

HOUSE No. 867

By Mr. Corbett of Somerville, petition of John J. Murphy and William P. Corbett for the establishment of a state fund to insure owners of motor vehicles for civil liability for personal injuries or death. Insurance.

The Commonwealth of Massachusetts

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

An Act to establish a State Fund to insure Owners of Certain Motor Vehicles and Trailers for their Civil Liability on Account of Personal Injuries or Death caused by their Motor Vehicles and Trailers.

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. A state fund is hereby estab-
2 lished for the compulsory insurance of all
3 motor vehicles and trailers registered in the
4 commonwealth of Massachusetts.

1 SECTION 2. That the aforesaid state fund
2 shall be created by charging a fee of fifteen
3 dollars per annum for each motor vehicle and
4 trailer registered in the commonwealth with-
5 out regard to horse power, size, or make of
6 said vehicle, with the exception of trucks taxi-

7 cabs and buses, which are to be charged a fee
8 of twenty-five dollars each per annum.

9 The aforesaid fee shall be uniform through-
10 out the state without regard to section, dis-
11 trict, or locality.

1 SECTION 3. That the aforesaid fee shall be
2 in addition to the fee for registering and that
3 no motor vehicle or trailer shall be registered
4 unless the aforesaid insurance fee shall have
5 been paid.

1 SECTION 4. That the aforesaid state fund
2 shall be under the supervision of and admin-
3 istered by the registrar of motor vehicles for
4 the commonwealth of Massachusetts.

5 All costs and expenses of administration
6 necessary to execute, administer, and carry out
7 provisions of this law shall be paid from the
8 aforesaid state fund.

1 SECTION 5. That the registrar of motor
2 vehicles shall have the power and authority to
3 decrease or increase the amount of the afore-
4 said fee so that insurance under this law shall
5 be furnished at cost.

1 SECTION 6. That the payment of the afore-
2 said fee of fifteen dollars per annum for each
3 motor vehicle and trailer, and twenty-five dol-
4 lars per annum for each truck, taxicab, and bus

5 shall insure the owner of said vehicle and pro-
6 tect him against civil liability on account of
7 personal injuries and death caused by said
8 vehicle to be the limit of five thousand dollars
9 in the case of death or injury to one person in
10 any one accident, and to the limit of ten thou-
11 sand dollars in the case of death or injury to
12 more than one person in any one accident, with
13 the exception of a truck, taxicab, or bus, in
14 which case the limit shall be twenty-five thou-
15 sand dollars for injury or death to more than
16 one person in any one accident, but the liability
17 shall not be more than five thousand dollars for
18 personal injury or death to any one person in
19 any one accident.

1 SECTION 7. That the payment of the afore-
2 said fee shall insure the owner of the
3 motor vehicle or trailer against civil liability
4 throughout the United States and Canada for
5 the year in which the said vehicle is registered
6 and in the amounts specified in section six.

1 SECTION 8. That any action at law for per-
2 sonal injuries or death caused by a motor
3 vehicle or trailer insured under this law shall
4 be brought against the owner of said motor
5 vehicle and the plaintiff shall indicate in his
6 action that satisfaction or payment of judg-
7 ment, in the case of a verdict for the plaintiff,
8 is to be had from the state fund.

1 SECTION 9. That each motor vehicle owner
2 shall defend every action at law brought
3 against him under this law, and failure so to
4 defend or default shall result in the said owner
5 forfeiting his right to register and operate a
6 motor vehicle within the commonwealth for a
7 period of two years.

8 That in the event of the failure of the plain-
9 tiff to secure judgment he shall pay to the
10 defendant double the cost of court.

11 That in the case of a settlement between the
12 plaintiff and defendant such settlement shall re-
13 quire the approval of the court having juris-
14 diction and the court shall indicate that the
15 aforesaid settlement is fair and just.

1 SECTION 10. That a judgment rendered
2 against an owner of a motor vehicle or trailer
3 insured under this law, or a settlement made
4 with the approval of the court having jurisdic-
5 tion, shall be satisfied and paid by the presenta-
6 tion of an execution of judgment or agreement
7 of settlement to the registrar of motor vehicles.

1 SECTION 11. That in the event of injury or
2 death caused by a so-called "hit and run"
3 driver, whose identity is not known, the regis-
4 trar of motor vehicles shall investigate the
5 accident and if the registrar is satisfied that the
6 claim of the injured party, or in the event of
7 death, those claiming for the deceased, is a
8 proper one, the registrar shall certify that there

9 is a presumption that the injury or death was
10 caused by a motor vehicle or trailer insured
11 under this act. This certification shall be filed
12 with the claimant's writ in court and action
13 shall be brought against the registrar of motor
14 vehicles as custodian of the state fund. The
15 registrar shall employ counsel to represent him
16 in the settlement which shall have the approval
17 of the court. Upon presentation of such agree-
18 ment of settlement the registrar shall satisfy
19 the claim from the state fund.

1 SECTION 12. That this law shall take effect
2 as of January first, nineteen hundred and
3 thirty, and all laws inconsistent with this law
4 shall be repealed and be null and void as of
5 January first, nineteen hundred and thirty.

6 This law shall specifically repeal the so-called
7 compulsory insurance law as covered by the
8 acts of nineteen hundred and twenty-five, chap-
9 ter three hundred and forty-six, and as
10 amended by the acts of nineteen hundred and
11 twenty-six, chapters two hundred and twenty-
12 two and three hundred and sixty-eight, and all
13 subsequent amendments thereto.

