

# HOUSE . . . . No. 1228

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By Messrs. Graham of Boston and Wall of Lawrence, petition of William X. Wall and another for increasing the limits of compulsory motor vehicle liability insurance to provide adequate protection to certain injured persons. Insurance.

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## The Commonwealth of Massachusetts

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

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AN ACT TO INCREASE THE LIMITS OF COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE TO PROVIDE ADEQUATE PROTECTION FOR CERTAIN INJURED PERSONS.

*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 3G of chapter 90 of the General  
2 Laws, as amended, is hereby further amended by  
3 striking out said section 3G and inserting in its place  
4 the following:—  
5 *Section 3G. Security for Damage caused by Motor*  
6 *Vehicles of Non-Residents.*— In an action at law  
7 against a non-resident for damage to property or for  
8 the death of or bodily injury to any person resulting  
9 from an accident in this commonwealth alleged to  
10 have been caused by a motor vehicle owned or operated  
11 by such non-resident, the plaintiff may apply by  
12 motion in writing filed in court for an order to show  
13 cause why the defendant should not be required to  
14 furnish forthwith such security in such amount as

15 the court shall find reasonable under the circum-  
16 stances, after summary hearing, to satisfy any final  
17 judgment that may be recovered in such action, not  
18 later than sixty days after the entry of such judgment,  
19 to the amount or limit of not more than twenty-five  
20 thousand dollars on account of injury to or death of  
21 any one person, and, subject to such limits as respects  
22 injury to or death of one person, of not more than  
23 fifty thousand dollars on account of any one accident  
24 resulting in injury to or death of more than one person,  
25 or of not more than five thousand dollars for damage  
26 to property. If said motion is filed before the return  
27 day of the writ, the writ shall be entered with the  
28 motion, and the court shall issue an order of notice  
29 to the defendant, to be served in like manner as any  
30 process against such non-residents, which shall be  
31 returnable within a reasonable time, and, if service  
32 of the writ has not been made upon the defendant or  
33 upon the registrar under section three A, the court  
34 shall issue a further order of notice for such service.  
35 The court shall accept as sufficient security, except  
36 for damages to property, a certificate as defined in  
37 section thirty-four A, or other satisfactory proof  
38 that the liability, if any, for damages resulting from  
39 such accident is insured or secured, to the amounts or  
40 limits herein set forth, by an insurance company  
41 authorized to do business in this commonwealth.

42 The motion shall state the facts, and, if the court  
43 finds that such accident was probably due to the  
44 negligence of the defendant or his agent, the court  
45 may order the defendant to furnish forthwith such  
46 security as aforesaid and may order that until such  
47 security is furnished the right of the defendant or of  
48 any one employed or authorized by him to operate a

49 motor vehicle on his behalf in this commonwealth  
50 be suspended. Such an order for security shall be  
51 subject to modification at the discretion of the court  
52 as justice may require.

1 SECTION 2. Section 34A of chapter 90 of the  
2 General Laws, as amended, is hereby further amended  
3 by striking out the fifth and sixth paragraphs thereof,  
4 and inserting in their place the following paragraphs:  
5 "Motor vehicle liability bond", a bond condi-  
6 tioned that the obligor shall within thirty days after  
7 the rendition thereof satisfy all judgments rendered  
8 against him or against any person responsible for  
9 the operation of the obligor's motor vehicle with his  
10 express or implied consent in actions to recover  
11 damages for bodily injuries, including death at any  
12 time resulting therefrom, and judgments rendered as  
13 aforesaid for consequential damages consisting of  
14 expenses incurred by a husband, wife, parent or  
15 guardian for medical, nursing, hospital or surgical  
16 services in connection with or on account of such  
17 bodily injuries or death, sustained during the term  
18 of said bond by any person, other than a guest occu-  
19 pant of such motor vehicle or any employee of the  
20 owner or registrant of such vehicle or of such other  
21 person responsible as aforesaid who is entitled to  
22 payments or benefits under the provisions of chapter  
23 one hundred and fifty-two, and arising out of the  
24 ownership, operation, maintenance, control or use  
25 upon the ways of the commonwealth of such motor  
26 vehicle, to the amount or limit of at least twenty-five  
27 thousand dollars on account of injury to or death of  
28 any one person, and, subject to such limits as respects  
29 injury to or death of one person, of at least fifty

30 thousand dollars on account of any one accident  
31 resulting in injury to or death of more than one person.  
32 "Motor vehicle liability policy", a policy of lia-  
33 bility insurance which provides indemnity for or  
34 protection to the insured and any person responsible  
35 for the operation of the insured's motor vehicle with  
36 his express or implied consent against loss by reason  
37 of the liability to pay damages to others for bodily  
38 injuries, including death at any time resulting there-  
39 from, or consequential damages consisting of ex-  
40 penses incurred by a husband, wife, parent or guardian  
41 for medical, nursing, hospital or surgical services in  
42 connection with or on account of such bodily injuries  
43 or death, sustained during the term of said policy by  
44 any person, other than a guest occupant of such motor  
45 vehicle or of any employee of the owner or registrant  
46 of such vehicle or of such other person responsible  
47 as aforesaid who is entitled to payments or benefits  
48 under the provisions of chapter one hundred and  
49 fifty-two, and arising out of the ownership, operation,  
50 maintenance, control or use upon the ways of the  
51 commonwealth of such motor vehicle, to the amount  
52 or limit of at least twenty-five thousand dollars on  
53 account of injury to or death of any one person, and,  
54 subject to such limits as respects injury to or death  
55 of one person, of at least fifty thousand dollars on  
56 account of any one accident resulting in injury to  
57 or death of more than one person, or a binder as  
58 defined in section one hundred and thirteen A of said  
59 chapter one hundred and seventy-five providing  
60 indemnity or protection as aforesaid pending the  
61 issue of such a policy.

1 SECTION 3. Section 34D of the General Laws, as  
2 amended, is hereby further amended by striking out

3 said section and inserting in its place the following  
4 section: —

5 *Section 34D. Deposit of Cash, etc. in Lieu of Bond*  
6 *or Policy; Interest; Payments upon Executions; Addi-*  
7 *tional Deposit.* — The applicant for registration may,  
8 in lieu of procuring a motor vehicle liability bond or  
9 policy, deposit with the state treasurer cash in the  
10 amount of fifty thousand dollars or bonds, stocks or  
11 other evidences of indebtedness satisfactory to said  
12 treasurer of a market value of not less than fifty  
13 thousand dollars as security for the payment by such  
14 applicant or by any person responsible for the opera-  
15 tion of such applicant's motor vehicle with his express  
16 or implied consent of all judgments rendered against  
17 such applicant or against such person in actions  
18 to recover damages for bodily injuries, including  
19 death at any time resulting therefrom, and judgments  
20 rendered as aforesaid for consequential damages  
21 consisting of expenses incurred by a husband, wife,  
22 parent or guardian for medical, nursing, hospital or  
23 surgical services in connection with or on account of  
24 such bodily injuries or death, sustained during the  
25 term of registration by any person, other than a guest  
26 occupant of such motor vehicle or any employee of  
27 the owner or registrant of such motor vehicle or of  
28 such other person responsible as aforesaid who is  
29 entitled to payments or benefits under the provisions  
30 of chapter one hundred and fifty-two, and arising  
31 out of the ownership, operation, maintenance, control  
32 or use upon the ways of the commonwealth of such  
33 motor vehicle, to the amount or limit of at least  
34 twenty-five thousand dollars on account of any such  
35 judgment. The depositor shall be entitled to the  
36 interest accruing on his deposit and to the income  
37 payable on the securities deposited and may from

38 time to time with the consent of the state treasurer  
39 change such securities. Upon presentation to the  
40 state treasurer by an officer qualified to serve civil  
41 process of an execution issued on any such judgment  
42 against the registrant or other person responsible  
43 as aforesaid, said treasurer shall pay, out of the cash  
44 deposited by the registrant as herein provided, the  
45 amount of the execution, including costs and interest,  
46 up to but not in excess of twenty-five thousand dollars.  
47 If the registrant has deposited bonds, stocks or other  
48 evidences of indebtedness, the state treasurer shall,  
49 on presentation of an execution as aforesaid, cause the  
50 said securities or such part thereof as may be neces-  
51 sary to satisfy the judgment to be sold at public  
52 auction, giving the registrant three days' notice in  
53 writing of the time and place of said sale, and from  
54 the proceeds of said sale the state treasurer shall,  
55 after paying the expenses thereof, satisfy the execu-  
56 tion as hereinbefore provided when a cash deposit  
57 has been made. Any payment upon an execution  
58 by the state treasurer in accordance with the provi-  
59 sions of this section shall discharge him from all  
60 official and personal liability whatever to the registrant  
61 to the extent of such payment. The state treasurer  
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 state treasurer under  
69 the provisions of this section shall not be subject to  
70 attachment or execution except as provided in this  
71 section. The state treasurer shall deposit any cash

72 received under the provisions of this section in a  
73 savings bank or the savings department of a trust  
74 company or of a national bank within the common-  
75 wealth.

