

# Survey of State Motor Vehicle Financial Responsibility Statutes

November 2007

## Prepared by the Legal Committee's Subcommittee on Motor Vehicles

The following pages contain a 50 state survey of the Financial Responsibility Laws applicable to motor vehicles. The survey resulted from a number of discussions regarding the impact of the Graves Amendment.

As background, the "Graves Amendment" was enacted by Congress and signed into law by President Bush in August 2005 as a part of the Highway Bill (now codified at 49 U.S.C. A. § 30106). The passage of the Graves Amendment was driven by a coalition of motor vehicle lessors and rental companies after a string of cases in Rhode Island, Connecticut, and New York held motor vehicle lessors vicariously liable for multi million dollar verdicts in accidents caused by their lessees. Several lessors had stopped offering leases in states such as New York that imposed unlimited vicarious liability on otherwise innocent motor vehicle lessors.

Applicable to any action commenced on or after August 10, 2005 (regardless of whether the accident giving rise to the action occurred before August 10, 2005), the Graves Amendment provides that a non-negligent lessor/owner of a motor vehicle is not liable for damages resulting from the operation or use of the vehicle during the lease term. This exemption is only available so long as the lessor has not been negligent or acted criminally. The Graves Amendment will not protect a lessor under a full service lease who has failed to properly maintain a vehicle from liability for an accident caused by mechanical failure.

Courts in Massachusetts, Connecticut, New York, Florida and the District of Columbia have ruled that the Graves Amendment preempts state vicarious liability laws. Motor vehicle lessors should not expect total immunity, however, in all litigation. The Graves Amendment's constitutionality is currently being challenged in New York and Florida courts. Additionally, Congress expressly recognized the continuing validity of state financial responsibility and/or minimum insurance requirements in the Graves Amendment providing that nothing in the law "supersedes the law of any State . . . "

(1) imposing financial responsibility or insurance standard laws applicable to the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for the failure to meet the financial responsibility or liability insurance requirements under State law. (49 U.S.C.A. §30106(b))

A number of states, including California, Connecticut, Florida, Idaho, and Rhode Island, currently have minimum insurance requirements or financial responsibility laws applicable to motor vehicle lessors/owners. As some of these laws establish caps on the otherwise unlimited exposure under vicarious liability statutes now preempted by the Graves Amendment, litigation regarding the interpretation of these statutes is expected.

The attached survey however is designed to provide an overview of the respective minimum insurance requirements and financial responsibility laws.

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**Survey of State Motor Vehicle Financial Responsibility Statutes  
May 2007 ELA Legal Forum  
Prepared by the Legal Committee's Subcommittee on Motor Vehicles<sup>1</sup>**

STATE	FINANCIAL RESPONSIBILITY LAW	STATUTORY REFERENCE	OVERVIEW <sup>2</sup>	SPECIAL CONSIDERATIONS/NOTES
<b>ALABAMA</b>	Yes	Ala. Code 1975 §32-7-A  §32-7-6 (c)	Owner is a person holding legal title to a motor vehicle except if the lessee has right to purchase upon conditions stated in the agreement and with immediate right of possession, the lessee is deemed the owner or a mortgagor of a vehicle entitled to possession..  20/40/10	§32-7-A: Liability Bond of \$50k or Cash deposit with State Treasurer can be provided in lieu of insurance
<b>ALASKA</b>	Yes	ARS 28.20, 28.22 S 28.22.101	Owner's policy of liability insurance must insure the person named and every other person using the vehicle with the express or implied permission of the named insured, to the following limits: 50/100/25	"Owner" is a person, other than a lienholder, having the property in or title to vehicle, including but not limited to a person entitled to the use and possession of the vehicle subject to a security interest in another person, but exclusive of a lessee under a lease not intended as "security". ARS 28.90.990
<b>ARIZONA</b>	Yes	28-4009	1. The policy shall designate by explicit description or by appropriate reference all motor vehicles for which coverage is granted. If coverage is provided for a fleet of seven or more motor vehicles, the maximum payable for any one accident is the limit of liability stated in the policy. There is no accumulation of coverage for each separate vehicle covered. 2. The policy shall insure the person named in the policy as the insured and any other person, as insured, using the motor vehicle or motor vehicles with the express or implied permission of the named insured against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the motor vehicle or motor vehicles within the United States or the Dominion of Canada, subject to limits exclusive of interest and costs, for each motor vehicle as follows: (a) Fifteen thousand dollars because of bodily injury to or death	28-4011A. A self-insurer or partial self-insurer shall file a bond with the director on a form approved by the director with a surety company authorized by the corporation commission to transact business in this state as surety on the bond. The self-insurer or partial self-insurer shall be the principal obligor and this state shall be the obligee on the bond. The bond shall be conditioned on the compliance by the self-insurer or partial self-insurer with laws governing motor carriers.

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<sup>2</sup> Insurance limit are shown by limits with dollars in 000s: 50/100/25 means \$50,000 for bodily injury or death to one person; \$100,000 for bodily injury or death for two or more persons; and \$25,000 for damage or destruction of property.  
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		§ 28-4033	<p>of one person in any one accident.</p> <p>(b) Subject to the limit for one person, thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident.</p> <p>(c) Ten thousand dollars because of injury to or destruction of property of others in any one accident.</p> <p><b>15/30/10</b></p> <p>Under lease the Lessor shall ensure that the Lessee is covered under the Lessor's liability insurance or the Lessor shall require that the Lessee meet the financial responsibility requirements.</p> <p>Transportation of non-hazardous materials: Vehicle gross weight less than 26,000 pounds – minimum of \$750,000 in coverage. Vehicle gross weight between 20,001-26,000 pounds – Minimum of \$300,000 in coverage</p> <p>Transportation of hazardous materials: Minimum coverage of \$1,000,000.</p>	<p>§ 28-4007 (self insurance) – A person may qualify as a self insurer if he/she/it has more than 10 motor vehicles registered in his/her/its name OR if the person is insured by a captive insurer that is domiciled and authorized by the department of insurance to transact business in this state and that provides coverage in an amount of at least that required.</p> <p>§ 28-4009 – Motor Vehicle Liability Policy Requirements – BI - \$15,000 one person / \$30,000 more than one person / \$10,000 Property Damage</p>
ARKANSAS	yes	<p>§27-19-211</p> <p>§27-22-104</p>	<p>Under lease with right to purchase or conditional sales contract Lessee or Vendee is deemed owner.</p> <p>Vehicles must be either self-insured or covered by insurance with minimum coverage of \$25,000 for bodily injury/death of one person, \$50,000 for bodily injury/death of more than one person, and \$25,000 for property damage.</p>	<p>§ 27-19-107 - Any person who has more than twenty-five vehicles registered in their name may qualify as a self-insurer by obtaining a certificate of self-insurance.</p> <p>If the person/entity is affiliated with a religion that discourages insurance, that person/entity may avoid the 25 vehicle requirement and acquire a certificate of self insurance.</p>
CALIFORNIA	Yes	CA Veh Code §16500	15/30/5	<p><b>CA Veh Code §16053.</b></p> <p>(a) The department may in its discretion, upon application, issue a certificate of self-insurance when it is satisfied that the applicant in whose name more than 25 motor vehicles are registered is possessed and will continue to be possessed of ability to pay judgments obtained against him or her in amounts at least equal to the amounts provided in <a href="#">Section</a></p>

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				<p><a href="#">16056</a>. The certificate may be issued authorizing the applicant to act as a self-insurer for either property damage or bodily injury or both. Any person duly qualified under the laws or ordinances of any city or county to act as self-insurer and then acting as such, may upon filing with the department satisfactory evidence thereof, along with the application as may be required by the department, be entitled to receive a certificate of self-insurance.</p>
COLORADO	Yes	C.R.S.A. §42-7-103 (14) (a)	25/50/15	
CONNECTICUT	Yes	CT Gen Stat §14-154a	<p>Any person renting or leasing to another any motor vehicle owned by him shall not be liable for any damages to any person or property caused by the operation of such motor vehicle so rented or leased if:</p> <ol style="list-style-type: none"> <li>1. With respect to a lease of a private passenger motor vehicle with a total lease term for one year or more, at the time damages are incurred, the leased vehicle is insured for bodily injury liability in amounts of not less than \$100k per person and \$300k per occurrence and the vehicle is not subject to subdivision (2) of this subsection.</li> <li>2. With respect to a lease of a truck, tractor trailer or tractor-trailer unit with a gross vehicle weight rating of ten thousand pounds or more with a total lease term for one year or more, at the time damages are incurred, the loss or claim is insured by any combination of coverage through an insurer, as defined in section 38a-363, in an amount of not less than \$2 million.</li> </ol>	

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DELAWARE	Yes	Del Code Ann, Tit 21, § 6101; §2901, <u>et al.</u>	<p><b>§6101</b> The owner of a motor vehicle who is engaged in the business of renting motor vehicles without drivers and who does not carry or cause to be carried public liability insurance in an insurance company or companies approved by the Insurance Commissioner of this State insuring the renter against liability arising out of the renter's negligence in the operation of such rented vehicle in limits of not less than 10/20 and shall be jointly and severally liable with the renter for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of renting the vehicle from the owner.</p> <p><b>§2901 et al.</b> Delaware's financial responsibility requirement does not apply to any motor vehicle which is subject to the requirements of §§ 6101 and 6102 of this title. An owner of a motor vehicle must obtain a motor vehicle liability policy or qualify as a self-insurer by obtaining a certificate of self-insurance.</p>	
DISTRICT OF COLUMBIA	Yes	DC St §50-1301.34 et seq DC St §31-2403 et seq	Owner/Lessor of motor vehicle must maintain insurance satisfying MFR requirements in DC St §31-2406 (2001 ed): 25/50/10	<p><u>Johnson v. Agnant</u>, 480 F.Supp.2d 1 (DDC 2006) (court dismisses vicarious liability suit against vehicle leasing company, holding that 49 USC 30106 repeals DC law deeming a vehicle operator to be the agent of the owner)</p> <p><u>Sharp v. Ward</u>, 2004 WL 1835102 (DC SupCt August 16, 2004), (opinion reviewing split in state laws, says that under DC law the owner/lessor has the primary non-delegable responsibility to insure the vehicle it owns and rents (or leases) to lessees).</p>
FLORIDA	Yes	F.S.A. § 324.021 – §627.7415 and 627.742, respectively for commercial motor vehicles and nonpublic sector buses	<p>Distinguishes between:</p> <ol style="list-style-type: none"> <li>1. The lessor under a lease for 1 year or more (§b.1) where lease requires lessee to obtain insurance of either \$500,000 combined property damage liability and bodily injury) or 100/300/50 shall not be deemed the "owner" ... for the purpose of determining financial responsibility for the operation . . . or for the acts of the operator . . . ; further this provision shall be applicable so long as the insurance meeting this p is in effect.;</li> <li>2. The lessor under a lease for 1 year or less (§ b.2) is deemed the owner for the purpose of determining liability only up to 100/300/50. If any permissive user is uninsured or has less than \$500k in combined property damage and liability coverage, the lessor is liable for an additional \$500,000 in</li> </ol>	<p>Under 1. If lessor provides insurance, must provide \$1 million in coverage (§b.1) and may be provided by a lessor's blanket liability policy.</p> <p>Under 2, the additional \$500,000 liability of lessor is reduced by amounts recovered from the permissive user and any insurance covering the permissive user.</p>

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		324.021(9)(c)	<p>economic damages only; and</p> <p>3. An owner who is a natural person (§b.3) and loans a vehicle to any permissive user has the same liability as in §b.2 above).</p> <p>The limits on liability set forth above do not apply to an owner of motor vehicles that are used for commercial activity in the owner's ordinary course of business, other than a rental company that rents or leases motor vehicles.</p>	<p>§(c). 1. defines rental companies and includes securitization trusts under the dominion and control of a rental company</p> <p>§(c) 2. excludes commercial motor vehicles hauling haz mat and required to be placarded at the time of the incident unless lease prohibits hauling hazmat or lessee or other operator has at least \$5 million in insurance in effect.</p>
GEORGIA	Yes	Ga Code Ann. § 40-9-2 §33-7-11	25/50/25	
HAWAII	Yes	287-1 – 287-48	<p>Owner's policy of liability insurance shall insure the owner and any person using the vehicle with express or implied permission of owner, for damages arising out of the ownership, maintenance or use of the vehicle to the following limits: 10/20/5. Sec. 287-25.</p>	<p>Every owner of a motor vehicle used or operated at any time shall obtain a motor vehicle insurance policy. HRS 431:10C-104(b); Bowers v. Alamo Rent-A-Car, Inc. 88 Haw. 274(1998)(holding that the "owner of a vehicle has the primary obligation to provide minimum coverage for the owned vehicle").</p> <p>"Owner" is the person with "legal title . . . except that . . . if subject to a security agreement or lease with a term of not less than one year with the debtor or lessee having the right of possession, such term means the debtor or lessee." Hi St. 431:10C-103.</p>
IDAHO	Yes	ID ST § 49-1229 & §§ 49-116 and 49-1233	<p>Every owner of a motor vehicle registered &amp; operated in ID by an owner or with his permission is required to have insurance: 25/50/15.</p> <p>If an owner prefers to post a bond rather than obtain insurance, the bond shall guarantee payment as follows: \$50k for any one accident of which \$15k is for property damage (for each vehicle registered up to a max of \$120k for five or more vehicles).</p> <p>Lessors are required to carry liability insurance on rented vehicle.</p> <p>Owner means the person legally responsible for the operation of a vehicle whether as owner, lessee, or otherwise.</p>	<p>See, also, §49-117(18) for definition of "proof of financial responsibility."</p> <p><i>Empire Fire &amp; Marine Insurance Co.</i>, 905 P.2d 1025 (Idaho 1995) [where 2 policies are in force &amp; damages do not exceed limits, damages are prorated).</p> <p>See, also, §§ 49-1224 for requirements of self insurers – must have more than 25 vehicles registered in state or engaged in a public utility project. Must annually file financials and prove net worth of over \$500,000 and pay annual fees.</p>
ILLINOIS	Yes	625 ILCS 5/7-203	20/40/15	<p>There appears to be no difference for commercial vehicles.</p> <p><b>5/7-502. Self-insurers.</b> Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a</p>

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				certificate of self-insurance issued by the Director of the Department of Insurance as provided in this Section.
INDIANA	Yes	I.C. 9-25-2-3	25/50/10	There appears to be no difference for commercial vehicles. <b>9-25-4-11 Certificate of self-insurance; cancellation</b> (a) The bureau may, upon the application of a person, issue a certificate of self-insurance when the bureau is satisfied that the person making the application is possessed and will continue to be possessed of the ability to pay a judgment obtained against the person making the application. A certificate may be issued authorizing a person to act as a self-insurer for property damage, bodily injury, or death.
IOWA	Yes	321A.21	20/40/15	While "commercial motor vehicle" is defined separately, under the FMR section "motor vehicle" includes commercial vehicles. <b>321A.34. Self-insurers:</b> 1. Any person in whose name more than twenty-five 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, upon the application of such a person, issue a certificate of self-insurance if the department is satisfied that the person has and will continue to have the ability to pay judgments obtained against the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by the person. A person issued a certificate of self-insurance pursuant to this section shall maintain a financial liability coverage card as provided in <a href="#">section 321.20B, subsection 2</a> , paragraph "b".
KANSAS	Yes	40-3107(e)	25/50/10	There appears to be no difference for commercial vehicles. <b>40-3106.</b> (b) Every insurance company authorized to transact the business of motor vehicle liability insurance in this state shall file with the commissioner as a condition of its continued transaction of such business within this state a form approved by the commissioner declaring that its motor vehicle liability policies, wherever issued, shall be deemed to provide the insurance required by <a href="#">K.S.A. 40-3107</a> , and amendments thereto, when the vehicle is operated in this state. Any nonadmitted insurer may file such a form. <b>A qualified self-insurer, approved by an agency of the state in which the vehicles are registered, may certify its compliance with <a href="#">K.S.A. 40-3107</a>, and amendments thereto, on a form prescribed by the commissioner.</b>
KENTUCKY	Yes	KRS §187.290	(10) owner is the person who holds legal title, or if a lease with right of purchase upon performance of conditions plus immediate right of possession, the lessee, or if a mortgagor of a vehicle is entitled to possession, the mortgagor.  25/50/10	

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LOUISIANA	yes	La. R.S. 32:1041  32:774.1   32:900  32:851	<p>Those in the business of renting or leasing vehicles only required to furnish proof of financial ability to satisfy judgment against said person, firm, association, or corporation.</p> <p>LA legislature did not intend rental agencies to bear the financial responsibility for negligent actions of a lessee.</p> <p>A rental with option to purchase contract must contain a provision indicating whether the rental consumer is required to secure liability insurance, and the minimum limits required (not less than limits required by state law). Rental dealers must maintain a contingent liability policy with minimum limits as follows: \$100k per occurrence; \$300k aggregate; and \$50k for property damage.</p> <p>Insurance required by owners (including lessors): 10/20/10</p> <p>In the event a motor vehicle is under a lease or conditional sale contract with the right to purchase upon performance of the contract the vendee or lessee is deemed the owner.</p>	<p>See, <i>Cenance v. Tassin</i>, 869 So.2d 913 (La. Ct. App. 2004) (rental company not required to provide insurance for lessee).</p> <p>§ 32:1042 – Owner may self insure if he/she has more than 25 vehicles registered in his/her name or owns real property in LA worth \$100,000 or more after deducting any encumbrance.</p>
MAINE		29-A-CH13 §1601, <u>et al.</u>	<p><b>§1601.</b> An operator or owner of a vehicle registered in this State or required to be registered in this State shall maintain the amounts of motor vehicle financial responsibility specified in section 1605. However, the provisions of §1601 do not apply to a vehicle registered as a vehicle for hire.</p> <p>§1605. Proof of financial responsibility may be given by the following methods:</p> <p>A. By filing with the Secretary of State a certificate from an insurance or surety company;</p> <p>B. By the deposit of money or securities; or</p> <p>C. For a corporation, by satisfying the Secretary of State that the corporation has financial ability to comply with the requirements of this subchapter.</p> <p><b>§1611.</b> The Secretary of State may not register any motor vehicle for rent, lease or hire until the owner procures insurance or a bond covering the operation of that vehicle by:</p> <p>A. Presenting a valid and sufficient insurance policy;</p> <p>B. Presenting a good and sufficient indemnity bond, approved by the Secretary of State;</p> <p>C. Presenting a declaratory judgment issued by the Interstate Commerce Commission authorizing the owner to self-insurance; or</p>	

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			D. Presenting a valid and sufficient insurance policy or bond filed by an insurance company that may do business and is eligible as an excess or surplus lines insurer in a state in which business is written on behalf of those motor carriers that are certified by the Interstate Commerce Commission at the level required by 49 Code of Federal Regulations, Section 1043.2 and its exceptions.	
<b>MARYLAND</b>	Yes	MD Code, Transportation §17-104	<p>The form of security required for an owner of a motor vehicle is a vehicle liability insurance policy written by an insurer authorized to write these policies in this State and that provides for at least 20/40/15.</p> <p>The State may accept another form of security (i.e., self-insurer) in place of a vehicle liability insurance policy if it finds that the other form of security adequately provides the benefits required by the statute.</p>	
<b>MASSACHUSETTS</b>	Yes	MA G.L. c.90 §34A <i>et seq.</i>	Owner/lessor of motor vehicle must maintain insurance satisfying MFR requirements in MGL c.90 §34A <i>et seq.</i> §340 and c.175 §113C <i>et seq.</i> : 20/40/5	<u>Clarendon Nat'l Ins. V. AMICA Mutual Ins.</u> , 441 Mass 248, 805 NE2d 8 (Mass 2004) (owner/lessor's insurance must provide primary coverage).
<b>MICHIGAN</b>	Yes –short term rentals	257.52 §257.401	20/40/10	<p>While “commercial motor vehicle” is defined separately, under the FMR section “motor vehicle” includes commercial vehicles.</p> <p><b>257.531.</b> (a) 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 secretary of state as provided in paragraph (b) of this section.</p> <p>(b) The secretary of state may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.</p>
<b>MINNESOTA</b>	Yes -	Minn. Stat. Ann. § 169.09(5)(a)  § 65 B.48  § 65B.49(5a)(i)(2)	<p>Driver deemed agent of owner of vehicle in case of accident.</p> <p>Every owner of a motor vehicle that must be registered with the state must maintain a plan of reparation security that satisfies the minimum requirements created by § 65B.49</p> <p>Notwithstanding §169.09 subd. 5a, an owner of rented vehicle is not vicariously liable for damages from operation of rented vehicle in amount greater than \$115,000 for bodily injury to one person, \$350,000 because of injury to two or more or property damage of \$55,000.</p>	<p>Owner may self insure after proving financial capacity to do so and paying non-refundable fees.</p> <p>Liability limits adjusted every odd number year.</p> <p>Covers passenger vehicles, pickups, vans and trucks with gross weight of 26,000lbs or less.</p>

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		<p>§ 65B.43(4)</p> <p>§ 221.141</p>	<p>If a motor vehicle is subject to a lease with an initial term of six months or longer, the lessee shall be deemed the owner for insurance and liability purposes.</p> <p>Financial responsibility of motor carriers must meet at least the amounts set forth by Code of Federal regulations, title 49, § 387.33</p>	<p>Only applies to short term rentals of one month or less.</p> <p>Commissioner of Transportation may require other amounts.</p> <p>Court may impose liability upon the insurer of the trailer attached to the tractor at time of the accident <i>National Indem. Co. of Minnesota v. Ness</i>, 457 N.W. 755 (Minn. App. 1990). <i>But see, Kolby v. Northwest Produce Co. Inc.</i>, 505 N.W.2d 648 (Minn. App. 1993) where court refused to make the owner of the trailer an omnibus insured because the trailer owner did not have any supervisory control over the trailer.</p>
<b>MISSISSIPPI</b>	Yes	Miss. Code Ann. § 63-15-3	<p>(h) "owner" means person who holds legal title; if motor vehicle is subject to lease with the right of purchase upon performance of conditions stated in agreement plus immediate right of possession, then lessee shall be deemed the owner, or a mortgagor of a vehicle entitled to possession.</p> <p>25/50/25</p>	
<b>MISSOURI</b>	Yes	<p>V.A.M.S. §303.25.2</p> <p>§303.020 (9)</p> <p>§303.020 (10)</p>	<p>A motor vehicle owner shall maintain the owner's financial responsibility</p> <p>An owner is a person who holds legal title or if subject to a lease with right of purchase upon performance of conditions stated in agreement and an immediate right of possession, the lessee</p> <p>25/50/10</p>	<p>§303.350 This chapter does not apply to any common carrier or contract carrier regulated by the interstate commerce commission or the public service commission and which shall have satisfied any applicable requirements of the regulatory authority with jurisdiction over the carrier's operations.</p>
<b>MONTANA</b>	Yes	MCA 61-6- Part 1	<p>Owner of vehicle that is registered and operated in Montana "with the owner's permission" shall be insured. MCA 61-6-301.</p> <p>Owner's policy of liability insurance must insure the owner and any person using the vehicle with the express or implied permission of the owner against loss arising out of the ownership, maintenance or use of the vehicle, to the following limits: 25/50/10. MCA 61-6-103.</p>	<p>"Owner" is a person who holds legal title. If the vehicle is subject to a condition sale with the right of purchase upon performance plus the immediate right of possession or a lease with an immediate right of possession or control or the mortgagor is entitled to possession, then the "owner" is the person in "whom is vested the right of possession or control." MT St. 61-1-101(41).</p>
<b>NEBRASKA</b>	Yes	Neb. Rev. Stat. §§ 60-501 and 60-	If vehicle is subject of a lease or conditional sale contract of 30 days or more where possession is vested with the lessee or	

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		342 §§ 60-346 and 60-3,167 §25-21,239	vendee with the right to purchase upon performance the lessee or vendee is deemed the owner.  Liability insurance required of owner: 25/50/25  Lessors of trucks or truck-tractors, with or without a trailer, are jointly and severally liable with the lessee and operator – except if there is a valid liability insurance policy in effect with a minimum limit of \$1 million per occurrence.	See, also, §60-501 (definition of proof of financial responsibility).  See, also, <i>Bridgford v. U-Haul Co.</i> , 238 N.W.2d 443 (Neb. 1976).
NEVADA	No	NRS §482.305	15/30/10	485.313 2. As used in this section, "motor vehicle" does not include: (b) A motor truck, truck tractor, bus or other vehicle that is registered pursuant to paragraph (e) of subsection 1 of <a href="#">NRS 482.482</a> or <a href="#">NRS 706.801</a> to <a href="#">706.861</a> , inclusive. Although there is no definition of "commercial vehicle" this definition would exclude trucks.
NEW HAMPSHIRE	Yes	NH Rev.Stat. §§264:15 et seq., §259:61	Owner/lessor of motor vehicle must maintain insurance satisfying MFR requirements in NH Rev.Stat §264:20 and §259:61: 25/50/25.	<i>Progressive N'n Ins. v. Enterprise Rent-A-Car</i> , 821 A.2d 991 (NH 2003) (self-insured owner/lessor NOT required to provide primary MFR protection for benefit of its lessee drivers)
NEW JERSEY	Yes	NJSA §39:6A-1 et seq.	Owner/lessor of motor vehicle must maintain insurance satisfying MFR requirements in NJSA §39:6A-1 et seq. \$15K/\$30K - bodily injury or death \$5K- property damage	<i>Harrison v. Ford Motor Credit</i> , 655 A.2d 931 (NJ Super 1994) (owner/lessor's insurance and car lessee's insurance were mutually repugnant, mandating that both policies provide primary coverage)
NEW MEXICO	yes	66-5-208.	"Evidence of financial responsibility," as used in the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], means evidence of the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico, in the following amounts:  A. twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one person in any one accident;  B. subject to this limit for one person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two or more persons in any one accident;  C. ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one accident; and  D. if evidence is in the form of a surety bond or a cash	<b>66-5-207. Exempt motor vehicles.</b>  The following motor vehicles are exempt from the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978]:  A. a motor vehicle owned by the United States government, any state or any political subdivision of a state;  B. an implement of husbandry or special mobile equipment that is only incidentally operated on a highway;  C. a motor vehicle operated upon a highway only for the purpose of crossing such highway from one property to another;  D. a commercial motor vehicle registered or proportionally registered in this and any other jurisdiction, provided such motor vehicle is covered by a motor vehicle insurance policy or equivalent coverage or other form of financial responsibility in compliance with the laws of any other jurisdiction in which it is registered;

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			<p>deposit, the total amount shall be sixty thousand dollars (\$60,000).</p> <p>25/50/10</p>	<p>E. a motor vehicle approved as self-insured by the superintendent of insurance pursuant to Section 66-5-207.1 NMSA 1978; and</p> <p>F. any motor vehicle when the owner has submitted to the department a signed statement, in the form prescribed by the department, declaring that the vehicle will not be operated on the highways of New Mexico and explaining the reasons therefor.</p>
NEW YORK	Yes	McKinney's Vehicle & Traffic Law §335 <i>et seq.</i>	Owner/lessor of motor vehicle must maintain insurance satisfying MFR requirements in McKinney's Vehicle & Traffic Law §335: 25/50/100 - bodily injury or death \$10K- property damage	<p>Ordinarily, a commercial lessee's insurance will cover any potential liability of a commercial motor vehicle owner/lessor in a long-term lease. See, e.g., <i>Tokio Marine &amp; Fire Ins. v. Pagan</i>, 2003 WL 1858147 at *2 (SDNY 2003) (owner/lessor of a motor vehicle may obtain full indemnity from a long-term commercial lessee in case of an accident). The case of a short-term rental is different, because New York law distinguishes between short-term "leased rental vehicles" and longer-term leases of "leased vehicles." <i>Id.</i> In short-term vehicle rentals, New York law states that a rental car company may obtain reimbursement from the short-term renter for any court-ordered damages <b>over and above</b> the minimum financial responsibility (MFR) amounts of insurance required in New York, but that the rental car company may not seek reimbursement from the short-term renter for damages up to those MFR amounts. <i>ELRAC v. Ward</i>, 96 NY2d 692, 724 NYS2d 692, 748 N.E.2d 1 (NYCtApp. 2001) (in consumer lease case, owner/lessor of vehicle is barred from disclaiming MFR imposed by NY statutes, but it may disclaim liability or seek indemnification from lessee for any liability in excess of MFR amounts); <i>Allianz Ins.Co. v. Otero</i>, 353 F.Supp.2d 415 (SDNY 2004) (similar). See also <i>ELRAC v. Masara</i>, 729 NYS2d 60 (NYCtApp 2001) (owner/lessor of vehicle may seek indemnification from driver (renter's father) who was not a permissive vehicle user w/in scope of protections of NY statutory MFR requirements).</p> <p style="text-align: right;"><i>See generally</i> Comment, <i>Automobile Leasing and the Vicarious Liability of Lessors</i>, 32 Fordham Urb.L.J. 655 (May 2005).</p>
NORTH CAROLINA	Yes	N.C.G.S.A. §20-279.1	30/60/25 "Owner": A person holding the legal title to a vehicle or in the event a vehicle is the subject of a chattel mortgage or an agreement for the conditional sale or lease thereof or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement, and with the immediate right of possession vested in the mortgagor, conditional vendee or lessee, said mortgagor, conditional vendee or lessee shall be deemed the owner.	

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NORTH DAKOTA	yes	<p>N.D. Cent. Code §39-16-01</p> <p>§39-16.1-02</p> <p>§26.1-40-17.1</p> <p>39-31-14</p>	<p>If vehicle is subject to a conditional sale contract or lease with the right to purchase upon performance and with vendee or lessee having possession then the vendee or lessee are deemed the owner.</p> <p>Liability insurance required: 25/50/25 for property damage.</p> <p>Insurance regulations provide that liability policies covering rental for 30 days or less of non-commercial passenger vehicles must provide that the entire obligation for damage &amp; loss of use to a rented private passenger vehicle will be covered by the property damage liability portion of the policy &amp; subject to that policy limit.</p> <p>Motor carrier owner or operator required to obtain public liability insurance.</p>	<p>§ 39-16.1-14 - Financial responsibility may be evidence by bond.</p> <p>§ 39-16.1-23 (self insurance) A person may self insure if he has more than 25 motor vehicles registered in his name.</p>
OHIO		R.C. 4509.51	12.5/25/7	<p>There is no separate definition for "commercial vehicle."</p> <p><b>4509.72 Requirements for self-insurer</b></p> <p>(A) Any person in whose name more than twenty-five motor vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the registrar of motor vehicles as provided in division (B) of this section.</p> <p>(B) The registrar shall issue a certificate of self-insurance upon the application of any such person who is of sufficient financial ability to pay judgments against him.</p> <p>A certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury liability, or both.</p> <p>(C) Upon not less than five days' notice and a hearing pursuant to such notice, the registrar may cancel a certificate of self-insurance upon failure to pay any judgment within thirty days after such judgment has become final or upon other proof that such person is no longer of sufficient financial ability to pay judgments against him.</p>
OKLAHOMA	yes	<p>47 Okl.St. Ann. §§ 8-101 and 7-302</p> <p>§ 8-102</p>	<p>Owner of "for-rent" vehicle is required to have minimum insurance for operator of the rental vehicle in amounts of: 25/50/25</p> <p>Upon registration of vehicle owner may self insure by providing proof of financial responsibility in sum of 20/40 (for registration of more than one vehicle \$20,000 additional for each vehicle in excess of one up to \$200,000 for any number of vehicles).</p> <p>Owner of "for-rent" vehicle choosing to self insure under § 8-</p>	<p>§ 7-503 – Owner must have more than 25 motor vehicles registered in his name in order to self insure.</p> <p><i>See, also, Woods v. Budget-Rent-A-Car Systems, Inc., 825 P.2d 1350,</i></p>

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		<p>§ 1-141</p> <p>§ 7-302</p>	<p>102 rather than § 8-101 is jointly and severally liable for negligence of operator if operator had permission of owner.</p> <p>In the event a motor vehicle is under a lease or conditional sale contract with the right to purchase upon performance of the contract, the vendee or lessee is deemed the owner.</p> <p>Proof of Financial Responsibility defined: 25/50/25</p>	<p>(Okla. 1992).  <b>Imposes significant risk upon lessors who self insure.</b></p>
OREGON	Yes	ORS 806.080	25/50/10	Oregon law is unclear on whether a lessor must provide insurance. Compare <i>Farmers Insurance Co v. Snappy Car Rental</i> , 128 Or.App.516 (1994) (holding that self-insured rental agency was not required to provide its renter with insurance but stating in a concurring opinion that the rental agency was liable for the negligent operation of its vehicle) with <i>Matthews v. Carlson Chevrolet</i> , 122 Or.App.124 (1993) (holding that motor vehicle liability policy must provide coverage when a vehicle is leased to another person).
PENNSYLVANIA		67 Pa. Code §221.1 & 75 Pa. Code §1702 & §§1781-1787	<p>§221.2. Vehicle owners must maintain either a motor vehicle liability insurance policy or program of self insurance approved by the Department, covering all motor vehicles registered in a person's name. Pennsylvania's financial responsibility law defines financial responsibility as:</p> <p>The ability to respond in damages for liability on account of accidents arising out of the maintenance or use of a motor vehicle in the amount of \$15,000 because of injury to one person in any one accident, in the amount of \$30,000 because of injury to two or more persons in any one accident and in the amount of \$5,000 because of damage to property of others in any one accident. The financial responsibility shall be in a form acceptable to the Department of Transportation.</p>	
RHODE ISLAND	Yes	RI Stat §31-33-6 and §31-34-4 (vicarious liability statutes) as amended by 2005 Rhode Island Laws Ch. 05-137 (June 30, 2005)	<p>Old RI Stat §§31-33-6, 31-34-4 (effective until June 2, 2006) distinguish short- term rentals (w. lease term less than 12 months) from longer-term leases. The opinion in <i>Andreozzi v. Brownell</i>, 2004 WL 1542228 (RI Super 2004), points out that §31-33-6 applies generally, whereas §31-34-4 applies to commercially rented or leased vehicles "for hire." Cf. <i>Oliveira v. Lombardi</i>, 794 A.2d 453 (R.I. 2002).</p> <p>(1) the owner/lessor in a short-term vehicle rental is liable – up to the limit of 250/500/25 -- for the negligence of someone driving the vehicle w permission.</p> <p>(2) the owner/lessor in a longer-term vehicle lease is not liable,</p>	

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			<p>and instead the lessee is solely liable, <i>if</i> lessee holds insurance on the vehicle in the amounts of 100/300/50. If lessee does not hold insurance on the vehicle in those amounts, then owner/lessor will be jointly liable with lessee, supplementing lessee's liability, in amounts needed to bring innocent accident victim's total recovery up to 100/300/ 50.</p> <p>New RI Stat §§31-33-6, 31-34-4 (effective June 2, 2006) say that, in both short-term and longer term vehicle leases, the owner/lessor will be jointly and severally liable with the operator/driver for any damages caused by operator/driver's negligence. The owner/lessor's insurance shall be primary "unless otherwise stated in at least ten (10) point type on the face of the rental agreement," up to the limits of 25/50/25 (§31-34-4(b), §31-31-7).</p>	
SOUTH CAROLINA	Yes	SC ST §56-9-20 (9) (11)	<p>Owner is a person who holds legal title or, if subject to a lease with right of purchase and immediate right of possession, the lessee</p> <p>Required insurance is: 15/30/10</p>	
SOUTH DAKOTA	Yes	SDCL § 32-35-70  § 32-35-1(10)	<p>Owners of vehicles are required to provide insurance: 25/50/25</p> <p>Lessor is responsible for insuring its rental vehicles &amp; must provide primary liability coverage for vehicles it owns and leases.</p> <p>In the event a motor vehicle is under a lease or conditional sale contract with the right to purchase upon performance of the contract, the vendee or lessee is deemed the owner.</p>	<p>See, also, <i>Auto Owners Insurance. Co. v. Enterprise Rent-A-Car Company Midwest</i>, 663 N.W.2d 208 (S.D. 2003).</p> <p>(same case as above).</p> <p>§ 32-35-90 – An owner who has more than 25 motor vehicles registered in his name may apply for a Certificate of Self insurance upon proof of financial capacity to do so.</p>
TENNESSEE	Yes	T.C.A. §55-12-102(12)(C)	<p>Single policy limit of \$60,000 or Split limit policy limit of 25/50/10 or Deposit of cash of \$60,000 or Bond of \$60,000</p>	
TEXAS	Yes	§ 601.072	<p>(a) The minimum amounts of motor vehicle liability insurance coverage required to establish financial responsibility under this chapter are:</p> <p>(1) \$20,000 for bodily injury to or death of one person in one accident;</p> <p>(2) \$40,000 for bodily injury to or death of two or more persons in one accident, subject to the amount provided by</p>	<p>§ 601.053. EVIDENCE OF FINANCIAL RESPONSIBILITY. (a) As a condition of operating in this state a motor vehicle to which Section 601.051 applies, the operator of the vehicle on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting:</p> <p>(1) a motor vehicle liability insurance policy covering the vehicle that satisfies Subchapter D or a photocopy of the policy;</p>

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		TX Transp § 643.103(a)	<p>Subdivision (1) for bodily injury to or death of one of the persons; and (3) \$15,000 for damage to or destruction of property of others in one accident. (b) The coverage required under Subsection (a) may exclude, with respect to one accident: (1) the first \$250 of liability for bodily injury to or death of one person; (2) the first \$500 of liability for bodily injury to or death of two or more persons, subject to the amount provided by Subdivision (1) for bodily injury to or death of one of the persons; and (3) the first \$250 of liability for property damage to or destruction of property of others.</p> <p><b>20/40/15</b></p> <p>643.101 - The Department of Transportation will determine the minimum insurance coverage required based on the class and size of the vehicle and the cargo being transported,</p>	<p>(2) a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance under Section 601.081 and issued by a liability insurer for the motor vehicle; (3) an insurance binder that confirms the operator is in compliance with this chapter; (4) a surety bond certificate issued under Section 601.121; (5) a certificate of a deposit with the comptroller covering the vehicle issued under Section 601.122; (6) a copy of a certificate of a deposit with the appropriate county judge covering the vehicle issued under Section 601.123; or (7) a certificate of self-insurance covering the vehicle issued under Section 601.124 or a photocopy of the certificate. (b) An operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 601.051.</p> <p>§ 643.102 (self insurance) Carrier can self insure if it can demonstrate the financial capacity to do so.</p>
UTAH		§31A-22-304(2)	<p>25/50/15 \$65k in any one accident whether arising from bodily injury to or the death of others, or from destruction of, or damage to, the property of others.</p>	<p><b>§ 41-12a-407. Certificate of self-funded coverage as proof of owner's or operator's security</b> (1) The department may, upon the application of any person, issue a certificate of self-funded coverage when it is satisfied that the person has: (a) more than 24 motor vehicles; and (b) deposits, in a form approved by the department, securities in an amount of \$200,000 plus \$100 for each motor vehicle up to and including 1,000 motor vehicles and \$50 for every motor vehicle over 1,000 motor vehicles.</p>
VERMONT	Yes	23 Vt.Stat. Ann. §800 <i>et seq.</i> (motor vehicles = §§800,801; jitneys = §843; motor buses = §883)	<p>Owner/lessor of motor vehicle must maintain insurance satisfying MFR requirements in 23 Vt.Stat. Ann. §§800, 801-25/50/10- OR evidence of self insurance (\$115K)</p>	<p><u>Champlain Casualty v. Agency Rent-A-Car</u>, 716 A.2d 810 (Vt.S.Ct. 1998) (opinion discusses split in authority on whose insurance – lessor's or lessee's – should be considered "primary")(court upholds validity of lease clause making the lessee's insurance primary, finding that owner/lessor's obligation to insure permissive operator/driver up to MFR amount is satisfied by insurance or self-insurance that is excess wrt other liability insurance). See <i>also Fireman's Fund Ins. v. CAN Ins.</i>, 862 A.2d 251 (Vt. 2004).</p>
VIRGINIA	Yes	VA Code § 46.2-472 & §§46.2-705	<p>Virginia's financial responsibility law requires every vehicle owner to:</p>	

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		& 46.2-706	<ol style="list-style-type: none"> <li>1. Insure the motor vehicle with minimum liability coverage through a policy issued by an insurance company licensed to do business in Virginia for: 25/50/20; or</li> <li>2. Show proof that a Surety Bond has been duly executed, by depositing cash or securities with DMV, or apply for and receive a self-insurance certificate from DMV; or</li> <li>3. Pay the \$500 Uninsured Motor Vehicle fee.</li> </ol>	
WASHINGTON	Yes	RCW 46.30.020, 46.29.090	25/50/10	<p>Washington's Financial Responsibility Act ("FRA") applies following certain types of accidents or injuries. Once applicable, it requires the "Driver" or "owner" to provide proof of financial responsibility. RCW 46.29.060, .250. "The term "owner" as used in the [FRA] shall mean registered owner." RCW 46.29.020. A "registered owner" is the person whose lawful right to possession has been recorded with the state, which would exclude a finance lessor within the scope of this Survey whose interest would be recorded as the "legal owner" on the certificate of title. In a true finance situation, the legal owner does not fall within the purview of the FRA. <u>Beatty v. Western Pac. Ins. Co.</u>, 74 Wn.2d 530 (1968).</p> <p>Similarly, Washington's Mandatory Liability Insurance Act ("MLIA") requires that any person who "may operate a motor vehicle" maintain insurance or other proof of financial responsibility. RCW 46.30.020. Again, the MLIA does not apply to a finance lessor within the scope of this Survey. <u>See New Hampshire Indemnity Co., Inc. v. Budget Rent-A-Car Systems, Inc.</u>, 109 Wn.App. 394, 399-400 (2001), overturned on other grounds, 148 Wn.2d 929 (2003), see also <u>Beatty v. Western Pac. Ins. Co.</u>, 74 Wn.2d 530 (1968).</p>
WEST VIRGINIA	Yes	WV Code, Chapter 17D	<p>Every owner or registrant of a motor vehicle required to be registered and licensed in this state shall maintain security as hereinafter provided:</p> <ol style="list-style-type: none"> <li>(a) By an insurance policy delivered or issued for the delivery in this state by an insurance company authorized to issue vehicle liability and property insurance policies in this state within limits which shall be no less than the requirements of the statute;</li> <li>(b) By any other method approved by the commissioner of the department of motor vehicles of this state as affording security equivalent to that offered by a policy of insurance, including qualification as a self-insurer; or</li> <li>(c) By depositing with the state treasurer such cash or other securities in the manner set forth in the statute.</li> </ol> <p>§ 17D-4-2. The term "proof of financial responsibility" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accident occurring</p>	

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			subsequent to the effective date of said proof, arising out of the ownership, operation, maintenance or use of a motor vehicle, trailer or semi trailer in the amount of twenty thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of forty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident.	
WISCONSIN	Yes	<p>Wis. Stat. § 344.01 (2)(b)</p> <p>§344.01subd2(cm)</p> <p>§ 344.01subd.2(d)</p> <p>§ 344.51</p> <p>§ 344.52</p> <p>§ 344.56</p>	<p>Motor vehicle means self propelled vehicles and trailers and semi-trailers designed for use with vehicles.</p> <p>Lessee is deemed owner of leased vehicles.</p> <p>Proof of financial responsibility means insurance or bond of 25/50/10</p> <p>Lessor or rental companies must file certificate of insurance or bond insuring for damages caused by negligence of operator of motor vehicle in amounts of § 344.01subd.2(d). Failure to do so makes lessor directly liable for damages of operator but limited to statutory amounts.</p> <p>Foreign lessor is directly liable for all damages to persons or property caused by negligent operation of rented vehicle unless operation of vehicle is covered by insurance which provides coverage equal to statutory amounts. Liability imposed shall not exceed amounts imposed by § 344.01subd.2(d)</p> <p>Human service vehicles have limits for bodily injury to each person of \$75k per person with aggregate liability per accident between \$150k for vehicles seating 7 persons up to \$500k for vehicles seating of 50 or more passengers.</p>	<p>§ 344.16 (Self insurance) – A person may self insure if he has more than 25 motor vehicles registered in his/her/its name.</p> <p>§ 344.36 – A person may prove financial responsibility with a bond.</p>
WYOMING		W.S.1977 § 31-9-405	25/50/20	<p>While “commercial motor vehicle” is defined separately, under the FMR section “motor vehicle” includes commercial vehicles.</p> <p><b>§ 31-9-414 Self-insurer.</b> (a) Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by filing cash, securities or a surety bond in the amount of \$200k plus \$100 for each vehicle in excess of 25 to be covered, which cash, securities or surety bond shall otherwise meet the requirements of <a href="#">W.S. 31-9-408</a> &amp; <a href="#">31-9-409</a>.</p>