

§2904. Judgment creditor may have insurance; exceptions

Whenever any person, including an administrator, executor or guardian, recovers a final judgment against any other person for any loss or damage specified in section 2903, the judgment creditor is entitled to have the insurance money applied to the satisfaction of the judgment by bringing a civil action, in the judgment creditor's own name, against the insurer to reach and apply the insurance money, if when the right of action accrued, the judgment debtor was insured against such liability and if before the recovery of the judgment the insurer had had notice of such accident, injury or damage. The insurer has the right to invoke the defenses described in this section in the proceedings. The provisions of this paragraph and section 2903 do not apply: [PL 2023, c. 405, Pt. A, §90 (AMD).]

1. Motor vehicle operated illegally or by one under age. When the insured automobile, motor vehicle or truck is being operated by any person contrary to law as to age or by any person under the age of 16 years where no statute restricts the age; or
[PL 1969, c. 132, §1 (NEW).]

2. Motor vehicle used in race contest. When such automobile, motor vehicle or truck is being used in any race or speed contest; or
[PL 1969, c. 132, §1 (NEW).]

3. Motor vehicle used for towing a trailer. When such automobile, motor vehicle or truck is being used for towing or propelling a trailer unless such privilege is indorsed on the policy or such trailer is also insured by the insurer; or
[PL 1969, c. 132, §1 (NEW).]

4. Liability assumed. In the case of any liability assumed by the insured for others; or
[PL 1969, c. 132, §1 (NEW).]

5. Liability under workers' compensation. In the case of any liability under any workers' compensation agreement, plan or law; or
[PL 1989, c. 502, Pt. A, §98 (AMD).]

6. Fraud or collusion. When there is fraud or collusion between the judgment creditor and the insured.
[PL 1969, c. 132, §1 (NEW).]

No civil action shall be brought against an insurer to reach and apply such insurance money until 20 days shall have elapsed from the time of the rendition of the final judgment against the judgment debtors. [PL 1969, c. 132, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 132, §1 (NEW). PL 1989, c. 502, §A98 (AMD). RR 2021, c. 1, Pt. B, §254 (COR). PL 2023, c. 405, Pt. A, §90 (AMD).

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