



House of Representatives

General Assembly

File No. 49

January Session, 2007

Substitute House Bill No. 7056

House of Representatives, March 13, 2007

The Committee on Insurance and Real Estate reported through REP. O'CONNOR of the 35th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT INCREASING THE FINANCIAL RESPONSIBILITY LIMITS
FOR MOTOR VEHICLE OPERATORS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-112 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) To entitle any person to receive or retain a motor vehicle
4 operator's license or a certificate of registration of any motor vehicle
5 when, in the opinion of the commissioner, such person has a record on
6 file with the commissioner which is sufficient, in the opinion of the
7 commissioner, to require evidence of financial responsibility for the
8 reasonable protection of other persons, the commissioner shall require
9 from such person proof of financial responsibility to satisfy any claim
10 for damages by reason of personal injury to, or the death of, any one
11 person, of [twenty] forty thousand dollars, or by reason of personal
12 injury to, or the death of, more than one person on account of any
13 accident, of at least [forty] fifty thousand dollars, and for damage to

14 property of at least [ten] twenty thousand dollars. When the
15 commissioner requires proof of financial responsibility from an
16 operator or owner of any motor vehicle, he may require proof in the
17 amounts herein specified for each vehicle operated or owned by such
18 person. If any person fails to furnish such proof, the commissioner
19 shall, until such proof is furnished, suspend or revoke the license of
20 such person to operate a motor vehicle or refuse to return any license
21 which has been suspended or revoked in accordance with the
22 provisions of section 14-111 or suspend or revoke the registration of
23 any such motor vehicle or vehicles or refuse thereafter to register any
24 motor vehicle owned by such person or refuse to register any motor
25 vehicle transferred by him if it does not appear to the commissioner's
26 satisfaction that such transfer is a bona fide sale, or, if such person is
27 not a resident of this state, withdraw from such person the privilege of
28 operating any motor vehicle in this state and the privilege of operation
29 within this state of any motor vehicle owned by him. Prior to such
30 suspension, revocation or withdrawal, notice thereof shall be given by
31 the commissioner by a notice forwarded by bulk certified mail to the
32 address of such person as shown by the records of the commissioner.
33 No appeal taken from the judgment of any court shall act as a stay to
34 any action of the commissioner authorized by the provisions of this
35 section.

36 (b) Such proof of financial responsibility shall be furnished as is
37 satisfactory to the commissioner and may be evidence of the insuring
38 of the named insured or resident relative of the named insured against
39 loss on account of his legal liability for injury to or the death of persons
40 and damage to property in the respective amounts provided by this
41 section in the form of a certificate signed by any person authorized in
42 writing by an officer of any company authorized to issue such
43 insurance in this state or any agent of such company licensed under
44 the provisions of section 38a-769 showing that a policy of insurance in
45 such amounts, noncancellable except after ten days' written notice to
46 the commissioner, has been issued to the person furnishing such proof
47 and no insurance company or insurance agent shall refuse to make
48 such filing of evidence of insurance during the time such insurance

49 company has a valid policy in force covering the named insured or
50 resident relative of the named insured and such company may charge
51 a fee not to exceed ten dollars for such filing; or such proof may be the
52 bond of a surety company or a bond with individual surety owning
53 real estate, which bond shall be conditioned for the payment of such
54 amounts and shall not be cancellable except after ten days' written
55 notice to the commissioner. Such bond shall constitute a lien in favor of
56 the state upon the real estate of any surety, which lien shall exist in
57 favor of any holder of a judgment on account of damage caused by the
58 operation of such person's motor vehicle, upon the filing of notice to
59 that effect by the commissioner in the town clerk's office in the town
60 where such real estate is located. Such proof of financial responsibility
61 may also be evidence presented to the commissioner of a deposit by
62 such person with the State Treasurer of a sum of money or collateral,
63 the amount of which money or collateral shall be determined by and
64 shall be satisfactory to the commissioner. The State Treasurer shall
65 accept any such deposit and issue a receipt therefor, and, if such
66 deposit is a sum of money, the state shall pay interest thereon if so
67 directed by the Secretary of the Office of Policy and Management at a
68 rate not greater than the amount received by the state. The Treasurer
69 may deposit any money so received in any incorporated savings bank
70 located in this state. Whenever any agent of an insurance company
71 certifies to evidence of the insuring of any person, from whom proof of
72 financial responsibility has been required, by the company for which
73 such agent is authorized to solicit, negotiate or effect contracts of
74 insurance, such company shall notify the commissioner of the
75 cancellation or termination of the policy referred to in such certificate
76 at least ten days before the effective date of such cancellation or
77 termination, provided such notice shall not be required if such policy
78 is renewed by such company, and provided a policy subsequently
79 procured and referred to in a certificate filed with the commissioner
80 shall, on the effective date of such policy, terminate the policy referred
81 to in any certificate previously filed with respect to any motor vehicles
82 designated in both certificates or, in case of an operator's policy, with
83 respect to any operator designated in both certificates. Additional

84 evidence of financial responsibility shall be furnished the
85 commissioner at any time upon his request therefor.

86 (c) Such bond, money or collateral shall be held by the
87 commissioner or Treasurer, as the case may be, to satisfy any execution
88 issued against such person in any cause arising out of damage caused
89 by the operation of any motor vehicle owned or operated by such
90 person. Money or collateral so deposited shall not be subject to
91 attachment or execution unless such attachment or execution arises out
92 of an action for damages, including personal injury or death, as a result
93 of the operation of any motor vehicle. Any person who furnishes proof
94 of financial responsibility by a deposit of money or collateral shall,
95 upon the service of any writ or summons arising out of any action for
96 damages including personal injury or death caused by the operation of
97 any motor vehicle, give written notice of such service to the
98 commissioner, who shall require that additional evidence of financial
99 responsibility be furnished to satisfy any judgment in any other action.
100 If a judgment rendered against the principal on a surety or real estate
101 bond is not satisfied within thirty days after its rendition, the judgment
102 creditor may, for his own use and benefit and at his sole expense, bring
103 an action in the name of the state against the company or person
104 executing such bond. A reasonable sum, not exceeding ten dollars,
105 shall be charged for such investigation of the title of any surety's real
106 estate or of collateral so deposited and of the value of the same and for
107 the filing fee to be paid to the town clerk.

108 (d) Repealed by P.A. 73-549, S. 2, 4.

109 (e) The commissioner shall furnish any person who may have been
110 injured in person or property by any motor vehicle, upon written
111 request, with such information as has been furnished to him as
112 evidence of the financial responsibility of any operator or owner of any
113 motor vehicle.

114 (f) Any operator or any registrant whose operator's license or
115 certificate of registration has been suspended as herein provided or
116 whose policy of liability insurance or surety bond has been cancelled

117 or who fails to furnish additional evidence of financial responsibility
118 upon request of the commissioner, shall immediately return to the
119 commissioner his operator's license or certificate of registration and the
120 number plate or plates issued thereunder. If any person fails to return
121 to the commissioner the operator's license or certificate of registration
122 and the number plate or plates issued thereunder as provided herein,
123 the commissioner shall forthwith direct any motor vehicle inspector,
124 state policeman or other police officer to secure possession thereof and
125 to return the same to the office of the commissioner. Failure to return
126 such operator's license or such certificate and such number plate or
127 plates shall be an infraction.

128 (g) The commissioner may cancel such bond or return such
129 evidence of financial responsibility or the Treasurer may, with the
130 consent of the commissioner, return such money or collateral to the
131 person furnishing the same, provided one year shall have elapsed from
132 the date of the suspension of such license during which period such
133 person has not, in the opinion of the commissioner, violated any
134 provision of the motor vehicle laws referred to in subsection (a) of this
135 section. The commissioner may direct the return of any money or
136 collateral to the person who furnished the same upon the acceptance
137 and substitution of other evidence of financial responsibility or at any
138 time after one year from the expiration of any registration or license
139 issued to such person.

140 (h) Any person who forges or, without authority, signs any
141 evidence of financial responsibility required by the commissioner in
142 the administration of this section shall be fined not less than one
143 hundred dollars or imprisoned not more than thirty days or both.

144 (i) Any person from whom proof of financial responsibility has been
145 required may, at the end of twelve months, apply to the commissioner
146 for removal of such requirements in a manner as determined by the
147 commissioner. The commissioner or his authorized representative may
148 make such further investigation as may be deemed necessary and,
149 upon being satisfied that such applicant is entitled to such elimination

150 of financial requirements, may eliminate the same.

151 (j) To entitle any person to receive or retain a motor vehicle
152 operator's license or a certificate of registration of any motor vehicle
153 when, in the opinion of the commissioner, such person has violated
154 any of the provisions of the following-named sections and subsections:
155 Section 14-44, section 14-80h or 14-80i, sections 14-110, 14-147, 14-217,
156 14-219, sections 14-228, 14-275 to 14-281, inclusive, or subdivision (1) of
157 subsection (a) of section 53a-123 or any similar provision of the laws of
158 any other state or any territory, or who has been convicted of, or has
159 forfeited any bond taken for appearance for, or has received a
160 suspended judgment or sentence for, a violation of any of said
161 provisions, or a violation of any of the provisions of sections 14-230 to
162 14-247, inclusive, and 38a-371, within a twelve-month period following
163 a violation of any of said sections, the commissioner may require from
164 such person proof of financial responsibility to satisfy any claim for
165 damages by reason of personal injury to, or the death of, any one
166 person, of [twenty] forty thousand dollars, or by reason of personal
167 injury to, or the death of, more than one person on account of any
168 accident, of at least [forty] fifty thousand dollars, and for damage to
169 property of at least [ten] twenty thousand dollars. When the
170 commissioner requires proof of financial responsibility from an
171 operator or owner of any motor vehicle, he may require proof in the
172 amounts herein specified for each vehicle operated or owned by such
173 person. If any person fails to furnish such proof, the commissioner
174 shall, until such proof is furnished, suspend or revoke the license of
175 such person to operate a motor vehicle or refuse to return any license
176 which has been suspended or revoked in accordance with the
177 provisions of section 14-111 or suspend or revoke the registration of
178 any such motor vehicle or vehicles or refuse thereafter to register any
179 motor vehicle owned by such person or refuse to register any motor
180 vehicle transferred by him if it does not appear to the commissioner's
181 satisfaction that such transfer is a bona fide sale, or, if such person is
182 not a resident of this state, withdraw from such person the privilege of
183 operating any motor vehicle in this state and the privilege of operation
184 within this state of any motor vehicle owned by him. Prior to such

185 suspension, revocation or withdrawal, notice thereof shall be given by
186 the commissioner by a notice forwarded by bulk certified mail to the
187 address of such person as shown by the records of the commissioner.
188 No appeal taken from the judgment of any court shall act as a stay to
189 any action of the commissioner authorized by the provisions of this
190 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	14-112

INS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Transportation	TF - Cost	Minimal	Minimal
Ins. & Risk Mgmt. Bd.	GF - None	None	None

Note: TF=Transportation Fund; GF=General Fund

Municipal Impact: None

Explanation

The bill results in a minimal fiscal impact of less than \$25,000 to the Department of Motor Vehicles for revising forms and mailing notices.

The State Insurance and Risk Management Board purchases liability coverage for state vehicles under \$50,000. This policy includes a \$4 million per occurrence deductible, which means that when a state driver is involved in an accident and causes damage to a third party, the state is responsible for the first \$4 million of damage.

Since the bill increases financial responsibility limits within what the state currently covers, no fiscal impact is anticipated. Municipality costs are not expected to be affected by the bill because their automobile coverage policies are similar to that of the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 7056*****AN ACT INCREASING THE FINANCIAL RESPONSIBILITY LIMITS FOR MOTOR VEHICLE OPERATORS*****SUMMARY:**

This bill increases the minimum amount of financial responsibility (e.g., insurance) that a person must have to obtain a driver's license or motor vehicle registration to \$40,000 for injury to or death of a person, \$50,000 for injury to or death of more than one person in any accident, and \$20,000 for property damage. Current minimums are \$20,000, \$40,000, and \$10,000, respectively.

By law, and unchanged by this bill, if any person fails to furnish proof of the minimum financial responsibility, the motor vehicle commissioner must, until proof is furnished, suspend or revoke the owner's license, refuse to return a suspended or revoked license, suspend or revoke the vehicle's registration, or refuse to register any vehicle owned by or transferred to the person.

EFFECTIVE DATE: October 1, 2007

BACKGROUND***Related Laws***

Each automobile liability insurance policy must provide insurance, with limits not less than the minimums specified for bodily injury or death of any person and property damage arising out of the ownership, maintenance, or use of a specific motor vehicle (CGS § 38a-335).

The owner of a private passenger motor vehicle required to be registered in Connecticut must provide, and continuously maintain throughout the vehicle registration period, financial security of at least

the minimums specified. Failure to provide the required security is a class C misdemeanor, subject to a fine up to \$500, imprisonment for up to three months, or both (CGS § 38a-371).

The owner of a private passenger motor vehicle or a vehicle with a combination or commercial registration registered or required to be registered in Connecticut is prohibited from operating or permitting the operation of the vehicle without the minimum financial security required. A person convicted of a violation is subject to a fine of between \$100 and \$1,000, but an owner of a vehicle with a commercial registration who knowingly violates the requirement is guilty of a class D felony (imprisonment up to five years, a fine up to \$5,000, or both) (CGS § 14-213b).

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 13 Nay 2 (02/27/2007)