortgagee or lessor  
12 of such a vehicle registered in the name of another as owner who  
13 becomes subject to the provisions of this Act.

14 (3) The department shall suspend the registration of any  
15 vehicle transferred in violation of the provisions of this section.

16 Sec. 58. SURRENDER OF LICENSE AND REGISTRATION: FALSE  
17 AFFIDAVITS.

18 (1) Any person whose license or registration shall have  
19 been suspended under any provision of this Act, or whose policy of  
20 insurance or bond, when required under this Act, shall have been  
21 cancelled or terminated, shall immediately return his license or  
22 registration to the department. If any person shall fail to  
23 return to the department the license or registration as provided  
24 herein, the department shall forthwith direct any peace officer  
25 to secure possession thereof and to return the same to the depart-  
26 ment.

27 (2) Any person wilfully failing to return license or  
28 registration as required in paragraph (1) of this section or who  
29 knowingly gives a false affidavit where required by this Act shall

1 be fined not more than five hundred (\$500.00) dollars or imprisoned  
2 not to exceed thirty (30) days, or both.

3       Sec. 59. FORGED PROOF. Any person who shall forge, or, with-  
4 out authority, sign any evidence of proof of financial responsi-  
5 bility for the future, or who files or offers for filing any such  
6 evidence of proof knowing or having reason to believe that it is  
7 forged or signed without authority, shall be fined not more than  
8 one thousand (\$1,000.00) dollars or imprisoned for not more than  
9 one (1) year, or both.

10       Sec. 60. ASSIGNED RISK PLANS. After consultation with the  
11 insurance companies authorized to issue automobile liability  
12 policies in this state the commissioner of insurance shall approve  
13 a reasonable plan or plans, fair to the insurers and equitable to  
14 their policyholders, for the apportionment among such companies of  
15 applicants for such policies and for motor-vehicle liability  
16 policies who are in good faith entitled to but are unable to  
17 procure such policies through ordinary methods. When any such  
18 plan has been approved, all such insurance companies shall sub-  
19 scribe thereto and participate therein. Any applicant for any  
20 such policy, any person insured under any such plan, and any  
21 insurance company affected, may appeal to the commissioner of  
22 insurance from any ruling or decision of the board or committee  
23 designated to operate such plan. Failure to adopt an assigned  
24 risk plan shall not relieve any person from responsibility under  
25 this Act.

26       Sec. 61. PAST APPLICATION OF ACT. This Act shall not apply  
27 with respect to any accident, or judgment arising therefrom, or  
28 violation of the motor-vehicle laws of this state, occurring prior  
29 to the effective date of this Act.

1           Sec. 62. ACT NOT TO PREVENT OTHER PROCESS. Nothing in this  
2 Act shall be construed as preventing the plaintiff in any action  
3 at law from relying for relief upon the other processes provided  
4 by law.

5           Sec. 63. PROVISIONS OF ACT APPLYING THROUGHOUT STATE. The  
6 provisions of this Act shall apply upon highways and elsewhere  
7 throughout the state.

8           Sec. 64. CONSTITUTIONALITY. If any part or parts of this  
9 Act shall be held to be unconstitutional, such unconstitutionality  
10 shall not affect the validity of the remaining parts of this Act.  
11 The Legislature hereby declares that it would have passed the  
12 remaining parts of this Act if it had known that such part or  
13 parts thereof would be declared unconstitutional.

14           Sec. 65. ADMINISTRATIVE PROCEDURES ACT. The Administrative  
15 Procedures Act shall fully apply to this Act including all rule  
16 making and hearings and appeals.

17           Sec. 66. TIME OF TAKING EFFECT. This Act shall take effect  
18 from and after the first day of September, 1959.