

CHAPTER 219. PROOF OF FINANCIAL RESPONSIBILITY

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Authority

The provisions of this Chapter 219 issued under sections 506 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 186 and 412); the Vehicle Code, 75 Pa.C.S. Chapter 17; and the Vehicle Code, 75 Pa.C.S. § 6103, unless otherwise noted.

Source

The provisions of this Chapter 219 adopted September 28, 1984, effective September 29, 1984, 14 Pa.B. 3520; amended February 15, 1985, effective February 16, 1985, 15 Pa.B. 558, unless otherwise noted. Immediately preceding text appears at serial pages (91809) to (91812).

§ 219.1. Purpose.

(a) *Traffic offenses and reportable accidents.* The purpose of this chapter is to establish a procedure to effect the provisions of 75 Pa.C.S. §§ 1784 and 1785 (relating to proof of financial responsibility following violation and proof of financial responsibility following accident). Section 1784 covers a defendant who, upon conviction of a traffic offense, other than a parking offense, that requires a court appearance fails to show proof of financial responsibility on the motor vehicle at the time of the offense. Section 1785 covers the owner of a motor vehicle involved in an accident requiring notice to a police department under 75 Pa.C.S. § 3746 (relating to immediate notice of accident to police department), who did not maintain financial responsibility on the motor vehicle at the time of the accident. Under sections 1784 and 1785, the Department is required to revoke the registration of the vehicle. Section 1784 also requires the Department to suspend the operating privilege of the defendant, if the defendant is the owner of the vehicle. Section 1785 requires the Department to suspend the operating privilege of the owner, where applicable.

(b) *Nonreportable accidents.* This chapter also establishes a procedure for suspension of the vehicle owner's operating privilege, where applicable, and revocation of the registration of a motor vehicle involved in an accident not required to be investigated by 75 Pa.C.S. § 3746 when the owner did not maintain financial responsibility on the motor vehicle at the time of the accident.

§ 219.2. Duty of court.

When a defendant who is convicted of a traffic offense, other than a parking offense, that requires a court appearance fails to show proof of financial responsibility covering the operation of the vehicle at the time of the offense, the court shall notify the Department of the fact on the appropriate Departmental form.

§ 219.3. Duty of police officer investigating an accident.

Every police officer who investigates a motor vehicle accident required to be investigated by 75 Pa.C.S. § 3746 (relating to immediate notice of accident to police department) shall include in the written report of the accident, which is required to be forwarded to the Department under 75 Pa.C.S. § 3751 (relating to reports by police), information as to whether the vehicles involved in the accident were in compliance with the financial responsibility requirements of 75 Pa.C.S. Chapter 17 (relating to financial responsibility).

§ 219.4. Duty of driver involved in an accident.

If a police officer does not investigate an accident required to be investigated by 75 Pa.C.S. § 3746 (relating to immediate notice of accident to police department), the driver of a vehicle which is involved in the accident shall include in the written report of the accident, which is required to be forwarded to the Department under 75 Pa.C.S. § 3747 (relating to written report of accident by driver or owner), information as to whether the vehicles involved in the accident were in compliance with the financial responsibility requirements of 75 Pa.C.S. Chapter 17 (relating to financial responsibility).

§ 219.5. Motor vehicle accidents not requiring investigation.

(a) *Reports by police.* Every police officer who investigates a motor vehicle accident which does not require an investigation under 75 Pa.C.S. § 3746 (relating to immediate notice of accident to police department) shall notify the Department on the appropriate Departmental form if an owner of a motor vehicle involved in the accident did not maintain financial responsibility on the motor vehicle at the time of the accident.

(b) *Reports by driver.* The driver of a vehicle which is involved in a motor vehicle accident for which an investigation is not required under 75 Pa.C.S. § 3746 may notify the Department in writing if an owner of a motor vehicle involved in the accident did not maintain financial responsibility on the motor vehicle at the time of the accident.

§ 219.6. Acceptable proof of financial responsibility.

(a) *I.D. card.* For the purposes of this chapter, the I.D. card in 31 Pa. Code Chapter 67, Subchapter B (relating to evidence of financial responsibility) shall

be considered evidence that the motor vehicle was covered by a policy of motor vehicle liability insurance or was self-insured.

(b) *Other documents.* A person who is unable to produce and exhibit an I.D. card as prescribed in subsection (a) may produce one of the following documents as evidence that the motor vehicle was covered by a policy of motor vehicle liability insurance:

- (1) The declaration page of the insurance policy or a copy thereof.
- (2) A copy of a valid binder of insurance which contains all of the information required to appear on the I.D. card, excluding policy number.
- (3) A copy of an application for insurance to the Pennsylvania Automobile Insurance Plan which contains the information required to appear on the I.D. card, excluding the policy number, and is signed by a licensed insurance agent or broker.

(c) *Newly purchased vehicles.* If the vehicle was purchased within 30 days prior to the demand, a document enumerated in paragraph (1), (2) or (3) which covers another vehicle owned by the owner of the vehicle being driven at the time of the demand will constitute proof that the vehicle in question was insured at the time of the demand.

(d) *Expiration.* A copy of a valid binder of insurance or an application for insurance to the Pennsylvania Automobile Insurance Plan will be acceptable as proof of financial responsibility for a period of 30 days from the effective date of the policy. If more than 30 days have elapsed from the effective date of the policy, a copy of the declaration page of the insurance policy, or an I.D. card, if issued, shall be displayed.

(e) *Production of proof of financial responsibility to avoid revocation or suspension.* A person who fails to produce proof of financial responsibility as required by this chapter will avoid the revocation of vehicle registration and suspension of the operating privilege, if the person produces, within 5 days, acceptable evidence of financial responsibility valid at the time of the offense or accident to the court, police officer or the driver of a vehicle which is involved in a motor vehicle accident.

Notes of Decisions

The doctrine of laches was properly applied where the Department sought to suspend a driver's privileges for failure to provide proof of financial responsibility at the time of an incident which occurred 17 years ago. *Department of Transportation v. Benner*, 616 A.2d 181 (Pa. Cmwlth. 1992).

§ 219.7. Suspension of operating privilege or revocation of vehicle registration.

(a) *Operating privilege suspension.* Failure to show proof of financial responsibility as required by 75 Pa.C.S. §§ 1784 and 1785 (relating to proof of financial responsibility following violation and proof of financial responsibility fol-

lowing accident) will result in a 3 month suspension of the vehicle owner's operating privilege if the owner was driving at the time of the traffic offense or accident.

(b) *Vehicle registration revocation.* Failure to show proof of financial responsibility as required by 75 Pa.C.S. §§ 1784 and 1785 will result in a 3 month revocation of the registration of the vehicle for which the required financial responsibility was not in effect at the time of the traffic offense or accident.

§ 219.8. Proof of financial responsibility before restoring operating privilege or registration.

(a) *Operating privilege.* When the Department suspends the operating privilege of a person under 75 Pa.C.S. §§ 1784 or 1785 (relating to proof of financial responsibility following violation or proof of financial responsibility following accident), the Department will not restore the operating privilege until the person furnishes proof of financial responsibility in a manner to be determined by the Department and remits the \$25 fee for reinstatement of operating privilege as required by 75 Pa.C.S. § 1960 (relating to reinstatement of operating privileges).

(b) *Registration.* When the Department revokes the registration of a vehicle under 75 Pa.C.S. §§ 1784 or 1785, the Department will not restore the registration until the vehicle owner furnishes proof of financial responsibility in a manner to be determined by the Department and submits an application for registration to the Department, accompanied by the applicable fee.

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