

HOUSE No. 768

By Mr. Walker of Woburn, petition of Maxham E. Nash that the laws relative to compulsory insurance by owners of motor vehicles be repealed and that the Massachusetts Motor Vehicle Guaranty Fund be established under the Registrar of Motor Vehicles. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty.

An Act in relation to the Satisfaction of Judgments for for Bodily Injuries, including Death, or Property Damage caused by Motor Vehicles.

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 three hundred and forty-six
2 of the acts of nineteen hundred and twenty-five of
3 the General Laws of Massachusetts, and all acts
4 amendatory thereof and supplementary thereto, are
5 hereby repealed.

1 SECTION 2. There is hereby created in the regis-
2 try of motor vehicles a department to be known as
3 the Massachusetts Motor Vehicle Guaranty Fund.
4 Said department and the fund hereinafter created
5 shall be under the control of the registrar of motor
6 vehicles. The registrar is hereby empowered to
7 establish rules and regulations to effect the efficient
8 operation of said fund for the purposes for which it
9 is created, and to employ such assistance as may be

10 necessary. The entire expense of the maintenance
11 and operation of said department is to be paid from
12 said fund.

1 SECTION 3. It shall be mandatory upon each and
2 every owner of a motor vehicle or trailer registering
3 the same during the year nineteen hundred and
4 thirty-one, hereinafter called the registrant, to pay
5 to the registrar, in addition to the usual registration
6 fee, the sum of one dollar as his contribution to said
7 fund.

1 SECTION 4. The registrar shall have power in
2 any subsequent year to collect a like amount in the
3 same manner if, in his judgment, the solvency of said
4 fund necessitates.

1 SECTION 5. Any judgment in favor of a regis-
2 trant or of a resident of the commonwealth for per-
3 sonal injuries or for property damage rendered in a
4 suit for the negligent operation of a motor vehicle
5 upon the highways of the commonwealth of Massa-
6 chusetts, which judgment is unsatisfied in whole or
7 in part thirty days after such judgment becomes
8 final, shall be paid from said fund. Upon payment
9 of such judgment from said fund, said judgment shall
10 be assigned to said fund, and the registrar of motor
11 vehicles, as custodian of said fund, is hereby em-
12 powered to take such action as may be necessary to
13 satisfy said judgment.

1 SECTION 6. At the time of payment of said judg-
2 ment from said fund, the motor vehicle involved in
3 the accident out of which injuries or damage com-

4 compensated by said judgment arose, may be seized by
5 the registrar. If said fund be reimbursed, within
6 ninety days after payment of said judgment, for the
7 amount paid in satisfaction thereof, with interest,
8 and for all expense in relation thereto, said motor
9 vehicle shall be returned immediately to its owner.
10 If said fund be not reimbursed as aforesaid within
11 said ninety day period, the registrar is hereby em-
12 powered to sell said motor vehicle at public or private
13 sale, to reimburse the fund for such payment, interest
14 and expense, and to return to the judgment debtor
15 the balance, if any. The amount realized from said
16 sale, after deduction of expense, shall be applied in
17 payment of paid judgment and interest, but payment
18 on said judgment of less than the judgment debt,
19 costs and interest, shall not operate as a satisfaction of
20 said judgment.

1 SECTION 7. Simultaneously with the payment of
2 said judgment, the registrar shall revoke the registra-
3 tion of said motor vehicle and of all other motor
4 vehicles registered in the name of the owner thereof,
5 as well as the license of the person operating said
6 vehicle at the time of the accident causing the injuries
7 compensated by said judgment; and until said fund
8 be reimbursed in full as aforesaid, no motor vehicle
9 owned by such person or by such operator shall be
10 registered in this commonwealth, and no license shall
11 be issued to such operator.

1 SECTION 8. If the judgment debtor in any judg-
2 ment paid from said fund as aforesaid be a non-resident
3 of this commonwealth, the registrar shall forthwith
4 enter an order that until said fund be reimbursed in

5 full as aforesaid said judgment debtor shall not
6 operate a motor vehicle upon the highways of this
7 commonwealth and that no automobile owned by said
8 judgment debtor shall be so operated. A copy of such
9 order shall be sent by mail to said judgment debtor.

1 SECTION 9. Immediately upon reimbursement of
2 said fund in full as aforesaid, the registrar shall, un-
3 less some cause other than failure to pay said judgment
4 exists for the continuance of revocation, reinstate all
5 registrations and licenses revoked by him under the
6 provisions of section seven.

1 SECTION 10. Any person whose registration has
2 been revoked under the provisions of section seven
3 and not thereafter reinstated, who shall register or
4 attempt to register a motor vehicle owned by him in
5 the name of another person, shall be punished by a
6 fine not to exceed five hundred dollars or by imprison-
7 ment not to exceed six months, or both.

1 SECTION 11. There shall be paid to the registrar of
2 motor vehicles from said fund, in addition to his
3 salary as registrar, an annual salary of twenty-five
4 hundred dollars as compensation for his services as
5 custodian of said fund.

1 SECTION 12. Actions of tort for bodily injuries,
2 including death, and for injury to property alleging
3 negligence in the use or operation of a motor vehicle
4 or trailer shall be commenced only within one year
5 next after the cause of action accrues, and all parts of
6 section four of chapter two hundred and sixty of the
7 General Laws in conflict herewith are hereby repealed.