

# Bulletin 346

## Uninsured Motorist Coverage Government Vehicle Exclusion

The Superintendent directs this bulletin to the attention of insurers licensed in Maine to write automobile liability insurance and insurance producers licensed to sell, solicit or negotiate such insurance.

On September 20, 2007, the Maine Supreme Judicial Court, sitting as the Law Court, issued a decision in *Jason Pease v. State Farm Mutual Automobile Insurance Company*, 2007 ME 134. In footnote 4, the Law Court noted “with disapproval that State Farm continues to include a government vehicle exclusion in its U[ninsured] M[otorist] policy, despite our holding twenty years ago in *Young v. Greater Portland Transit Dist.*, 535 A.2d 417, 420 (Me. 1987), invalidating the same.” It has come to the Bureau’s attention that other companies and advisory organizations have issued or issued for delivery in Maine motor vehicle policies containing such an exclusion since the date of the *Young* decision. Such provisions are contrary to Maine law as announced by the Law Court, are unenforceable, and should not appear in any policy subject to Maine insurance law.

The Superintendent therefore directs all insurers with automobile liability authority and advisory organizations who file forms on behalf of insurers with such authority to review their currently effective commercial and personal motor vehicle forms and to bring them into compliance with Maine law. The filing transmittal should state that the filing is in response to Bureau of Insurance Bulletin 346. Such insurers and advisory organizations must complete this review and file corrective forms with the Bureau by January 31, 2008.

Persons having questions about Maine’s uninsured motorist statute should contact the Bureau of Insurance at (207) 624-8475 or toll-free in Maine at (800) 300-5000.

November 5, 2007

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Acting Superintendent of Insurance