

By Mr. Vaitses of Melrose, petition of Theodore J. Vaitses for an amendment of the law relating to compulsory motor vehicle insurance and providing for the insuring of licensees on a merit rating basis. Insurance.

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**The Commonwealth of Massachusetts**

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

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AN ACT AMENDING THE LAW RELATING TO COMPULSORY MOTOR VEHICLE INSURANCE AND PROVIDING FOR THE INSURING OF LICENSEES ON A MERIT RATING BASIS.

*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 8 of chapter 90 of the General  
2 Laws, as amended, is hereby further amended by adding  
3 at the end of the first paragraph the following sentence:—  
4 Provided, however, that no license shall be issued unless  
5 the application therefor is accompanied by a certificate  
6 as defined in section thirty-four A.

1 SECTION 2. Said chapter 90 is hereby further amended  
2 by striking out section 34A and inserting in place thereof  
3 the following section:—

4 *Section 34A. Definitions.*— The following words, as  
5 used in sections thirty-four A to thirty-four J, inclusive,  
6 shall have the following meanings:—

7 “Certificate”, the certificate of an insurance company  
8 authorized to issue in the commonwealth a motor vehicle  
9 operator’s policy, stating that it has issued to the appli-  
10 cant for a license to operate a motor vehicle such a policy  
11 which covers such person, conforms to the provisions of  
12 section one hundred and thirteen A of chapter one  
13 hundred and seventy-five and runs for a period at least  
14 coterminous with that of such license or that it has

15 executed a binder, as defined in said section one hundred  
16 and thirteen A, under and in conformity with said  
17 section covering such person pending the issue of a motor  
18 vehicle operator's policy; or the certificate of a surety  
19 company authorized to transact business in the com-  
20 monwealth under section one hundred and five of said  
21 chapter one hundred and seventy-five as surety, stating  
22 that a motor vehicle operator's policy, payable to the  
23 commonwealth, which covers such person conforms to  
24 the provisions of said section one hundred and thirteen  
25 A, and runs for a period at least coterminous with such  
26 license, has been executed by such applicant as principal  
27 and by such surety company as surety; or the certificate  
28 of the state treasurer stating that cash or securities have  
29 been deposited with said treasurer as provided in section  
30 thirty-four D.

31 "Guest occupant" or "guest occupant of such motor  
32 vehicle", any person, other than an employee of the  
33 operator, being in or upon, entering or leaving the motor  
34 vehicle, except a passenger for hire in the case of a  
35 motor vehicle registered as a taxicab or otherwise for  
36 carrying passengers for hire.

37 "Motor vehicle", shall, in addition to the meaning  
38 prescribed by section one, include a trailer, as defined by  
39 said section one.

40 "Motor vehicle operator's liability bond", a bond  
41 conditioned that the obligor shall within thirty days  
42 after the rendition thereof satisfy all judgments rendered  
43 against him in actions to recover damages for bodily  
44 injuries, including death at any time resulting there-  
45 from, and judgments rendered as aforesaid for conse-  
46 quential damages consisting of expenses incurred by  
47 a husband, wife, parent or guardian for medical, nurs-  
48 ing, hospital or surgical services in connection with or  
49 on account of such bodily injuries or death, sustained  
50 during the term of said bond by any person, other than a  
51 guest occupant of such motor vehicle or any employee  
52 of the operator thereof or of such other person responsible  
53 as aforesaid who is entitled to payments or benefits under

54 the provisions of chapter one hundred and fifty-two, and  
55 arising out of the operation, maintenance, control or use  
56 upon the ways of the commonwealth of any motor  
57 vehicle, to the amount or limit of at least five thousand  
58 dollars on account of injury to or death of any one person,  
59 and, subject to such limits as respects injury to or death  
60 of one person, of at least ten thousand dollars on account  
61 of any one accident resulting in injury to or death of  
62 more than one person.

63 “Motor vehicle operator’s liability policy”, a policy of  
64 liability insurance which provides indemnity for or pro-  
65 tection to the insured against loss by reason of the liability  
66 to pay damages to others for bodily injuries, including  
67 death at any time resulting therefrom, or consequential  
68 damages consisting of expenses incurred by a husband,  
69 wife, parent or guardian for medical, nursing, hospital or  
70 surgical services in connection with or on account of  
71 such bodily injuries or death, sustained in connection  
72 with or on account of such bodily injuries or death, sus-  
73 tained during the term of said policy by any person,  
74 other than a guest occupant of said motor vehicle or of  
75 any employee of the operator or of such other person  
76 responsible as aforesaid who is entitled to payments or  
77 benefits under the provisions of chapter one hundred  
78 and fifty-two, and arising out of the operation, main-  
79 tenance, control or use upon the ways of the common-  
80 wealth of any motor vehicle, to the amount or limit of  
81 at least five thousand dollars on account of injury to or  
82 death of any one person, and, subject to such limits as  
83 respects injury to or death of one person, of at least ten  
84 thousand dollars on account of any one accident result-  
85 ing in injury to or death of more than one person, or a  
86 binder as defined in section one hundred and thirteen A  
87 of said chapter one hundred and seventy-five providing  
88 indemnity or protection as aforesaid pending the issue  
89 of such a policy.

1 SECTION 3. Section 34B of said chapter 90 of the  
2 General Laws, as amended, is hereby further amended

3 by striking out the word “registration” wherever it  
4 appears in said section, and inserting in place thereof the  
5 words: — license to operate, — and by striking out the  
6 words “motor vehicle liability” wherever they appear  
7 and inserting in place thereof the words: — motor  
8 vehicle operator’s liability.

1 SECTION 4. Section 34D of said chapter 90, as  
2 amended, is hereby further amended by striking out  
3 the word “registration” wherever it appears and in-  
4 serting in place thereof the words: — license to operate,  
5 — and by striking out the words “motor vehicle liability”  
6 wherever they appear and inserting in place thereof the  
7 words: — motor vehicle operator’s liability.

1 SECTION 5. Section 34E of said chapter 90, as ap-  
2 pearing in the Tercentenary Edition, is hereby amended  
3 by striking out the word “registration” wherever it  
4 appears and inserting in place thereof the words: —  
5 license to operate, — and by striking out the word  
6 “registrant” and inserting in place thereof the word:  
7 — licensee.

1 SECTION 6. Section 34F of said chapter 90, as so ap-  
2 pearing, is hereby amended by striking out the word  
3 “registrant” wherever it appears and inserting in place  
4 thereof the word: — licensee, — and by striking out the  
5 words “motor vehicle liability” wherever they appear  
6 and inserting in place thereof the words: — motor  
7 vehicle operator’s liability.

1 SECTION 7. Said chapter 90 is hereby further amended  
2 by striking out sections 1A, 34C, 34H and 34J.

1 SECTION 8. Section 113A of chapter 175 of the  
2 General Laws, as amended, is hereby further amended  
3 by striking out the words “motor vehicle liability”  
4 wherever they appear and inserting in place thereof the  
5 words: — *motor vehicle operator’s liability*, — by striking

6 out the word “registration” wherever it appears and  
7 inserting in place thereof the words: — license to operate.

1 SECTION 9. Said section 113A of said chapter 175,  
2 as amended, is hereby further amended by striking out  
3 subsections (1), (2A) and (6).

1 SECTION 10. Section 113B of said chapter 175, as  
2 amended, is hereby further amended by striking out the  
3 words “motor vehicle liability” wherever they appear  
4 and inserting in place thereof the words: — motor  
5 vehicle operator’s liability, — and by adding at the end  
6 the following paragraph: —

7 Provided, however, that notwithstanding the pro-  
8 visions of any law, the premium charges for motor  
9 vehicle operator’s liability insurance shall be based on a  
10 classification of risks wherein the accident experience  
11 rate of the operator shall be the determining factor and  
12 such charges shall not in any event be based on risks  
13 classified into any geographical zoning system.

1 SECTION 11. Section 113C of said chapter 175, as  
2 appearing in the Tercentenary Edition, is hereby  
3 amended by striking out the words “motor vehicle  
4 liability” wherever they appear, and inserting in place  
5 thereof the words: — motor vehicle operator’s liability.

1 SECTION 12. Section 113D of said chapter 175, as  
2 amended, is hereby further amended by striking out the  
3 words “motor vehicle liability” wherever they appear,  
4 and inserting in place thereof the words: — motor  
5 vehicle operator’s liability.

1 SECTION 13. Section 113E of said chapter 175, as  
2 amended by chapter 401 of the acts of 1941, is hereby  
3 further amended by striking out the words “motor  
4 vehicle liability” wherever they appear, and inserting  
5 in place thereof the words: — motor vehicle operator’s  
6 liability.

1 SECTION 14. Section 113F of said chapter 175, as  
2 amended, is hereby further amended by striking out the  
3 words "motor vehicle liability" and inserting in place  
4 thereof the words: — motor vehicle operator's liability.

1 SECTION 15. Section 113G of said chapter 175, as  
2 appearing in chapter 406 of the acts of 1939, is hereby  
3 amended by striking out the words "motor vehicle  
4 liability" and inserting in place thereof the words: —  
5 motor vehicle operator's liability.



