

# HOUSE . . . No. 780

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By Mr. McCarthy of Medfield, petition of Frank D. McCarthy that certain duties relative to compulsory motor vehicle liability insurance be transferred from the Department of Public Works to the Registrar of Motor Vehicles. State Administration.

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## The Commonwealth of Massachusetts

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

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AN ACT TRANSFERRING FROM THE DEPARTMENT OF PUBLIC WORKS TO THE REGISTRAR OF MOTOR VEHICLES CERTAIN DUTIES AND POWERS WITH RESPECT TO COMPULSORY MOTOR VEHICLE LIABILITY 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. Section 34A of chapter 90 of the  
2 General Laws, as most recently amended by section  
3 1 of chapter 459 of the acts of 1935, is hereby further  
4 amended by striking out the final clause under the  
5 definition of "certificate," and inserting in place there-  
6 of the following new clause:— or the certificate of  
7 the treasurer of the commonwealth stating that cash  
8 or securities have been deposited with said treasurer  
9 as provided in section thirty-four D.

1 SECTION 2. Section 34B of chapter 90 of the  
2 General Laws, as most recently amended by chapter

3 302 of the acts of 1935, is hereby further amended by  
4 striking out the fifth paragraph of said section and  
5 inserting in place thereof the following new para-  
6 graph: —

7 The certificate which the treasurer of the common-  
8 wealth shall issue upon receipt of cash or securities  
9 under section thirty-four D or thirty-four F shall be  
10 in such form and shall contain such information as the  
11 registrar of motor vehicles may prescribe.

1 SECTION 3. Section 34C of chapter 90 of the  
2 General Laws, as amended by section 13 of chapter  
3 180 of the acts of 1932, is hereby further amended by  
4 inserting after the word "dealer" as appearing in  
5 line 3 the words: — or repairman.

1 SECTION 4. Section 34D of chapter 90 of the  
2 General Laws, as amended by section 3 of chapter  
3 459 of the acts of 1935, is further amended by striking  
4 out the present section 34D and inserting the follow-  
5 ing new section: —

6 *Section 34D.* The applicant for registration may,  
7 in lieu of procuring a motor vehicle liability bond  
8 or policy, deposit with the treasurer of the common-  
9 wealth cash in the amount of five thousand dollars  
10 or bonds, stocks or other evidences of indebtedness  
11 satisfactory to said treasurer of a market value of  
12 not less than five thousand dollars as security for the  
13 payment by such applicant or by any person responsi-  
14 ble for the operation of such applicant's motor vehicle  
15 with his express or implied consent of all judgments  
16 rendered against such applicant or against such  
17 person in actions to recover damages for bodily  
18 injuries, including death at any time resulting there

19 from, and judgments rendered as aforesaid for con-  
20 sequential damages consisting of expenses incurred  
21 by a husband, wife, parent or guardian for medical,  
22 nursing, hospital or surgical services in connection  
23 with or on account of such bodily injuries or death,  
24 sustained during the term of registration by any  
25 person, other than a guest occupant of such motor  
26 vehicle or any employee of the owner or registrant  
27 of such motor vehicle or of such other person responsi-  
28 ble as aforesaid who is entitled to payments or benefits  
29 under the provisions of chapter one hundred and  
30 fifty-two, and arising out of the ownership, operation,  
31 maintenance, control or use upon the ways of the  
32 commonwealth of such motor vehicle, to the amount  
33 or limit of at least five thousand dollars on account  
34 of any such judgment. The depositor shall be en-  
35 titled to the interest accruing on his deposit and to the  
36 income payable on the securities deposited and may  
37 from time to time with the consent of the treasurer  
38 of the commonwealth change such securities. Upon  
39 presentation to the treasurer of the commonwealth  
40 by an officer qualified to serve civil process of an  
41 execution issued on any such judgment against the  
42 registrant or other person responsible as aforesaid,  
43 said treasurer shall pay, out of the cash deposited by  
44 the registrant as herein provided, the amount of the  
45 execution, including costs and interests up to but  
46 not in excess of five thousand dollars. If the registrant  
47 has deposited bonds, stocks or other evidences of  
48 indebtedness, the treasurer shall, on presentation of  
49 an execution as aforesaid, cause the said securities  
50 or such part thereof as may be necessary to satisfy  
51 the judgment to be sold, at public auction, giving  
52 the registrant three days' notice in writing of the

53 time and place of said sale, and from the proceeds  
54 of said sale the state treasurer shall, after paying  
55 the expenses thereof, satisfy the execution as herein-  
56 before provided when a cash deposit has been made.  
57 Any payment upon an execution by the treasurer in  
58 accordance with the provisions of this section shall  
59 discharge its members from all official and personal  
60 liability whatever to the registrant to the extent of  
61 such payment. The treasurer of the commonwealth  
62 shall, whenever the amount of such deposit from any  
63 cause falls below the amount required by this section,  
64 require, at the option of the registrant, the deposit of  
65 additional cash or securities up to the amount re-  
66 quired by this section or a motor vehicle liability  
67 bond or policy as provided in this chapter. Money  
68 or securities deposited with the treasurer of the com-  
69 monwealth under the provisions of this section shall  
70 not be subject to attachment or execution except as  
71 provided in this section. The treasurer of the com-  
72 monwealth shall deposit any cash received under the  
73 provisions of this section in a savings bank or the  
74 savings department of a trust company or of a national  
75 bank within the commonwealth.

1 SECTION 5. Section 34E of chapter 90 of the  
2 General Laws, as appearing in the Tercentenary  
3 Edition thereof, is hereby amended by striking out  
4 the present section 34E and inserting in place thereof  
5 the following new section:—

6 *Section 34E.* The treasurer of the commonwealth  
7 shall give to the applicant for registration a receipt  
8 on a form prescribed by said treasurer of the amount  
9 of cash or securities deposited by him with said treas-  
10 urer under section thirty-four D or thirty-four F.

11 The treasurer of the commonwealth shall retain  
12 such cash or securities deposited as aforesaid and  
13 shall not deliver the same or the balance thereof to  
14 the registrant or his order until the expiration of the  
15 time within which actions, the payment of judgments  
16 in which are secured by such deposit, may be brought  
17 against the registrant or the person responsible for the  
18 operation of the registrant's motor vehicle with his  
19 express or implied consent, nor in any case if a written  
20 notice is filed with the treasurer of the common-  
21 wealth stating that such an action has been brought  
22 against the registrant or other person responsible as  
23 aforesaid, until payment is made as provided in  
24 section thirty-four D or satisfactory evidence is  
25 presented to said treasurer that such action is finally  
26 disposed of.

1 SECTION 6. Section 34F of chapter 90 of the  
2 General Laws as appearing in the Tercentenary  
3 Edition thereof, is hereby amended by striking out  
4 the present section 34F and inserting in place thereof  
5 the following new section:—

6 *Section 34F.* The registrant of a motor vehicle  
7 who deposits cash or securities as provided in this  
8 section or in section thirty-four D or the person  
9 responsible for the operation of the registrant's  
10 motor vehicle with his express or implied consent  
11 shall immediately upon the service of any writ or  
12 summons in any action the payment of the judgment  
13 in which is secured by such deposit, give written  
14 notice to the registrar of motor vehicles and the  
15 treasurer of the commonwealth of the bringing of  
16 such action in such form as the registrar may prescribe,  
17 and thereupon said registrar may require the giving,

18 of a motor vehicle liability bond or policy or may  
19 require the deposit of further cash or securities as  
20 additional security for the payment of judgments  
21 in any other such actions. Whoever fails to give the  
22 notice required by this section shall be punished by  
23 a fine of not less than one hundred nor more than  
24 one thousand dollars or by imprisonment for not  
25 more than one year or both.

26 The treasurer of the commonwealth shall forth-  
27 with give written notice to the registrar of the failure  
28 of a registrant to maintain a deposit as required by  
29 this section and section thirty-four D.

1 SECTION 7. Section 34I of chapter 90 of the  
2 General Laws, as appearing in the Tercentenary  
3 Edition thereof, is hereby amended by striking out  
4 the present section 34I and inserting in place thereof  
5 the following new section:—

6 *Section 34I.* The registrar of motor vehicles shall  
7 keep such records and books and publish and distribute  
8 such forms and information as will facilitate the  
9 operation of the provisions of the eight preceding  
10 sections, and shall, upon the request of any person,  
11 furnish the name of the insurance or surety company  
12 issuing the policy or executing as surety the bond  
13 covering any particular motor vehicle or of any  
14 particular person appearing on his records as registrant  
15 of the same.



