

Chapter MVD 10

SAFETY RESPONSIBILITY

MVD 10.01 Certificate of insurance coverage

~~MVD~~ 10.01 Certificate of insurance coverage. (1) It shall be the declared rule and policy of the motor vehicle department that all written notices of insurance required under section 85.09 (5) (d), Wis Stats., to effect the exemption provided under section 85.09 (5) (b) from the deposit of a bond or security as required under section 85.09 (5) (a) ("* * * to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; * * *") shall be printed in the following approved form, with printing designation SR-21 for standard referral: (See following page.)

344
344
344

(2) Such notice, shall be deemed to certify a policy of coverage equivalent to the security requirement under section 85.09 (5) (a), Wis. Stats., ("* * * to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such operator or owner; * * *").

344

(3) All certificates not in conformity with the above rule shall stand rejected as not complying with the standard certificate form or not meeting the purpose and requirements of section 85.09, Wis. Stats., that damages will be paid the public where damages occur through the negligent operation of a motor vehicle.

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344

344, 13
344, 13, 14

(4) The requirement of the statutes for either the posting of security (85.09) (5) (a) or the filing of a notice of insurance coverage (85.09) (5) (d) in lieu of the posting of security, "Within 60 days after the receipt of each individual report of a motor vehicle accident * * *" necessitates the further administrative working time procedure that no (SR-21) notice of insurance coverage shall be withdrawn after having been on file with the Motor Vehicle Department for 30 days or more from the filing of such individual report.

History: Am. Eff. 4-1-56.

Note: Subsection (4) of the foregoing provides the department with necessary working time for procedure required under section 85.09 (5) (a), Wis. Stats. This has been the administrative policy followed by the department since the inception of the Safety Responsibility Act. It is published without a hearing pursuant to section 227.02 (1) (a), Wis. Stats., to overcome any question as to validity of the policy under prior statutes and the revision of Chapter 227 of the Statutes of 1955.

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Sect. 344.15 (4)

DATE COPY

SR 21 — NOTICE OF INSURANCE POLICY

[Wis. Statutes 85.09 (5)]

Accident No. _____

Date of accident _____ Location of accident _____
Street or Highway _____ City _____ County _____

VEHICLE INVOLVED IN ACCIDENT

Year of Model	Trade Name	Model	Body Type	Serial No.	Motor No.

(Description not required if an Operator's Policy)

Name of Driver _____ Address _____
First _____ Middle _____ Last _____ Street or R.F.D. _____ Post Office _____

Name of Owner _____ Address _____
First _____ Middle _____ Last _____ Street or R.F.D. _____ Post Office _____

The company signatory hereto gives notice that its policy numbered _____ issued on the date of _____

is issued to _____ 344 Address _____
an automobile liability policy as defined in Section 85.09 of Wisconsin Statutes, affording limits of \$10,000, \$20,000, bodily injury and \$10,000, property damage, which policy was in effect on the date of the above described accident.

Does this policy apply to the above owner in above accident? Yes No

Does this policy apply to the above operator in above accident? Yes No

Claim No. _____

DRIVERS OF OTHER VEHICLES INVOLVED IN THE ACCIDENT:

Driver Vehicle No. 2 _____ Address _____

Driver Vehicle No. 3 _____ Address _____

No. persons injured? _____ No. persons killed? _____ What is estimated property damage to insured vehicle? \$ _____

By _____ Date _____

Full Name of Insurance Co. _____

Signature of Authorized Representative must be signed in ink.

MVD 10.02 Untimely filing of judgments under section 85.09, Wis. Stats. (1) An administrative problem confronting the department arises under section 85.09, Wis. Stats., wherein a driver, owner or both fully comply with the Safety Responsibility Act by depositing security to pay any and all damage judgments arising from an accident; or, a driver and owner's licenses are suspended for his failure to deposit security under such act; and, no claimant files any notice of an action instituted within one year from the date of the accident as provided by law, thus entitling such depositor or licensee to the return of the deposit or the reinstatement of his licenses under the law; and, after the return of the deposit or the reinstatement of the license as provided by law, a claimant files a judgment under section 85.09 (12) and (13), Wis. Stats., for the purpose of re-suspending the license for non-payment of such judgment, thus creating a double penalty under the law if such interpretation were given such statute.

(2) It shall be the declared interpretation that such subsections read separately creating one interpretation, and read as a whole creating another interpretation, that the supreme court rule of reading the statute as a whole be adopted; and, that in accordance with such interpretation where no notice is given to retain the deposit or retain the suspension of license pending judgment for damages as required by law, that such judgment being filed after the return of the deposit, or the reinstatement of license, as the case may be, shall be considered as untimely filing of such judgment within the over-all intent and purpose of the act and considered laches on the part of the claimant. That such judgment shall be returned to the claimant as not complying with the intent and purpose of the act by not availing themselves of the security deposited, or the retention of the suspension of license as provided under the general statute.

History: Cr. Register, June, 1956, No. 6. Eff. 7-1-56.

349.14(2)(g)
MVD 10.03 Proof of operating without permission under section 85.09 (6) (c), Wis. Stats. In all motor vehicle accident cases wherein the owner of a motor vehicle involved alleges the vehicle to have been operated or parked without the owner's express or implied permission for the purpose of being exempt from the requirement of depositing security under section 85.09 (6) (c), Wis. Stats., such owner shall produce proof of such operation without express or implied permission with proof as follows:

(1) In the case of a stolen vehicle with the driver unknown, a letter from the law enforcement chief of the municipality where the offense occurred, that the vehicle was immediately reported stolen and investigated by such law enforcement agency and found to be a stolen vehicle with driver unknown; or,

(2) In the case of a claim that the vehicle was operated without express or implied permission by a stranger, by a letter from the district attorney that the owner has shown his good faith and signed a complaint with the district attorney, that a warrant was issued and the driver was convicted and proven to be so operating such vehicle at the time of the accident; or,

(3) In cases of relatives or close friends where the claim is made that prosecution would be impossible because of it being in the family or a close friend, causing a breach in the family or loss of companionship of society and immediate friends, the owner files with the

commissioner his sworn affidavit of such operation without express or implied permission;

(a) Upon the filing of such ^{affidavit} sworn statement of operation without permissive use, the commissioner would give all injured passengers and the owner's of all damaged property involved, a ten-day notice of such claim for exemption and further stating that unless substantiated proof to the contrary is filed within such 10-day period, the owner's claim for exemption will be granted.

(b) Where no proof to the contrary is filed within such 10-day period resulting in the commissioner's granting an exemption to the owner on the basis of the operator's operation of the vehicle without express or implied permission, such exemption shall stand irrespective of proof to the contrary being filed untimely under such notice until a court of competent jurisdiction determines otherwise.

(c) In all cases where substantiated proof by affidavit is furnished within such 10-day notice period, that an investigation by a party in interest has produced facts to prove that a vehicle was operated with either express or implied permission indicating a controversy, either security must be deposited in accordance with law, or an insurance certificate in lieu of such security indicating coverage for the accident; or, one of the other alternatives meeting the statutory requirements filed with the commissioner to comply with the statute.

History: Cr. Register, June, 1956, No. 6. Eff. 7-1-56.

MVD 10.04 Time for substantiation of damage. In all cases of requirement of an affidavit of damages (personal or real property or personal injury) under section ~~85.09 (5) (am)~~, Wis. Stats., such substantiation must be filed within 10 days on the day certain as noticed such party or considered untimely for the requirement of security. Such time limitation is evident from the fact that section ~~85.09 (5)~~ (a), Wis. Stats., requires the commissioner to require the security within 60 days of the filing of the accident report, with at least a 10 day notice of the amount of security requirement given within such 60 day period.

MVD 10.05 Notice of subrogation or assignments. In all cases of subrogation claims or assignments under section 85.09, Wis. Stats., a signed duplicate or certified copy of such subrogation or assignment agreement of claim must be filed with the commissioner as notice of such rights. Where the commissioner has acted prior to receipt of such notice the notice shall be considered as untimely.

History: Cr. Register, June, 1956, No. 6. Eff. 7-1-56.

MVD 10.06 Fees for photostatic and certified copy of public records. (1) Upon receipt of requests for certified photostatic copies of any application for operators' licenses, motor vehicle registrations, or any other applications or public file records, it shall be the policy of the motor vehicle department to furnish such copies at a fee of one dollar for certifying the record plus a fee of 50 cents for each photographic exposure. If uncertified copies of above public records are requested, then the fee shall be 50 cents for each photographic exposure.

(2) The fee for furnishing and certifying abstract of operator's record upon request as provided in section 85.09 (3), Wis. Stats., shall be \$1.00, excepting law enforcement officers requesting same for use in performing their official duties in which no charge shall be made.

History: Cr. Register, June, 1956, No. 6. Eff. 7-1-56.

Register, June, 1956, No. 6.