

(2) (I) THE IDENTITY OF THE MOTOR VEHICLE AND OF ITS DRIVER AND OWNER CANNOT BE ESTABLISHED; OR

(II) THE IDENTITY OF THE INDIVIDUAL WHO WAS DRIVING THE MOTOR VEHICLE CANNOT BE ESTABLISHED AND IT IS ESTABLISHED THAT, AT THE TIME OF THE ACCIDENT, THE MOTOR VEHICLE WAS IN THE POSSESSION OF AN INDIVIDUAL OTHER THAN THE OWNER WITHOUT THE OWNER'S CONSENT;

(3) THE CLAIMANT HAS A CAUSE OF ACTION AGAINST THE DRIVER OR OWNER OF THE MOTOR VEHICLE; AND

(4) ALL REASONABLE EFFORTS TO ESTABLISH THE IDENTITY OF THE MOTOR VEHICLE AND OF ITS OWNER AND DRIVER ARE UNSUCCESSFUL.

(D) DISAPPEARING DRIVER OR OWNER; UNINSURED MOTOR VEHICLE:

A CLAIM THAT ARISES OUT OF OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE IN THE STATE MAY BE MADE AGAINST THE FUND IF:

(1) THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION ARE MET;

(2) THE CLAIMANT HAS A CAUSE OF ACTION AGAINST THE DRIVER OR OWNER OF THE MOTOR VEHICLE;

(3) DESPITE ALL REASONABLE EFFORTS, THE DRIVER OR OWNER OF THE MOTOR VEHICLE CANNOT BE LOCATED; AND

(4) (I) AT THE TIME OF THE ACCIDENT THE MOTOR VEHICLE WAS AN UNINSURED MOTOR VEHICLE; OR

(II) DESPITE ALL REASONABLE EFFORTS, IT IS IMPOSSIBLE TO ESTABLISH WHETHER THE MOTOR VEHICLE WAS INSURED.

(E) UNINSURED DRIVER OR OWNER AVAILABLE FOR SERVICE OF PROCESS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CLAIM THAT ARISES OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE IN THE STATE MAY BE MADE AGAINST THE FUND IF:

(I) THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION ARE MET;

(II) THE DRIVER OR OWNER OF THE MOTOR VEHICLE IS UNINSURED AND CAN BE LOCATED FOR SERVICE OF PROCESS;

(III) 1. THE CLAIMANT IS NOT THE UNINSURED DRIVER'S SPOUSE WHO RESIDES IN THE UNINSURED DRIVER'S HOUSEHOLD OR ANOTHER FAMILY MEMBER WHO RESIDES IN THE UNINSURED DRIVER'S HOUSEHOLD; AND

2. THE CLAIMANT IS NOT THE PERSONAL REPRESENTATIVE OF THE SPOUSE WHO RESIDED IN THAT HOUSEHOLD;