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EXHIBIT 13
DATE 02/17/05
SB SB 493

61-6-133. Certificate of insurance as proof. Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

History: En. Sec. 19, Ch. 204, L. 1951; R.C.M. 1947, 53-436; amd. Sec. 5, Ch. 218, L. 1985; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Motor vehicle liability insurance, Title 33, ch. 23, part 2.

61-6-134. Certificate furnished by nonresident as proof. (1) The nonresident owner of a motor vehicle not registered in this state may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this part, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(a) Said insurance carrier shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state.

(b) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.

(2) If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertaking or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

History: En. Sec. 20, Ch. 204, L. 1951; R.C.M. 1947, 53-437; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Motor vehicle liability insurance, Title 33, ch. 23, part 2.

61-6-135. Notice of cancellation or termination of certified policy. When an insurance carrier has certified a motor vehicle liability policy under 61-6-133 or a policy under 61-6-134, the insurance so certified shall not be canceled or terminated until at least 10 days after a notice of cancellation or termination of the insurance so certified shall be filed in the office of the department, except that such a policy subsequently procured and certified shall on the effective date of its certification terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

History: En. Sec. 22, Ch. 204, L. 1951; R.C.M. 1947, 53-439; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Motor vehicle liability insurance — notice required for cancellation, 33-23-212.
Motor vehicle liability insurance — advance notice required for nonrenewal, 33-23-214.

61-6-136. Other policies not affected. (1) This part shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this part, may be certified as proof of financial responsibility under this part.

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

History: En. Sec. 23, Ch. 204, L. 1951; R.C.M. 1947, 53-440.

Cross-References

Motor vehicle liability policies to include uninsured motorist coverage, 33-23-201.

61-6-137. Bond as proof of responsibility. (1) Proof of financial responsibility may be furnished by filing with the department the bond of a surety company duly authorized to transact business in the state or a bond with at least two individual sureties each owning real estate within this state and together having equities equal in value to at least twice the amount of such bond, which real estate shall be scheduled in the bond approved by a judge of a court of record. The bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy and shall not be cancelable except after 10 days' written notice to the department. Upon the filing of notice to this effect by the department in the office of the county clerk and recorder of the county wherein such real estate is located, the bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a judgment against the person who has filed the bond.

(2) The person in whose favor the lien exists may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing the bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of any person who has executed such bond. The provisions of the Montana Rules of Civil Procedure, except insofar as they are inconsistent with the provisions of this part, are applicable to and constitute the rules of practice in the foreclosure actions or proceedings. The provisions of the Montana Rules of Civil Procedure relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this part, apply to the actions or proceedings.

History: En. Sec. 24, Ch. 204, L. 1951; R.C.M. 1947, 53-441; amd. Sec. 63, Ch. 421, L. 1979; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Montana Rules of Civil Procedure, Title 25, ch. 20.
Suretyship, Title 28, ch. 11, part 4.
Liens, Title 71, ch. 3.

61-6-138. Money or securities as proof of responsibility. (1) Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him $55,000 in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of $55,000. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(2) Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this part, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use, or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

History: En. Sec. 25, Ch. 204, L. 1951; R.C.M. 1947, 53-442; amd. Sec. 6, Ch. 218, L. 1985; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Ex officio State Treasurer, 2-15-1002.
General fiscal duties of State Treasurer, 17-1-111.
Execution of judgment, Title 25, ch. 13.
Prejudgment attachment, Title 27, ch. 18.
Securities regulation, Title 30, ch. 10.

61-6-139. Owner permitted to give proof for others. Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The department shall designate the restrictions imposed by this section on the face of such person's license.

History: En. Sec. 26, Ch. 204, L. 1951; R.C.M. 1947, 53-443; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Employment defined, 39-2-101.

Restricted licenses, 61-5-113.

61-6-140. Substitution of proof of responsibility. The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this part.

History: En. Sec. 27, Ch. 204, L. 1951; R.C.M. 1947, 53-444; amd. Sec. 1, Ch. 503, L. 1985.

61-6-141. Repealed. Sec. 22, Ch. 309, L. 1999.

History: En. Sec. 28, Ch. 204, L. 1951; R.C.M. 1947, 53-445; amd. Sec. 1, Ch. 503, L. 1985.

61-6-142. Duration of proof — when money or securities may be canceled or returned. (1) The department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this part as proof of financial responsibility, or the department shall waive the requirement of filing proof under this part, in any of the following events:

(a) at any time after 3 years from the date such proof was required when during the 3-year period preceding the request the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or nonresident's operating privilege of the person by or for whom such proof was furnished;

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

(c) in the event the person who has given proof surrenders his license to the department.

(2) However, the department shall not consent to the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has deposited such money or securities has, within 1 year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subsection (1)(c) of this section applies for a license within a period of 3 years from the date proof was originally required, any such application shall be refused unless the applicant complies with the insurance or bond requirements under 61-6-301 and 61-6-302.

History: En. Sec. 29, Ch. 204, L. 1951; R.C.M. 1947, 53-446; amd. Sec. 6, Ch. 592, L. 1979; amd. Sec. 7, Ch. 218, L. 1985; amd. Sec. 1, Ch. 503, L. 1985.

61-6-143. Self-insurers. (1) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

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

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

History: En. Sec. 34, Ch. 204, L. 1951; R.C.M. 1947, 53-451; amd. Sec. 1, Ch. 503, L. 1985.

Cross-References

Contested cases — notice, 2-4-601.

61-6-144. Assigned risk plans. After consultation with insurance companies authorized to issue automobile liability policies in this state, the commissioner of insurance shall approve a reasonable plan or plans for the equitable apportionment among such companies of applicants