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1. MOTOR VEHICLE FINANCIAL RESPONSIBILITY LAW—DEPOSIT OF SECURITY—REGISTRAR MUST REQUIRE—SECTION 4509.12, RC.
2. DEPOSIT OF SECURITY—AMOUNT—SHALL BE SUFFICIENT TO SATISFY IN FULL ANY JUDGMENTS FOR DAMAGES—NOT DECREASED BY REIMBURSEMENT FROM THEIR COLLISION INSURANCE COVERAGES.

## SYLLABUS:

1. Under the provisions of the motor vehicle financial responsibility law it is mandatory for the registrar to require a deposit of security, in accordance with the provisions of section 4509.12, Revised Code.

2. Such deposit of security shall be in an amount sufficient to satisfy in full any judgments for damages resulting from the accident as may be recovered against the driver or owner who is required to deposit such security, without regard to any reimbursement which the other drivers or owners involved in such accident may receive from their own collision insurance coverage.

Columbus, Ohio, July 24, 1956

Mr. C. Ervin Nofer, Acting Registrar, Bureau of Motor Vehicles  
Columbus, Ohio

Dear Sir:

I have for consideration your inquiry in which the following questions are presented:

(1) Under the provisions of the motor vehicle financial responsibility law, is it discretionary or mandatory for the registrar to require a deposit of security?

(2) If the motor vehicles of A and B are involved in a collision, and A has been paid for the damages to his motor vehicle under the terms of a deductible collision insurance policy issued to cover A's motor vehicle, less the deductible amount, may the registrar require B to deposit security in an amount to satisfy the entire damages to A's motor vehicle, or merely the amount which A was not re-imbursed?

Sections 4509.12 and 4509.13, Revised Code, provide, in part, as follows:

“Section 4509.12. (A) The registrar of motor vehicles upon the expiration of twenty days after the receipt of a motor vehicle report, required under sections 4509.01 to 4509.78, inclusive, of the Revised Code, *shall determine the amount of security which is sufficient to satisfy any judgments for damages resulting from the accident as may be recovered against each driver or owner involved in the accident.* \* \* \*

“Section 4509.13. The registrar of motor vehicles, \* \* \* upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any motor vehicle involved in such accident, *shall give written notices to such person of the amount of security required to be deposited by him and that an order of suspension will be made as provided in section 4509.17 of the Revised Code \* \* \* unless security is deposited as required by the notice.*”

(Emphasis added.)

Words used in the statutes are to be given their ordinary and plain meanings, unless a contrary intention clearly appears, or unless ambiguities require an interpretation or construction of them. The above quoted sections are not ambiguous, and do not reveal any intention to require other than the ordinary meaning of the words used. Under the plain terms of these sections, it is the mandatory duty of the registrar to determine the amount of security necessary, and to require that such amount be deposited.

The registrar's determination shall be, “the amount of security which is sufficient to satisfy *any judgments for damages* resulting from the accident as may be recovered against each driver or owner involved.” This refers to the entire amount of damages reasonably attributable to such driver or owner. No reduction for insurance reimbursement is authorized. This is appropriate to the language used and to the general intent of the Act. An insurance carrier which paid the damages suffered by driver A, under the term of a collision insurance policy issued to A, because of a collision between the motor vehicles of drivers A and B, would be subrogated to the rights of A against B. Such insurance carrier could recover a judgment for such payment against B. Such judgment would be for “damages resulting from the accident as may be recovered against” driver B “involved in the accident”. This would be equally true whether the insurance carrier had reimbursed A in full for his damages, or for only a part thereof.

Therefore, in specific answer to your inquiry, it is my opinion that (1) under the provisions of the motor vehicle financial responsibility law it is mandatory for the registrar to require a deposit of security, in accordance with the provisions of section 4509.12, Revised Code, and (2) such deposit of security shall be in an amount sufficient to satisfy in full any judgments for damages resulting from the accident as may be recovered against the driver or owner who is required to deposit such security, without regard to any reimbursement which the other drivers or owners involved in such accident may receive from their own collision insurance coverage.

Respectfully,

C. WILLIAM O'NEILL

Attorney General