

By Mrs. Newman of Cambridge, petition of Mary B. Newman for legislation to establish a motor vehicle accident compensation board and defining its powers and duties. Insurance.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

### AN ACT ESTABLISHING A MOTOR VEHICLE ACCIDENT COMPENSATION BOARD AND DEFINING ITS POWERS AND DUTIES.

*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. Chapter 26 of the General Laws is hereby  
2 amended by inserting after section 8A, under the caption  
3 DIVISION OF INSURANCE, the following sections:—

4 *Section 8B.* There shall be in the division but not under its  
5 supervision and control a motor vehicle accident compensa-  
6 tion board, which shall consist of twelve members, to be  
7 appointed by the governor. The governor shall designate the  
8 chairman, who shall be the executive and administrative head  
9 of the board. Members shall be paid a salary of fifteen  
10 thousand dollars, the chairman shall be paid a salary of  
11 sixteen thousand dollars. Upon the expiration of the term of  
12 office of a member his successor shall be appointed for a term  
13 of twelve years by the governor. The members shall devote  
14 their whole time to the work of the board and shall not  
15 engage in any profession, practice or business.

16 *Section 8C.* The board shall be under the supervision and  
17 control of the chairman. During the temporary absence or  
18 disability of the chairman he may appoint one of the board  
19 members as acting chairman, or if the chairman is unable to  
20 act, the governor may appoint one of the board members as  
21 acting chairman, and such acting chairman shall exercise all  
22 the powers and duties of the chairman.

23 The chairman shall appoint a supervisor, and such hearing  
24 officers, investigators, inspectors and expert, clerical or other  
25 employees, as may be required by the work of the board.

26 The chairman shall direct and supervise the activities of all  
27 members of the board, shall establish the necessary hearing  
28 and conference calendars, and shall assign the members of the  
29 board to hearings and conferences. He shall cause a list to be  
30 maintained of all claims heard of conferred upon by each  
31 board member, and at the end of each month shall cause said  
32 list to be published forthwith and made available for  
33 inspection by the public.

34 The chairman shall establish a statistical and research  
35 bureau and shall appoint its director. He may make ad-  
36 ministrative regulations and orders providing for the receipt  
37 and indexing of all notices, claims and reports, for the  
38 giving of notice of hearings and of decisions, for certifying of  
39 records, and for the fixing of times and places for the hearing  
40 of claims in accordance with the provisions of sections  
41 of chapter ninety, sections

42 of chapter one hundred and seventy-five and section

43 of chapter one hundred and seventy-five A. He shall, in  
44 the name of the division, carry out and enforce all provisions  
45 of law relating to the work of the motor vehicle accident  
46 compensation board. He may require the filing of reports, in  
47 such form as he may prescribe, relative to motor vehicle  
48 accidents, whether resulting in claims or not, and whether  
49 such claims have been brought before the board or settled  
50 otherwise.

51 The chairman may establish and maintain, subject to  
52 appropriation, not more than four branches in cities selected  
53 by him with the approval of the board, for the better  
54 adjustment of disputed claims under the laws relating to  
55 motor vehicle accident compensation, and for the better  
56 information of all parties as to their rights under said laws.  
57 The chairman may provide such offices with rooms, furniture  
58 and equipment, and may assign offices and employees of the  
59 board as he deems necessary to carry out the work of such  
60 branches.

61 *Section 8D.* When a claim is filed with an insurance or  
62 surety company for bodily injury or death or property

63 damage by reason of a motor vehicle accident, the company  
64 shall notify the insured or the holder of the bond of the claim,  
65 and of the settlement, if any, which it proposes to make. If  
66 the insurance or surety company cannot arrive at a  
67 settlement, or if the insured objects to a proposed settlement,  
68 the insurance company shall notify the person making the  
69 claim of his right to bring the claim before the motor vehicle  
70 accident compensation board or before the courts; provided  
71 that if the claim is two thousand dollars or less, such claim  
72 shall be brought before said board but if it is greater than two  
73 thousand dollars, the claim may be brought before said board  
74 or may be taken to court at the election of the person making  
75 the claim. No motor vehicle liability policy or bond shall be  
76 written which is in conflict with this section.

77 If the insurance or surety company and the claimant reach  
78 an agreement which is approved by the insured in regard to  
79 compensation a memorandum thereof shall be filed with the  
80 motor vehicle accident compensation board.

81 When a claim is filed with the motor vehicle compensation  
82 board under a motor vehicle liability policy or bond, a  
83 hearing shall be scheduled as soon as practicable before a  
84 member of the board. Such member shall make such inquiries  
85 and investigations as shall be deemed necessary. The decision  
86 of the member, together with a statement of the evidence, his  
87 findings of fact, rulings of law and other matters pertinent to  
88 questions arising before him shall be filed with the board.  
89 Unless a claim for review is filed by either party within seven  
90 days, the decision shall be enforceable under section eight  
91 E.

92 If a claim for a review is so filed a reviewing panel of three  
93 members, which shall not include the member originally  
94 hearing the case, shall be appointed by the chairman to hear  
95 the parties. Such panel may hear evidence in regard to  
96 pertinent matters, and may revise the decision in whole or in  
97 part, or may refer the matter back to the member for further  
98 findings of fact and shall file its decision with the records of  
99 the proceedings and notify the parties.

100 *Section 8E.* Any party in interest may present certified  
101 copies of an order or decision of the reviewing board or a  
102 decision of a member from which no claim for review has

103 been filed within the time allowed therefor, and all papers in  
104 connection therewith to the superior court for the county  
105 within which the injured person lives or has a usual place of  
106 business. The court shall thereupon render a decree in  
107 accordance therewith and notify the parties. Such decree  
108 shall have the same effect and all proceedings in relation  
109 thereto shall thereafter be the same, as though rendered in a  
110 suit duly heard and determined by said court, except that  
111 there shall be no appeal therefrom upon questions of fact or  
112 where the decree is based upon a decision of a member or a  
113 memorandum of agreement.

1 SECTION 2. Section 113C of chapter 175 of the General  
2 Laws, as appearing in the Tercentenary Edition, is hereby  
3 amended by adding the following paragraph:—

4 No company shall be authorized to issue such motor  
5 vehicle liability policies or to act as surety upon such motor  
6 vehicle liability bonds unless it agrees to issue to any person  
7 purchasing such policy or bond, at his option, additional  
8 coverage beyond that required by section thirty-four A of  
9 chapter ninety, of at least fifteen thousand dollars on account  
10 of injury to or death of one person and at least forty  
11 thousand dollars on account of any one accident resulting in  
12 injury to or death of more than one person, and of the  
13 combination of bodily injury liability off the ways of the  
14 commonwealth and liability for guest occupants on and off  
15 the ways of the commonwealth, of ..... coverage, so  
16 called, and of property damage, so called ..... at least  
17 five thousand dollars.