

HOUSE No. 2033

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 8, 1945.

The committee on the Judiciary, to whom was referred so much of the annual reports of the Judicial Council (Pub. Doc. No. 144) as relates to the report of the Commission on Interstate Co-operation relative to compulsory car insurance against property damage and regulation of non-resident car drivers (20th report, pages 51-57), report the accompanying bill (House, No. 2033).

For the committee,

J. PHILIP HOWARD.

The Commonwealth of Massachusetts

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

AN ACT TO REQUIRE SECURITY FOR DAMAGES CAUSED BY MOTOR VEHICLES OF NON-RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter _____ of the General Laws is
2 hereby amended by inserting after section _____ the
3 following new section:—
4 *Section* . The writ in an action at law against a
5 non-resident for damages to property or for the death
6 or bodily injury to any person resulting from an acci-
7 dent in this commonwealth in which one or more
8 motor vehicles are involved may be accompanied by
9 a petition for an order to the defendant to furnish
10 forthwith such security for such amount as the court
11 shall find reasonable after summary hearing to satisfy
12 within sixty days after a final judgment in such action
13 a reasonable amount of damages, not in excess of five
14 thousand dollars for a single injury or death or one
15 thousand dollars for damage to property. The court
16 shall accept as sufficient security a certificate as de-
17 fined in section thirty-four A of chapter ninety, or
18 the production of an extra-territorial insurance policy
19 in a company authorized to do business in this com-
20 monwealth covering the probable amount of damages

21 in this commonwealth found on summary hearing as
22 aforesaid.

23 The petition shall state the facts, and, if the court
24 upon inquiry after reasonable notice finds that such
25 accident was probably due to the negligence of the
26 defendant, the court may order the defendant to fur-
27 nish forthwith such security as it may find reasonable
28 under the circumstances and may order that until
29 such security is furnished the right of the defendant
30 or of any one employed or authorized by him to oper-
31 ate a motor vehicle belonging to him in this com-
32 monwealth be suspended. Service of the writ with a
33 copy of the petition upon the defendant or upon the
34 registrar of motor vehicles under section three A of
35 chapter ninety shall be made not less than days
36 before the return date or as the court may by special
37 order direct, and, if an order for security is issued on
38 default, it shall be subject to modification at the dis-
39 cretion of the court as justice may require.

