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By Mr. Kaplan of Brookline, petition of Sumner Z. Kaplan for legislation to reward safe driving under the provisions of the Massachusetts Highway Safety Act. Insurance.

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**The Commonwealth of Massachusetts**

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

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AN ACT TO REWARD SAFE DRIVING UNDER THE HIGHWAY SAFETY ACT AND MERIT RATING SYSTEM.

*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 90A of the General Laws, as  
2 most recently amended by chapter 147 of the acts of  
3 1955, is hereby further amended by striking out sec-  
4 tions 5, 6 and 7 and inserting the following:—  
5 Section 5. The registrar of motor vehicles shall, with  
6 the advice of the committee, fix and establish and  
7 thereafter administer a point system for the evaluation  
8 of the operating and ownership records of owners of  
9 registered motor vehicles and other persons to whom a  
10 license to operate motor vehicles has been granted  
11 under section eight of chapter ninety, and for the deter-  
12 mination of the continuing qualification of such persons  
13 for the rights and privileges granted by such motor  
14 vehicle registration or by such license to operate motor  
15 vehicles. Said system shall have as its basic elements:—  
16 (1) a graduated scale of demerit points assigning rela-  
17 tive values in accordance with the seriousness thereof  
18 to each of the matters relating to the operating and  
19 ownership records of such registrants and licensees  
20 which by law are required to be reported to the regis-  
21 trar or the recording of which is provided by law; and

22 (2) merit points awarded for each year the licensees  
23 have driven without incurring any demerit points.

24 *Section 6.* The registrar shall, with the advice of  
25 the committee, establish a schedule of the penalties to  
26 be imposed as a consequence of the accumulation of  
27 points charged against the operating records of said  
28 registrants and of said licensees, which schedule shall  
29 include, in such manner as he shall determine, warnings  
30 to such registrants and licensees, conferences with such  
31 registrants and licensees, and suspensions and revoca-  
32 tions of motor vehicle registrations or operators' li-  
33 censes. The registrar, with like advice, may from time  
34 to time make changes in said schedule of penalties.  
35 The registrar shall before imposing penalties on a  
36 licensee in accordance with such schedule give consider-  
37 ation to the merit points credited to such licensee's  
38 operating record. Nothing herein contained shall  
39 limit the authority of the registrar under chapter ninety  
40 to impose any penalty greater than those provided for  
41 in said schedule of penalties. The committee shall  
42 give appropriate publicity to the point system estab-  
43 lished under this chapter.

44 *Section 7.* On and after the date fixed by the com-  
45 mittee as the effective date of the point system and of  
46 the schedule of penalties, the registrar, upon the receipt  
47 of any report required by law to be made to him or the  
48 reporting of which is provided for by law, shall charge  
49 the number of points indicated in the scale of points  
50 for the subject of such report against the operating rec-  
51 ord of the operator of the motor vehicle to which such  
52 report relates. If the operator is not the owner of the  
53 motor vehicle to which such report relates, and the  
54 motor vehicle was operated with the express or implied  
55 consent of the owner, the appropriate number of points  
56 indicated in the scale of points shall also be charged  
57 against the ownership record of the owner of said motor  
58 vehicle, and for this purpose the registrar shall main-  
59 tain an ownership record for all owners of registered  
60 motor vehicles against whom points have been charged.

61 Within the ninety days following the end of any oper-  
62 ating year which ends on or after the effective date  
63 for merit points, the registrar shall credit the number of  
64 merit points indicated in the scale of points established  
65 in accordance with section five to the operating record  
66 of any licensee who has had no demerit points charged  
67 against his operating record during said operating year.  
68 The committee shall fix an effective date for merit  
69 points. As used in this section "operating year" means  
70 a twelve-month period in which a licensee has driven  
71 and which ends ninety days or a year and ninety days  
72 prior to the expiration date of his license. No merit  
73 points or demerit points shall be admissible as evidence  
74 of negligence or for any other purpose in any proceeding  
75 at law or in equity.

1 SECTION 2. Chapter 90A of the General Laws, as  
2 most recently amended by chapter 417 of the acts of  
3 1955, is hereby further amended by striking out sec-  
4 tions 10, 11, 12, 13, 14 and 15 and inserting the fol-  
5 lowing:—

6 *Section 10.* The registrar shall maintain for each  
7 licensee an operating record consisting of the points  
8 charged against or credited to him in accordance with  
9 this chapter.

10 Within the ninety days prior to the day preceding  
11 the effective date of each license to be issued, the regis-  
12 trar shall determine an operating point total for the  
13 person to whom the license is to be issued, in the fol-  
14 lowing manner:— (a) ascertain the total number of  
15 merit points, if any, credited to the operating record  
16 of the licensee for the ten years ending ninety days  
17 prior to the day preceding the effective date of his  
18 license, and the total number of demerit points charged  
19 against the operating record of the licensee in the  
20 earliest six of the ten years; (b) if in subsection (a) the  
21 total of merit points does not exceed the total of de-  
22 merit points then the operating point total shall con-  
23 sist of the demerit points charged against the operating

24 record of the licensee during the four years ending  
25 ninety days prior to the day preceding the effective  
26 date of the license; if in paragraph (a) the total of  
27 merit points exceeds the total of demerit points, the  
28 operating point total shall consist of the difference be-  
29 tween such excess merit points and the demerit points  
30 charged against the operating record of the licensee  
31 during the four years ending ninety days prior to the  
32 day preceding the effective date of the license, whether  
33 such difference represents merit points or demerit  
34 points. If a registrant is also a licensee, within the same  
35 period in which the licensee's operating point total is  
36 determined, the registrar shall ascertain from the  
37 ownership record maintained in accordance with sec-  
38 tion seven the total number of demerit points charged  
39 against the registrant in the four years ending ninety  
40 days prior to the day preceding the effective date of the  
41 license, and such total shall be his ownership point to-  
42 tal. If a registrant is not a licensee, within the ninety  
43 days following the thirty-first day of August of each  
44 year, the registrar shall ascertain from the ownership  
45 record maintained in accordance with section seven  
46 the total number of demerit points charged against the  
47 registrant in the four years ending the thirty-first day  
48 of August of the year of determination, and such total  
49 shall be his ownership point total.

50 *Section 11.* The registrar shall record on each license  
51 issued the licensee's operating point total and owner-  
52 ship point total, as determined in section ten.

53 *Section 12.* The owner of a motor vehicle, upon re-  
54 quest of an insurance company issuing, renewing or  
55 continuing a motor vehicle liability policy or bond  
56 covering said motor vehicle, or to which application is  
57 made for such a policy or bond, shall furnish to such  
58 insurance company under the penalties of perjury his  
59 operating point total and ownership point total as  
60 recorded on his license to operate motor vehicles, and  
61 for this purpose may be required to exhibit his license  
62 to a duly authorized representative of such insurance  
63 company.

64 *Section 13.* The registrar shall transmit to the com-  
65 missioner of insurance the operating point total and the  
66 ownership point total of every registrant or licensee.  
67 The records required under this chapter to be kept in  
68 the custody of the registrar shall not be deemed to be  
69 public records. The commissioner of insurance shall,  
70 in accordance with such rules and regulations as he  
71 shall prescribe, make available to insurance companies  
72 such information with respect to the operating point  
73 totals and the ownership point totals of all registrants  
74 and licensees as shall be required for the proper appli-  
75 cation of classifications of risks, premium charges, and  
76 premium surcharges and premium discounts to motor  
77 vehicle liability policies and bonds, both as defined in  
78 section thirty-four A of chapter ninety.

79 *Section 14.* Each motor vehicle liability policy and  
80 bond, both as defined in section thirty-four A of chap-  
81 ter ninety, which is not subject to the application of  
82 any experience rating plan promulgated by the com-  
83 missioner of insurance for the modification of the pre-  
84 mium rates fixed and established for such policies and  
85 bonds in accordance with section one hundred and  
86 thirteen B of chapter one hundred and seventy-five,  
87 and which covers a motor vehicle within the "private  
88 passenger" or "motorcycles, skoot-mo-biles and other  
89 similar vehicles" classifications as defined in the clas-  
90 sifications of risks promulgated by the commissioner of  
91 insurance in accordance with said section one hundred  
92 and thirteen B, shall be subject to the application of  
93 appropriate premium surcharges and discounts.

94 In the case of a registrant who is also a licensee,  
95 premium surcharges and discounts shall be based on  
96 his operating point total and his ownership point total  
97 as recorded in accordance with section eleven on the  
98 license which is in effect on the effective or anniversary  
99 date of such policy or bond. If the operating point  
100 total does not consist of merit points, the premium sur-  
101 charges shall be based on the sum of the operating point  
102 total and the ownership point total; or, if the operating  
103 point total consists of merit points, the premium sur-

104 charges shall be based on the number of points by which  
105 the ownership point total exceeds the operating point  
106 total. In the case of a registrant who is not a licensee  
107 premium surcharges shall be based on the ownership  
108 point total as determined in accordance with section  
109 ten for the period ending the thirty-first day of August  
110 preceding the effective or anniversary date of the policy  
111 or bond.

112 If the operating point total consists of merit points,  
113 premium discounts shall be based on the number of  
114 points by which the operating point total exceeds the  
115 ownership point total.

116 If a registrant who was not a licensee at the time of  
117 the issuance of his policy or bond acquires a license  
118 during the period when the policy or bond is in force,  
119 the commissioner of insurance shall, in accordance with  
120 the above provisions of this section, determine a new  
121 premium surcharge or discount based on the operating  
122 point total and the ownership point total as recorded on  
123 the license.

124 *Section 15.* The commissioner of insurance shall, in  
125 fixing and establishing classifications of risks and pre-  
126 mium charges as required by section one hundred and  
127 thirteen B of chapter one hundred and seventy-five  
128 for motor vehicle liability policies or bonds, give con-  
129 sideration to the operating point totals and the owner-  
130 ship point totals of all registrants. The commissioner  
131 of insurance shall fix and establish a schedule of pre-  
132 mium surcharges or penalties to be applied to premium  
133 charges as otherwise determined for such policies and  
134 bonds, such schedule to be graduated according to the  
135 net demerit point accumulation as determined in ac-  
136 cordance with the second paragraph of section four-  
137 teen. The schedule of surcharges shall provide for an  
138 equal surcharge in money throughout the common-  
139 wealth in accordance with such net demerit point  
140 accumulation irrespective of zones, and shall not be  
141 based upon a percentage of the premiums. The com-  
142 missioner of insurance shall also fix and establish a

143 schedule of premium discounts to be applied to pre-  
144 mium charges as otherwise determined for such policies  
145 and bonds, the schedule to be graduated according to  
146 the net merit point accumulations as determined in  
147 accordance with the third paragraph of section fourteen.  
148 The schedule shall provide for discounts which shall be  
149 based on a percentage of the premium charges in each  
150 zone as otherwise determined; but no person shall pay  
151 as a result of such premium discounts less than one  
152 half of the premium charges as otherwise determined  
153 for such policies and bonds.

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