

EXTRA SESSION.

HOUSE No. 1766

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, Oct. 29, 1931.

The joint committees on the Judiciary and Insurance, sitting jointly, to whom were referred the Governor's Address relative to the rates promulgated by the Commissioner of Insurance for compulsory automobile liability insurance (Senate, No. 562), and the petition (accompanied by bill, House, No. 1754) of Frank A. Goodwin that companies insuring owners of motor vehicles be exempted from paying damages for injuries to members of the family or to guests of the insured, report (report in part on Senate, No. 562) the accompanying bill (House, No. 1766).

For the committee,

ARNOLD LEONARD.

[Representatives JOHNSTON of Boston, GALLAGHER of Boston and MAHONEY of Boston, of the joint committee on the judiciary, dissenting.]

The Commonwealth of Massachusetts

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

An Act limiting the Coverage of Motor Vehicle Liability Policies and Bonds in Case of Personal Injuries suffered by Persons insured thereby, their Employees and Guests.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, therefore it is hereby
3 declared to be an emergency law, necessary for
4 the immediate preservation of the public safety
5 and convenience.

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 thirty-four A of chapter
2 ninety of the General Laws, inserted by section
3 four of chapter three hundred and eighty-one of
4 the acts of nineteen hundred and twenty-eight,
5 is hereby amended by striking out the third and
6 fourth paragraphs as amended by section one of
7 chapter three hundred and forty of the acts of nine-
8 teen hundred and thirty and inserting in place
9 thereof the following:—

10 “Motor vehicle liability bond”, a bond condi-
11 tioned that the obligor shall within thirty days
12 after the rendition thereof satisfy all judgments
13 rendered against him or against any person respon-
14 sible for the operation of the obligor’s motor ve-

15 hicle with his express or implied consent in actions
16 to recover damages for bodily injuries, including
17 death at any time resulting therefrom and judgments
18 rendered as aforesaid for consequential damages
19 consisting of expenses incurred by a husband, wife,
20 parent or guardian for medical, nursing, hospital
21 or surgical services in connection with or on account
22 of such bodily injuries or death, sustained during
23 the term of said bond by any person, except the
24 obligor, except employees of the obligor or of such
25 other person responsible as aforesaid, whether or
26 not such employees are entitled to payments or
27 benefits under the provisions of chapter one hun-
28 dred and fifty-two, and except occupants thereof
29 other than fare paying passengers in such motor
30 vehicle in case it is insured under any classification
31 of risks established under section one hundred and
32 thirteen B of chapter one hundred and seventy-
33 five applicable to motor vehicles used for the trans-
34 portation of passengers for hire, and arising out of
35 the ownership, operation, maintenance, control or
36 use upon the ways of the commonwealth of such
37 motor vehicle, to the amount or limit of at least
38 five thousand dollars on account of injury to or
39 death of any one person, and, subject to such limits
40 as respects injury to or death of one person, of at
41 least ten thousand dollars on account of any one
42 accident resulting in injury to or death of more than
43 one person.

44 “Motor vehicle liability policy”, a policy of
45 liability insurance which provides indemnity for or
46 protection to the insured and any person respon-
47 sible for the operation of the insured’s motor ve-
48 hicle with his express or implied consent against

49 loss by reason of the liability to pay damages to
50 others for bodily injuries, including death at any
51 time resulting therefrom, or consequential damages
52 consisting of expenses incurred by a husband, wife,
53 parent or guardian for medical, nursing, hospital
54 or surgical services in connection with or on ac-
55 count of such bodily injuries or death, sustained
56 during the term of said policy by any person, except
57 the insured, except employees of the insured or of
58 such other person responsible as aforesaid, whether
59 or not such employees are entitled to payments or
60 benefits under the provisions of chapter one hundred
61 and fifty-two, and except occupants thereof other
62 than fare paying passengers in such motor vehicle
63 in case it is insured under any classification of risks
64 established under section one hundred and thir-
65 teen B of chapter one hundred and seventy-five
66 applicable to motor vehicles used for the transpor-
67 tation of passengers for hire, and arising out of the
68 ownership, operation, maintenance, control or use
69 upon the ways of the commonwealth of such motor
70 vehicle, to the amount or limit of at least five thou-
71 sand dollars on account of injury to or death of any
72 one person, and, subject to such limits as respects
73 injury to or death of one person, of at least ten
74 thousand dollars on account of any one accident
75 resulting in injury to or death of more than one per-
76 son, or a binder as defined in section one hundred
77 and thirteen A of said chapter one hundred and
78 seventy-five providing indemnity or protection as
79 aforesaid pending the issue of such a policy.

1 SECTION 2. Section thirty-four D of said chapter
2 ninety, as most recently amended by section two of

3 said chapter three hundred and forty, is hereby
4 further amended by striking out, in the nineteenth
5 line, the word "who" and inserting in place thereof
6 the words:—, whether or not such employees,—
7 and by inserting after the word "fifty-two" in the
8 twentieth line the following:—, and other than
9 occupants thereof, except fare paying passengers in
10 such motor vehicle in case it comes within any classi-
11 fication of risks established under section one hun-
12 dred and thirteen B of chapter one hundred and
13 seventy-five applicable to motor vehicles used for
14 the transportation of passengers for hire,— so as
15 to read as follows:— *Section 34D.* The applicant
16 for registration may, in lieu of procuring a motor
17 vehicle liability bond or policy, deposit with the
18 department cash in the amount of five thousand
19 dollars or bonds, stocks or other evidence of indebted-
20 ness satisfactory to the department of a market
21 value of not less than five thousand dollars as security
22 for the payment by such applicant or by any person
23 responsible for the operation of such applicant's
24 motor vehicle with his express or implied consent of
25 all judgments rendered against such applicant or
26 against such person in actions to recover damages
27 for bodily injuries, including death at any time
28 resulting therefrom, and judgments rendered as
29 aforesaid for consequential damages consisting of
30 expenses incurred by a husband, wife, parent or
31 guardian for medical, nursing, hospital or surgical
32 services in connection with or on account of such
33 bodily injuries or death, sustained during the term
34 of registration by any person other than employees
35 of the applicant or such other person responsible as
36 aforesaid, whether or not such employees are entitled

37 to payments or benefits under the provisions of
38 chapter one hundred and fifty-two, and other than
39 occupants thereof, except fare paying passengers in
40 such motor vehicle in case it comes within any classi-
41 fication of risks established under section one hun-
42 dred and thirteen B of chapter one hundred and
43 seventy-five applicable to motor vehicles used for
44 the transportation of passengers for hire, and arising
45 out of the ownership, operation, maintenance, con-
46 trol or use upon the ways of the commonwealth of
47 such motor vehicle to the amount or limit of at least
48 five thousand dollars on account of any such judg-
49 ment. The depositor shall be entitled to the interest
50 accruing on his deposit and to the income payable
51 on the securities deposited and may from time to
52 time with the consent of the department change
53 such securities. Upon presentation to the depart-
54 ment by an officer qualified to serve civil process of
55 an execution issued on any such judgment against
56 the registrant or other person responsible as afore-
57 said, the department shall pay, out of the cash de-
58 posited by the registrant as herein provided, the
59 amount of the execution, including costs and interest,
60 up to but not in excess of five thousand dollars. If
61 the registrant has deposited bonds, stocks or other
62 evidences of indebtedness, the department shall, on
63 presentation of an execution as aforesaid, cause the
64 said securities or such part thereof as may be neces-
65 sary to satisfy the judgment to be sold at public
66 auction, giving the registrant three days' notice in
67 writing of the time and place of said sale, and from
68 the proceeds of said sale the department shall, after
69 paying the expenses thereof, satisfy the execution as
70 hereinbefore provided when a cash deposit has been

71 made. Any payment upon an execution by the
72 department in accordance with the provisions of
73 this section shall discharge its members from all
74 official and personal liability whatever to the regis-
75 trant to the extent of such payment. The depart-
76 ment shall, whenever the amount of such deposit
77 from any cause falls below the amount required by
78 this section, require, at the option of the registrant,
79 the deposit of additional cash or securities up to the
80 amount required by this section or a motor vehicle
81 liability bond or policy as provided in this chapter.
82 Money or securities deposited with the department
83 under the provisions of this section shall not be
84 subject to attachment or execution except as pro-
85 vided in this section. The department shall deposit
86 any cash received under the provisions of this section
87 in a savings bank or the savings department of a
88 trust company or of a national bank within the
89 commonwealth.

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 country, its situation, extent, and the nature of the soil.
 It is divided into three parts, the first of which is a
 description of the country in general, the second of the
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