

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Require Insurance on Motorized Watercraft

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

Sec. 1. 12 MRSA §13068-B is enacted to read:

§ 13068-B. Insurance on motorized watercraft

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Acceptable electronic format" means an image produced on a computer or personal electronic device that clearly displays proof of insurance.
- B. "Authorized insurer" has the same meaning as in Title 24-A, subsection 8.
- C. "Motorboat" has the same meaning as in section 13001, subsection 16.
- D. "Proof of insurance" means a policy declaration page or other documentation of all information of a watercraft insurance policy required under subsection 2.

2. Insurance required. An owner of a motorboat of more than 75 horsepower may not operate or allow operation of the motorboat on the inland or tidal waters of the State without carrying liability insurance issued by an authorized insurer for that motorboat in the amount or limit of at least:

- A. For damage to property, \$25,000;
- B. For injury to or death of any one person, \$50,000;
- C. For one accident resulting in injury to or death of more than one person, \$100,000; and
- D. For medical payments per person, \$2,000.

3. Providing proof of insurance. An operator of a motorboat under subsection 2 shall provide proof of insurance, which may be in an acceptable electronic format:

- A. To a law enforcement officer upon request of a law enforcement officer; or
- B. If the motorboat is involved in an accident, to all persons involved in the accident.

4. Civil violation. A person who violates subsection 3:

- A. Commits a civil violation for which a fine of not less than \$50 and not more than \$250 must be adjudged;

B. For a 2nd offense, commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged; and

C. For a 3rd or subsequent offense, commits a civil violation for which a civil penalty of not less than \$500 and not more than \$1,000 must be adjudged.

The court or prosecuting attorney shall dismiss a violation under this subsection if, prior to adjudication, proof that the motorboat was insured under subsection 2 at the time of the violation is provided.

5. Criminal violation. An owner of a motorboat that is involved in an accident and is not insured under subsection 2 commits a Class D crime.

6. Exception. This section does not apply to an owner of a motorboat that is a governmental entity or a political subdivision of a governmental entity.

SUMMARY

This bill prohibits the owner of a motorboat of more than 75 horsepower from operating or allowing operation of the motorboat in the inland or tidal waters of the State without insurance on the motorboat similar to the financial responsibility provisions regarding motor vehicles. The bill requires the operator of the motorboat to provide proof of insurance, which may be in an acceptable electronic format, to a law enforcement officer upon request or, if the motorboat is in an accident, to all persons involved in the accident. An operator of a motorboat who fails to provide proof of insurance commits a civil penalty unless proof of insurance is produced before adjudication of the violation, and an owner who fails to insure a motorboat that is then involved in an accident commits a Class D crime.