

HOUSE No. 1232

By Mr. Bailey of Somerville, petition of William B. Bailey for the establishment of a motor vehicle uninsured accident fund in the Division of Insurance for the collection of damages by persons injured by automobiles whose ownership is unknown or which for any reason are not covered by insurance. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT TO PROVIDE FOR THE COLLECTION OF DAMAGES BY PERSONS INJURED BY AUTOMOBILES WHOSE OWNERSHIP IS UNKNOWN OR WHICH FOR ANY REASON ARE NOT COVERED BY INSURANCE.

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
2 hereby amended by inserting after section 8A the
3 following new section:—

4 *Section 8B.* There shall be a board of managers of
5 the Motor Vehicle Uninsured Accident Fund serving
6 in the division of insurance, consisting of the commis-
7 sioner of insurance or his authorized representative,
8 the registrar of motor vehicles or his authorized repre-
9 sentative and the attorney general or his authorized
10 representative. The commissioner of insurance or his
11 representative shall be the chairman of the board.
12 With the approval of the governor and council, the

13 board may appoint and remove a secretary and such
14 clerical and other assistants as its work may require.
15 Said board shall manage the fund established by sec-
16 tion one hundred and thirteen H of chapter one
17 hundred and seventy-five.

1 SECTION 2. Chapter 175 of the General Laws is
2 hereby amended by inserting after section 113G the
3 two following new sections: —

4 *Section 113H.* There is hereby established the Motor
5 Vehicle Uninsured Accident Fund, to be managed by
6 the board of managers established by section eight B
7 of chapter twenty-six. Said board shall annually on
8 or before March first file with the commissioner a
9 detailed statement of the business done by them during
10 the preceding calendar year, with their warrant stating
11 the amount, if any, which they deem necessary to be
12 added to said fund during the calendar year in which
13 said estimate is filed. The commissioner as soon as
14 may be thereafter shall assess said amount upon insur-
15 ance companies insuring by policy or bond against
16 liability for personal injury caused by the operation
17 of motor vehicles, doing business in the commonwealth,
18 as an additional excise for the privilege of so doing
19 business, their respective proportions of said amount
20 based upon the amounts of such insurance written by
21 them upon motor vehicles registered in the common-
22 wealth during the preceding calendar year, as deter-
23 mined by the commissioner from their returns and
24 such other information, if any, as he may obtain. He
25 shall fix a time for the payment of such assessments,
26 and shall notify the respective companies of the
27 amounts assessed upon them and of the time for pay-
28 ment. Any company deeming itself aggrieved by

29 such assessment may appeal therefrom to the appellate
30 tax board in a form which it shall provide. Such
31 appeal shall not stay the collection of such assessment.
32 Failure to pay any such assessment at the time so
33 fixed shall be a cause for suspension or revocation of a
34 company's license.

35 *Section 113I.* Any person suffering personal injury
36 or consequential damages from a personal injury, or
37 entitled to recover for a death, in case such injury is
38 caused by a motor vehicle operating on a way in the
39 commonwealth, as the term "way" is defined in sec-
40 tion one of chapter ninety, which motor vehicle was
41 required to be but was not covered by insurance,
42 including a bond or deposit, under said chapter, shall
43 upon application to the board, receive such amount
44 from the fund, as the board, upon the recommendation
45 of the attorney general, shall award; provided that
46 he assigns to the commonwealth any claim or judg-
47 ment that he may have against any person in connec-
48 tion with such injury or death.

1 SECTION 3. Immediately upon the effective date of
2 this act, the commissioner of insurance shall raise the
3 sum of one hundred thousand dollars by assessment as
4 provided by section one hundred and thirteen H of
5 chapter one hundred and seventy-five of the General
6 Laws, inserted therein by section one of this act.
7 Said assessments shall be subject to all the provisions
8 of said section. The amount raised under this section
9 shall constitute the Motor Vehicle Uninsured Acci-
10 dent Fund as first established. After said effective
11 date and prior to March first, nineteen hundred and
12 forty-eight, the board of managers of said fund shall
13 make investigation, hold public hearings, and de-

14 termine upon the amount, if any, which they deem
15 necessary to be added to said fund in nineteen hundred
16 and forty-eight, and shall make their report to the
17 commissioner, giving the results of their investigation,
18 with their warrant for the raising of any amount
19 which they determine upon as aforesaid.

1 SECTION 4. This act shall take effect as soon as
2 may be under the constitution, but no payments of
3 damages shall be made from the fund hereby estab-
4 lished prior to January first, nineteen hundred and
5 forty-eight.