

By Messrs. Farnam of Medford and Hinckley of Holden, petition of C. Eugene Farnam and Paul L. Hinckley for legislation relative to financial responsibility in connection with the operation of motor vehicles. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

AN ACT RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8 of chapter 90 of the Gen-
2 eral Laws, as amended by chapter 655 of the acts of
3 1950, is hereby further amended by inserting after
4 the first sentence the following: — The registrar shall
5 not issue an operator's license until he has received
6 a certificate defined in section thirty-four A, chap-
7 ter ninety.

1 SECTION 2. Chapter 90 of the General Laws is
2 further amended by the repeal of sections 34A
3 through 34J and the insertion of the following sec-
4 tions in place thereof: —

5 *Section 34A. Definitions.* — The following words,
6 as used in this chapter, shall have the following
7 meanings: —

8 1. "Commissioner", the commissioner of insur-
9 ance for the commonwealth of Massachusetts.

10 2. "Person", every natural person, firm, copart-
11 nership, association or corporation.

12 3. "Owner", a person who holds the legal title to
13 a motor vehicle; a person entitled to possession of

14 such a vehicle under a conditional sale or lease by
15 the terms of which title vests in him on performance
16 of stated conditions; a mortgagor entitled to pos-
17 session.

18 4. "State", any state of the United States, the Dis-
19 trict of Columbia or any province of the Dominion
20 of Canada.

21 5. "Judgment", any judgment which shall have
22 become final, rendered by a court of competent juris-
23 diction of any state or of the United States.

24 6. "Certificate", the certificate of an insurance
25 company authorized to transact the business speci-
26 fied in chapter one hundred and seventy-five that
27 it has issued to or for the benefit of the insured an
28 operator's and owners' motor vehicle liability policy
29 or a commercial motor vehicle liability policy as
30 hereinafter defined.

31 7. "Operator's and owners' motor vehicle liability
32 policy", a policy of liability insurance which provides
33 indemnity for or protection to the insured and any
34 person operating or having control or possession of
35 a motor vehicle owned by the insured with his ex-
36 press or implied consent, against loss by reason of
37 the liability to pay damages to others for damage to
38 property, except property of others in charge of the
39 insured or his employees, or bodily injuries, includ-
40 ing death at any time resulting therefrom, sustained
41 during the term of said policy by any person other
42 than the insured or employees of the insured actually
43 operating a motor vehicle or of such other persons
44 responsible as aforesaid who are entitled to pay-
45 ments or benefits under the provisions of any work-
46 men's compensation act, arising out of the opera-
47 tion, maintenance, control, possession or use within
48 the limits of the United States or the Dominion of
49 Canada of a motor vehicle, to the amount or limit of
50 at least ten thousand dollars on account of injury to
51 or death of any one person, and subject to such
52 limits as respects injury to or death of one person,

53 of at least twenty thousand dollars on account of any
54 one accident resulting in injury to or death of more
55 than one person, and of at least five thousand dollars
56 for damage to property of others, as hereinafter pro-
57 vided, or a binder pending the issue of such a policy,
58 and which further provides that coverage for the
59 named insured shall be excess insurance over any
60 other valid and collectible insurance, and that cov-
61 erage for any person other than the named insured
62 shall apply only where there is no other valid and
63 collectible insurance.

64 8. "Commercial Motor Vehicle Liability Policy", a
65 policy of liability insurance which provides indemnity
66 for or protection to the insured with respect to his
67 ownership or operation or possession of a commercial
68 motor vehicle as hereinafter defined, and to any
69 person operating or having control or possession of
70 such commercial motor vehicle with his express or
71 implied consent, against loss by reason of liability
72 to pay damages to others for damage to property,
73 except property of others in charge of the insured or
74 his employees, or bodily injuries, including death at
75 any time resulting therefrom, sustained during the
76 term of said policy by any person other than the in-
77 sured or employees of the insured actually operating
78 such commercial motor vehicle or of such other per-
79 sons responsible as aforesaid who are entitled to pay-
80 ments or benefits under the provisions of any work-
81 men's compensation act, arising out of the operation,
82 maintenance, control, possession or use within the
83 limits of the United States or the Dominion of
84 Canada of a commercial motor vehicle, to the amount
85 or limit of at least ten thousand dollars on account
86 of injury to or death of any one person, and subject
87 to such limits as respects injury to or death of any
88 one person, of at least twenty thousand dollars on
89 account of any one accident resulting in injury to
90 or death of more than one person, and of at least five
91 thousand dollars for damage to property of others,

92 as hereinafter provided, or a binder pending the issue
93 of such policy, and which further provides that the
94 coverage thereunder shall be primary insurance over
95 any other valid and collectible insurance.

96 9. "Motor Vehicle Liability Bond", a bond con-
97 forming to the provisions of section ten and condi-
98 tioned that the obligor shall within thirty days after
99 the rendition thereof satisfy all judgments rendered
100 against him and any person operating or having con-
101 trol or possession of a motor vehicle owned by him
102 with his express or implied consent against loss by
103 reason of the liability described in paragraph seven
104 of this section if he owns or operates a motor vehicle
105 other than a commercial motor vehicle as defined
106 herein and against loss by reason of the liability
107 described in paragraph eight of this section if he
108 owns or operates a commercial motor vehicle, to the
109 amount or limit of at least ten thousand dollars on
110 account of injury to or death of any one person, and
111 subject to such limits as respects injury to or death
112 of one person, of at least twenty thousand dollars on
113 account of any one accident resulting in injury to or
114 death of more than one person, and of at least five
115 thousand dollars for damage to property of others.

116 10. "Motor Vehicle", shall mean and include all
117 vehicles, engines, machines or mechanical con-
118 trivances which are propelled upon the public high-
119 ways by internal combustion engines or motors.
120 Motor vehicles owned by or under lease to the fed-
121 eral government or national guard and farm tractors
122 shall not be subject to the terms of this chapter.

123 11. "Commercial Motor Vehicle", any motor ve-
124 hicle other than a motor vehicle of the private pas-
125 senger type, including all motor vehicles owned or
126 controlled by motor vehicle dealers, repair men and
127 junk dealers and so registered, together with all
128 motor vehicles of the private passenger type which
129 are rented or offered to the public for hire, with or
130 without a driver and those operated as a fleet so

131 called, and shall consist of a group of three or more
132 vehicles used in business of the owner.

133 *Section 34B. Proof of Financial Responsibility*
134 *Required.* — Proof of financial responsibility shall
135 mean proof of ability to respond in damages for any
136 liability thereafter incurred, as a result of accidents
137 arising out of the ownership, maintenance, control,
138 possession or use of a motor vehicle or commercial
139 motor vehicle in the amount of ten thousand dollars
140 because of bodily injury or death to any one person,
141 and subject to said limit respecting one person, in
142 the amount of twenty thousand dollars because of
143 bodily injury to or death to two or more persons in
144 any one accident, and in the amount of five thousand
145 dollars because of injury to and destruction of prop-
146 erty in any one accident. Such proof in such amounts
147 shall be furnished for each person obtaining an op-
148 erator's license, for each person registering a com-
149 mercial motor vehicle, and for each person registering
150 any other motor vehicles who is not licensed to op-
151 erate motor vehicles in this commonwealth.

152 *Section 34C. Methods of Giving Proof.* — Proof of
153 financial responsibility when required under this
154 chapter may be given by either of the following
155 methods: —

156 1. By filing with the commissioner a continuous
157 certificate of an insurance company or a surety com-
158 pany that the policy defined in section one has been
159 issued and paid for to provide the amount of proof
160 of financial responsibility required under the pro-
161 visions of section two of this chapter. Every certifi-
162 cate shall remain in effect until ten days after written
163 notice is received by the commissioner that said
164 certificate will be cancelled. An operator's and
165 owners' motor vehicle liability policy and a com-
166 mercial motor vehicle liability policy shall provide
167 coverage for all motor vehicles owned by or leased to
168 or in the possession or control of the named insured,
169 and each certificate shall so certify.

170 2. By the deposit of money or securities as pro-
171 vided in the following section; or

172 3. By satisfying the commissioner that any cor-
173 poration has financial ability to comply with the re-
174 quirements of this chapter.

175 *Section 34D. Money or Securities Deposited as*
176 *Proof.* — A person may give proof of financial re-
177 sponsibility by delivering to the commissioner a re-
178 ceipt of the state treasurer showing the deposit with
179 him of money in the amount, or securities approved
180 by him of a market value in the amount, required
181 for coverage in an operator's and owners' motor ve-
182 hicle liability policy or commercial motor vehicle
183 liability policy furnished by the person giving such
184 proof under this chapter. Such securities shall be
185 of a type which may legally be purchased by savings
186 banks or for trust funds. All money or securities so
187 deposited shall be subject to execution to satisfy any
188 judgment mentioned in this chapter, but shall not
189 otherwise be subject to attachment or execution.

190 *Section 34E. Limitation.* — The state treasurer
191 shall not accept any such deposit or issue a certificate
192 therefor, and the commissioner shall not accept such
193 certificate, unless accompanied by evidence that
194 there are no unsatisfied judgments against the de-
195 positor registered in the office of the clerk of the
196 superior court for the county where the depositor
197 resides.

198 *Section 34F. May Substitute Other Proof.* — The
199 commissioner shall cancel any bond or return any
200 certificate of insurance, or he shall direct the state
201 treasurer to return any money or securities, to the
202 person entitled thereto upon the substitution and
203 acceptance of other adequate proof of financial re-
204 sponsibility pursuant to this chapter.

205 *Section 34G. Operating without giving Proof.* —
206 Any person whose operator's license or registration
207 certificates or other privilege to operate a motor ve-
208 hicle has been suspended or revoked, restoration

209 thereof or the issuance of a new license or registra-
210 tion being contingent upon the furnishing of security
211 or proof of financial responsibility, and who during
212 such suspension or revocation or in the absence of
213 full authorization from the commissioner, shall drive
214 any motor vehicle upon any highway or knowingly
215 permit any such vehicle owned by him to be operated
216 by another upon any highway, except as permitted
217 hereunder, shall be imprisoned for not more than
218 six months or fined not more than five hundred dol-
219 lars, or both.

220 *Section 34H. Actions against Nonresidents.* —
221 Nonresidents shall be required as a condition to the
222 right to the use of the highways of this state to pro-
223 vide the amount of proof of financial responsibility
224 required under the provisions of section two of this
225 chapter. A nonresident shall not operate any motor
226 vehicle in this state nor shall any such vehicle owned
227 by him be operated within the state by any person,
228 and the registrar of motor vehicles shall not issue to
229 such nonresident any operator's license or register
230 any such vehicle owned by such nonresident except
231 in the same manner as required with respect to a
232 resident of this commonwealth, and not until such
233 operator or owner, or both, shall have satisfied any
234 judgment or judgments for damages for any liability
235 as a result of accidents which occur in Massachusetts
236 arising out of the ownership, maintenance, control,
237 possession or use of a motor vehicle or commercial
238 motor vehicle in the amount of not over ten thousand
239 dollars because of bodily injury or death to any one
240 person, and subject to said limit respecting one per-
241 son, in the amount of not more than twenty thousand
242 dollars because of bodily injury to or death to two or
243 more persons in any one accident, or in the amount
244 of not more than five thousand dollars because of
245 injury and destruction to property in any one acci-
246 dent. The operation by a nonresident of a motor
247 vehicle or commercial motor vehicle on a public way

248 of this state without having provided the amount of
249 proof of financial responsibility as required here-
250 under shall be deemed a misdemeanor, and upon con-
251 viction such nonresident shall be fined the sum of
252 fifty dollars. The operation by a nonresident, or
253 with his express or implied consent if an owner, of a
254 motor vehicle or commercial motor vehicle on a pub-
255 lic way of the commonwealth shall be deemed equiva-
256 lent to the appointment by such nonresident of the
257 registrar of motor vehicles or his successor in office
258 to be his true and lawful attorney upon whom may
259 be served all lawful processes in any action against
260 him growing out of any accident in which said non-
261 resident may be involved while so operating or so
262 permitting to be operated a motor vehicle on such
263 way.

264 *Section 34I. Powers of Commissioner; Court Re-*
265 *view.* — The commissioner shall administer and en-
266 force the provisions of this chapter and he is author-
267 ized to adopt and enforce such reasonable regula-
268 tions as may be necessary for its administration.
269 Any person aggrieved by an order or act of the com-
270 missioner hereunder may, within ten days after no-
271 tice thereof, file a petition for a review in the superior
272 court of the county in which one of the parties re-
273 sides, and if both plaintiff and defendant are non-
274 residents, then in the county where the commissioner
275 has his office; but the filing of such petition shall not
276 suspend the order or act unless a stay thereof shall
277 be allowed by said court pending final determina-
278 tion of the review. The court shall summarily hear
279 the petition and may make any appropriate order or
280 decree.

281 *Section 34J. Evidence of Agency.* — In any action
282 to recover damages occasioned by the negligent op-
283 eration of a motor vehicle for which proof of financial
284 responsibility is required to be filed hereunder, the
285 fact that a motor vehicle is being operated by or is in
286 the control or possession of any person other than the

287 owner thereof shall be prima facie evidence that such
288 person was operating or had control or possession of
289 such vehicle with express or implied consent of the
290 owner.

291 *Section 34K. Negligence of Operator Attributable*
292 *to Owner.* — Every owner of a commercial motor ve-
293 hicle shall be liable and responsible for death or in-
294 jury to person or property resulting from negligence
295 in the operation of such commercial motor vehicle in
296 the business of such owner, or otherwise, by any per-
297 son having legally obtained possession of such ve-
298 hicle, and who is using or operating the same with
299 the permission, express or implied, of such owner.

300 *Section 34L. Joint Liability.* — Every owner of a
301 commercial automobile truck, or automobile tractor,
302 and every owner of a commercial trailer or semi-
303 trailer attached, if separately owned, shall be jointly
304 liable and responsible for death or injury to person
305 or property resulting from negligence in the opera-
306 tion by any person legally using or operating the
307 same, or either, with the permission express or im-
308 plied of such owner. For the purpose of this section
309 the automobile truck or automobile tractor and the
310 trailer or semi-trailer shall be deemed one vehicle
311 and the operator, while acting in the scope of his
312 employment, shall be deemed the agent of each and
313 the operator of the combined vehicle.

314 *Section 34M. Interstate Commerce.* — Any provi-
315 sion of this chapter which purports to require proof
316 of financial responsibility against liability resulting
317 from the operation of motor vehicles in a foreign
318 state shall not apply to owners or operators of motor
319 vehicles who are engaged solely and exclusively in
320 interstate commerce.

321 *Section 34N. Other Remedies.* — This chapter shall
322 not be construed to prevent the plaintiff in any ac-
323 tion at law from relying for security upon the other
324 processes provided by law.

325 *Section 34O. Construction.* — The purposes of

326 these sections are to provide a means whereby the
327 public may be assured of the financial responsibility
328 of such owners and operators of motor vehicles as
329 may become responsible for damages occasioned by
330 the use of such motor vehicles, to facilitate furnish-
331 ing of proof of such financial responsibility, to pro-
332 mote the safety and security of the traveling public
333 and to promote the public welfare by facilitating the
334 more equitable regulation of insurance rates. This
335 chapter shall be liberally construed to effect its pur-
336 poses.

337 *Section 34P. Constitutionality.* — If any provi-
338 sion of this act is declared unconstitutional, or the
339 application thereof to any person or corporation is
340 held invalid, the validity of the remainder of the act
341 and the application of such provision to other per-
342 sons or corporations and circumstances shall not be
343 affected thereby.

1 SECTION 3. Chapter 175 of the General Laws is
2 amended by the repeal of sections 113A and 113B,
3 and the insertion in place thereof of the following
4 sections: —

5 *Section 113A. Policy, Form.* — No motor vehicle
6 liability policy, as defined in section thirty-four A,
7 chapter ninety, shall be issued or delivered in the
8 commonwealth until a copy of the form of the policy
9 has been on file with the insurance commissioner for
10 at least thirty days, unless, during said period, the
11 insurance commissioner shall have approved in writ-
12 ing the form of the policy, nor shall such policy be
13 issued if the insurance commissioner notifies the in-
14 surance company in writing that, in his opinion, the
15 form of the policy does not comply with the laws of
16 the commonwealth. Notification of his approval or
17 disapproval shall be given in writing within said
18 period. The form of policy shall be prescribed by
19 the insurance commissioner and shall contain the
20 name, address and business of the insured, a de-
21 scription of the coverage contained therein, with the

22 premium charges therefor, the policy period, the
23 limits of liability as between the insured and the in-
24 surance company, and an agreement that insurance
25 is provided in accordance with and subject to the
26 provisions of this chapter and chapter ninety.

27 The policy may provide that the insured, or any
28 other person covered by the policy shall reimburse
29 the insurance carrier for payment made on account
30 of any loss or damage claim or suit involving a
31 breach of the terms, provisions or conditions of the
32 policy, and for any loss under a policy where the in-
33 sured has made wilful written misstatements in the
34 application for insurance therefor; and further, if
35 the policy shall provide for limits in excess of the
36 limits specified in this chapter, the insurance carrier
37 may plead against any plaintiff, with respect to the
38 amount of such excess limits of liability, any defences
39 which it may be entitled to plead against the insured,
40 and any such policy may further provide for the
41 prorating of the insurance thereunder with other
42 applicable valid and collectible insurance.

43 No operator's and owners' motor vehicle liability
44 policy shall be issued until the applicant has made
45 written application therefor. The insurance com-
46 missioner shall prescribe the form of such applica-
47 tion, which form shall be filed with the insurance
48 commissioner in the same manner as policy forms.
49 Whoever wilfully makes any false statement in such
50 application shall be deemed guilty of perjury and
51 shall be punished by a fine of not less than one hun-
52 dred dollars, nor more than five hundred dollars, or
53 by imprisonment for six months, or both. Such ap-
54 plication shall contain the words, "This application
55 is signed under penalty of perjury."

56 *Section 113B. Required Provisions.* — A motor ve-
57 hicle liability policy shall be subject, within the
58 limits of liability required by this chapter, to the
59 following provisions which need not be contained
60 therein: —

61 1. The liability of any company under a motor

62 vehicle liability policy shall become absolute when-
63 ever loss or damage covered by said policy occurs,
64 and the satisfaction by the insured of a final judg-
65 ment for such loss or damage shall not be a condi-
66 tion precedent to the right or duty of the company
67 to make payment on account of said loss or damage.
68 No agreement between the company and the in-
69 sured, after the insured has incurred liability for
70 loss or damage covered by the policy, shall operate
71 to defeat the company's liability to pay for such loss
72 or damage. Upon the recovery of a final judgment
73 against any person for any loss or damage specified
74 in this section, if the judgment debtor was, at the
75 accrual of the cause of action, protected against
76 liability therefor under a motor vehicle liability
77 policy, the judgment creditor shall be entitled to
78 have the insurance money applied to the satisfac-
79 tion of the judgment.

80 2. The policy, the written application therefor,
81 and any rider or endorsement which shall not con-
82 flict with the provisions of this chapter, shall with
83 the provisions of this section and any other applicable
84 statutes constitute the entire contract between the
85 parties.

86 3. Subject to the minimum limits of liability
87 validly made under the authority of paragraphs
88 seven and eight of chapter ninety, section thirty-
89 four A, the policy is to be interpreted with reference
90 hereto, and the liability of the company under the
91 contract shall thereby become absolute upon the oc-
92 currence of an accident; no statement made by the
93 insured or on his behalf, and no violations of ex-
94 clusions, conditions, other terms or language con-
95 tained in the policy, and no unauthorized or unlaw-
96 ful use of the vehicle except as provided in paragraph
97 six of this section, whether or not a premium charge
98 has been made and paid, shall operate to defeat or
99 avoid the policy so as to bar recovery for such acci-
100 dents within said limits of liability.

101 4. If the death, insolvency or bankruptcy of an
102 insured shall occur within the policy period, the
103 policy during the unexpired portion of such period
104 shall cover the person or persons entitled to posses-
105 sion of the vehicle of the insured. Such policy shall
106 contain such provisions, not inconsistent with the
107 chapter and sections thirty-four A through thirty-
108 four P of chapter ninety as shall be required by the
109 insurance commissioner.

110 5. In a case where the payment of a judgment is
111 secured by an operator's and owners' motor vehicle
112 liability policy, a commercial motor vehicle liability
113 policy or a motor vehicle liability bond, as defined in
114 section thirty-four A of chapter ninety, and where
115 the defendant has been defaulted for failure to enter
116 an appearance, damages shall not be assessed except
117 by special order of the court in an action of tort nor
118 until the expiration of thirty days after the plaintiff
119 has given notice of such default to the company
120 issuing or executing such policy or bond and has filed
121 an affidavit to that effect. Such notice may be
122 given by mailing the same, postage prepaid, to the
123 said company or to its agent who issued or executed
124 such policy or bond. Upon receipt of information
125 and having become satisfied that the insured has
126 failed to comply with the terms of his policy in re-
127 gard to notice to the company of an accident, the
128 commissioner shall revoke his license and registration
129 for such period as he shall determine.

130 6. The insurance applies to any person operating
131 or having control or possession of the motor vehicle
132 of the insured with his express or implied consent,
133 even though the use in the course of which liability
134 to pay damages arises has been expressly or im-
135 pliedly forbidden by the insured or is otherwise un-
136 authorized. This provision, however, shall not apply
137 to the use of a motor vehicle converted with the in-
138 tent wrongfully to deprive the owner of his property
139 therein.

140 *Section 113AA. Liability Bonds.* — The provi-
141 sions of sections one hundred and thirteen A and one
142 hundred and thirteen B, except paragraphs 1, 2
143 and 3, shall apply to motor vehicle liability bonds,
144 as defined in chapter ninety, section thirty-four A,
145 and every such bond shall be subject to, although it
146 need not be contained therein, the provision that no
147 statement made by the principal on such bond or on
148 his behalf, and no violation of the terms of such
149 bond, shall operate to defeat or avoid such bond as
150 against the judgment creditor of such principal.

151 *Section 113BB. Annual Classification of Risks,*
152 *Etc.* — The companies shall, annually, on or before
153 September fifteenth of each year, furnish the com-
154 missioner of insurance with the rates that it proposes
155 to charge for the coverages under chapter ninety,
156 sections thirty-four A through thirty-four P. The
157 insurer shall fix and establish fair and reasonable
158 classifications of risks, and just, reasonable and non-
159 discriminatory premiums charges to be charged by
160 the companies in connection with the issuance of
161 motor vehicle policies or bonds as defined in section
162 thirty-four A of chapter ninety for the ensuing cal-
163 endar year or any part thereof.

164 The insurer shall, in fixing its rates and classifica-
165 tions, consider the following: —

- (1) The age of the operator.
- (2) The occupation of the operator.
- (3) The residence of the operator.
- (4) The place of garaging and the mileage of operation in the issuance of a commercial liability policy.

166 After the first year of operation, the insurer shall
167 provide for the payment of a dividend to an oper-
168 ator or owner if he has operated without conviction
169 or without an accident, on which the company has
170 set up a reserve.

171 After the first year of operation, the insurer may
172 charge an additional premium, not to exceed twenty-

173 five per cent, to each operator or owner who has been
174 convicted for a violation of the motor vehicle laws,
175 except parking, or has been involved in an accident,
176 on which the insurer has set up a reserve.

177 The commissioner shall annually, on or before the
178 first day of November, either approve the rates, or
179 notify the insurers the reason why he disapproves
180 them. He may investigate the classifications, and
181 the companies shall permit the commissioner or his
182 deputies or examiners to examine their records, re-
183 serves and classifications on which the companies
184 based their charges.

185 The registrar of motor vehicles shall notify the
186 insurer of all suspensions or revocations of licenses
187 or registrations, and the insurer shall immediately
188 notify the insured of the cancellation of his policy of
189 insurance.

190 The commissioner may make reasonable rules and
191 regulations to facilitate the operations of this section.
192 He may issue orders as he finds proper, expedient or
193 necessary to enforce the provisions of this section or
194 to secure the compliance with any rules and regula-
195 tions made thereunder. Memoranda of all actions,
196 orders, findings and decisions of the commissioner
197 shall be signed by him and filed in his office as public
198 records open to public inspection. The supreme
199 judicial court for the county of Suffolk shall have
200 jurisdiction in equity upon the petition of the com-
201 missioner, and upon summary hearing, to enforce all
202 lawful orders of the commissioner, and upon petition
203 of an insurer to cause him to approve the premiums
204 submitted to him for approval.

205 Any person or company aggrieved by any action,
206 order, finding or decision of the commission under
207 this section may file a petition in the superior court
208 of the county in which he is a resident, for a review
209 of such action, order, finding or decision. The peti-
210 tion shall be assigned for a speedy summary hearing
211 on the merits. The action, order, finding or decision

212 of the commissioner or the company shall remain in
213 full force and effect pending the final decision of the
214 court. The court shall have jurisdiction in equity
215 to modify, amend, annul, reverse or affirm such ac-
216 tion, order, finding or decision; shall review all ques-
217 tions of fact and law involved therein and may make
218 any appropriate order or decree. The decision of
219 the court shall be final and conclusive on the parties.
220 The court may make such order as to costs as it
221 deems equitable.

222 The commissioner, his deputies or examiners shall
223 at all times have access to the certificates defined in
224 section thirty-four A of chapter ninety filed with the
225 registrar of motor vehicles.

1 SECTION 4. *Existing Policies.* — Existing policies
2 of insurance required under the provisions of chapter
3 ninety, section thirty-four A, shall remain in effect
4 until proof required under this chapter shall have
5 been given. The premium shall be charged on a pro-
6 rata basis, until such time as the operator applies for
7 his owner's license, or, if his license does not expire
8 until nineteen hundred and fifty-five, he shall apply
9 in the month in nineteen hundred and fifty-four
10 which corresponds with the month in nineteen hun-
11 dred and fifty-five in which his license does expire.

1 SECTION 5. *Takes Effect.* — This act shall take
2 effect January first, nineteen hundred and fifty-four,
3 but its application to persons obtaining operators'
4 licenses shall commence with licenses obtained for
5 the period starting January first, nineteen hundred
6 and fifty-four.