
Massachusetts Association of Insurance Agents

Professionalism Through Independence

info@massagent.com
massagent.com®

MAIA Bulletin #2004-26

December 2004
(updated 6/6/05)

SR-22 Project

One of the most common complaints we receive is that consumers in Massachusetts are unable to secure SR-22 (financial responsibility) filings, primarily because of the number of insurance companies that operate only in Massachusetts. Consumers have also complained that their company “doesn’t do” SR-22 filings. The purpose of MAIA’s SR-22 Project was to dispel some of the myths about SR-22s and provide valuable information to insurance agents, insurance companies, and consumers alike.

Financial Responsibility (SR-22) filings are not **optional**. Rule 10 in the Massachusetts Automobile Insurance (AIB) manual provides:

RULE 10. CERTIFIED RISKS - FINANCIAL RESPONSIBILITY LAWS

A. Application

If a certificate of insurance is necessary to comply with the requirements of a Financial Responsibility Law of any state, or province of the Dominion of Canada, the insurance company **must issue** evidence of financial responsibility upon request of the insured.

In the event that evidence of financial responsibility is required as the result of a motor vehicle violation, a policy affording Damage To Someone Else’s Property (Part 4) and Optional Bodily Injury To Others (Part 5) shall be construed to have the necessary limits of liability of the state or province.

NOTE: A charge shall be made for any filing required because of a motor vehicle accident.

In the event that a certificate of insurance for the future is required as the result of a conviction of a motor vehicle violation, the policy limits shall be increased to afford limits of liability not less than that required by the Financial Responsibility Laws of the state or province requesting certification and premium shall be increased accordingly.

Even though a company is required by Rule 10. to make a financial responsibility filing, that doesn’t mean that the state in which the filing must be made will accept it. The enclosed chart was developed by MAIA in conjunction with the insurance companies writing automobile insurance in Massachusetts and with input from about one-third of the state Motor Vehicle Departments. As we receive additional responses from state DMVs, we will update the chart and post it on our website at: www.massagent.com/info/SR22.pdf.



137 Pennsylvania Avenue, Framingham, MA 01701
TEL (508) 628-5452 • (800) 972-9312 • FAX (508) 628-5444
Francis A. Mancini, Esq., Executive Vice President



The other stumbling block that we have encountered is consumers who are eligible to have their right to operate reinstated once they have made a financial responsibility (SR-22) filing being refused both a policy and an SR-22 filing. Massachusetts law (Chapter 175, Section 113H— the enabling statute of the residual market) provides:

“Insurance companies undertaking to issue motor vehicle liability policies or bonds, both as defined in section thirty-four A of chapter ninety, shall cooperate in the preparation and submission of a plan which shall provide motor vehicle insurance to applicants who have been unable to obtain insurance through the method by which insurance is voluntarily made available; except that the plan shall provide that no insurance company shall be required to issue such policy or execute such bond if:

“(1) The applicant or any person who usually drives the motor vehicle has failed to pay an insurance company any motor vehicle insurance premiums due or contracted during the preceding twelve months; or

“(2) Any person who usually drives the motor vehicle does not hold or is not eligible to obtain an operator's license.”

We at MAIA believe that a person who needs an SR-22 to regain driving privileges is, indeed, “eligible to obtain an operator’s license” and eligible for both a Massachusetts Auto Insurance Policy and a financial responsibility (SR-22) filing. Unfortunately, some insurance companies disagree and have refused to issue an SR-22. We have requested the Division of Insurance to address this issue because it’s a fact of life that those requesting an SR-22 for the first time NEVER have a license. If they did, they would not be requesting an SR-22.

We are delighted that the Registry of Motor Vehicles (RMV) has stepped in to assist those who are eligible to regain their driving privileges once they have filed an SR-22. Below are the steps the person must follow:

1. Go to a walk-in hearing at the RMV. Bring along documentation indicating the need for an SR-22 from the state requiring the financial responsibility filing.
2. If there are no other issues with the person’s Massachusetts driving privileges (unpaid parking tickets, excise tax, child support, etc.), the hearing officer will reinstate the MA driving privileges for a 30 day period.

3. At this point, the person may legally drive in Massachusetts (but not in the state requiring the SR-22) for a period of 30 days.
4. Once the SR-22 is filed, the state requiring it will issue a release indicating that the person's driving privileges in that state are reinstated. A copy of this release must be provided to the hearing officer within the 30 day timeframe or the hearing officer will order the license to be suspended or revoked again.

We applaud the RMV's efforts to help resolve this problem, and we encourage the Division of Insurance to address this issue.

For additional information on the SR-22 Project, please contact Donna M. McKenna, MAIA Vice President of Communications and Registry Liaison by phone at 800-972-9312 or 508-628-5452 or by email at dmckenna@massagent.com.

**Massachusetts Private Passenger Automobile Servicing Carriers
Licensing and SR-22 Information**

Company Name	Licensing Information
American Automobile Insurance Co.	Licensed in all states
Amica Mutual Insurance Com.	Licensed in all states except HI
Arbella Mutual Insurance Co.	May file SR-22s in RI & CA
The Commerce Insurance Co.	Licensed in CT, MA, ME, NH, RI & VT
Encompass Insurance Co. of Massachusetts	Licensed in MA only
The Hanover Insurance Co.	Licensed in all states
Liberty Mutual Insurance Co.	Licensed in all states
Massachusetts Homeland Insurance Co.	Licensed in MA only
Metropolitan P&C Insurance Co.	Licensed in all states except AK, CA, SC, WV & DC (licensed in HI, TX & NJ for group only)
Middlesex Insurance Company No longer a CAR servicing carrier	Licensed in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IA, IL, IN, KY, LA, ME, MD, MI, MN, MO, MS, NC, NH, NJ, NV, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, VT & WI
National Grange Mutual Insurance Co.	Licensed in CT, DE, DC, FL, GA, ME, MD, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV & WI
Norfolk & Dedham Group	Licensed in ME, NH, NJ, NY & RI
Plymouth Rock Assurance Corp.	Licensed in CT, MA & RI
Premier Insurance Co. of Massachusetts	Licensed in MA only
Quincy Mutual Fire Insurance Co.	Licensed in MA, RI & CT
Safety Insurance Co.	Licensed in MA only
United Services Automobile Association	Licensed in all states and territories except American Samoa

ADDITIONAL INFORMATION:

In addition, some states permit SR-22 filings to be made by unlicensed companies. While not a complete list, the following states will accept a financial responsibility filing from a company not licensed in the state: D.C., Idaho (companies may register to file online), Illinois (company must file power of attorney), Nebraska (companies may register to file), Virginia (non-licensed company may file for non-VA resident), Washington (non-licensed company for non-WA resident/power of attorney required), Wisconsin (all companies may file except Hanover, MA Homeland, Plymouth Rock, Quincy Mutual, Premier and Safety).

In addition, some states are not SR-22 states. Those states that have responded that they are not an SR-22 state include: Arkansas, Delaware, New York, and Oklahoma.

SR-22 Survey Results

STATE	SR-22 Y OR N	COMMENTS	STATE	SR-22 Y OR N	COMMENTS
Alabama	20/40/10		Montana	25/50/10	
Alaska	50/100/25		Nebraska	Y—25/50/25	MA Cos. may register to file
Arizona	15/30/10		Nevada	Y—15/30/10	Cos. must be licensed in Nevada
Arkansas	N—25/50/10	MA Policy OK	New Mexico	25/50/10	
California	Y—15/30/5		New Jersey	15/30/5	
Colorado	Y—20/50/15		New Hampshire	Y—25/50/25	Cos. must be licensed in NH
Connecticut	20/40/10		New York	N—25/50/10	
Delaware	N—15/30/10	MA Policy OK	North Carolina	30/60/25	
Florida	10/20/10		North Dakota	25/50/25	
Georgia	25/50/25		Ohio	125/25/7.5	
Hawaii	Y—20/40/10	Counties decide what cos. are ok	Oklahoma	N—10/20/10	MA Policy OK
Idaho	Y—20/50/15	MA Cos. may register to file SR22s online	Oregon	20/50/100	

Illinois	Y—20/40/15	MA Cos. Must file Power of Atty—Arbella & Commerce already have	Pennsylvania	15/30/5	
Indiana	25/50/10		Rhode Island	25/50/25	RI will accept SR-22 from MA company.
Iowa	20/40/15		South Carolina	15/30/10	
Kansas	20/50/10		South Dakota	25/50/25	MA co. may file POA and agree that SR-22 conforms to laws of S.D.
Kentucky	20/50/10		Tennessee	25/50/10	
Louisiana	10/20/10		Texas	20/40/15	
Maine	50/100/25		Utah	25/50/15	
Maryland	20/40/15		Vermont	25/50/10	
Massachusetts	N—20/40/5		Virginia	Y—25/50/20	MA co may file for non-VA resident
Michigan	20/40/10		Washington	Y—25/50/10	MA may file for non-WA resident/POA required
Minnesota	30/60/10		West Virginia	20/40/10	
Mississippi	10/20/5		Wisconsin	Y—25/50/10	All cos except Hanover, One Bcn, Plym Rck, QM, Premier, Safety
Missouri	25/50/10		Wyoming	25/50/20	