

By Mr. Jones of Barnstable, petition of Allan F. Jones for legislation to perfect the judicial review provisions of the compulsory motor vehicle liability insurance law. The Judiciary.

The Commonwealth of Massachusetts

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

**AN ACT TO PERFECT THE JUDICIAL REVIEW PROVISIONS OF
THE COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE
LAW.**

*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 113B of chapter 175 of the General Laws, as
- 2 appearing in the Tercentenary Edition thereof, and as
- 3 amended by section four of chapter 459 of the acts of
- 4 1935, and by chapter 251 of the acts of 1951, is hereby
- 5 further amended by striking out the fifth paragraph
- 6 and inserting in place thereof the following new
- 7 paragraph:—
- 8 Any person or company aggrieved by any action,
- 9 order, finding or decision of the commissioner under
- 10 this section may, within twenty days from the filing of
- 11 such memorandum thereof in his office, file a petition
- 12 in the supreme judicial court for the county of Suffolk
- 13 for a review of such action, order, finding or decision.
- 14 An order of notice returnable not later than seven
- 15 days from the filing of such petition shall forthwith
- 16 issue and be served upon the commissioner. Within
- 17 ten days after the return of said order of notice, the
- 18 petition shall be assigned for a speedy and summary
- 19 hearing on the merits, upon the pleadings, upon the
- 20 record, including testimony and exhibits, before the

21 commissioner; and such additional evidence as may be
22 necessary for the consideration of any constitutional
23 issues presented or to explain the record before the
24 commissioner, and upon such facts as may be stipu-
25 lated by the petitioner for review and the commis-
26 sioner. The action, order, finding or decision of the
27 commissioner shall remain in full force and effect
28 pending the final decision of the court unless the court
29 or a justice thereof after notice to the commissioner
30 shall by a special order otherwise direct. The court
31 shall have jurisdiction in equity to modify, amend,
32 annul, reverse or affirm such action, order, finding or
33 decision; shall review all questions of fact and of law
34 involved therein, including whether such action, order,
35 finding or decision is in accordance with the weight of
36 the evidence before the commissioner; shall remand
37 the matter with appropriate instructions or advice to
38 the commissioner if such action, order, finding or
39 decision is not in accordance with the weight of the
40 evidence before the commissioner, or, in appropriate
41 cases, for the taking of additional evidence, and may
42 make any other appropriate order or decree. The
43 decision of the court shall be final and conclusive on
44 the parties. The court may make such order as to
45 costs as it deems equitable. The court shall make
46 such rules or orders as it deems proper governing
47 proceedings under this section or upon any appeal,
48 reservation or report thereof to the full court to secure
49 prompt, economical and speedy hearings, and to
50 expedite final decisions thereon by the court or upon
51 remand by the commissioner.