

HOUSE No. 854

By Mr. Barnet of New Bedford, petition of Grover C. Hoyt for legislation to provide for sending copies of certain court decrees to the Board of Appeal on Motor Vehicle Liability Policies and Bonds. Judiciary (Joint).

The Commonwealth of Massachusetts

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

An Act requiring Copies of Certain Court Decrees to be sent to the Board of Appeal on Motor Vehicle Liability Policies and Bonds.

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

1 The sixth paragraph of section one hundred and
2 thirteen D of chapter one hundred and seventy-five
3 of the General Laws, as appearing in chapter forty-
4 six of the acts of nineteen hundred and thirty-four, is
5 hereby amended by inserting after the word "parties"
6 in the thirty-fifth line the words: — and to the board,
7 — so as to read as follows: — Any person or company
8 aggrieved by any finding or order of the board, other
9 than a finding that the complainant is or is not a
10 suitable and proper person to whom to issue such a
11 policy or on behalf of whom to execute such a bond as
12 surety, may, within ten days after the filing of the
13 memorandum thereof in the office of the commissioner,

14 unless the policy or bond has expired or will expire
15 prior to the expiration of said period, and any person
16 or company aggrieved by any finding of the board
17 that a complainant is or is not a suitable and proper
18 person as aforesaid may, in any case, within said
19 period, appeal therefrom to the superior court or any
20 justice thereof, in any county. The appellant shall
21 file with his appeal a duly certified copy of the com-
22 plaint and of the finding and order thereon, and, if
23 the appeal is taken from a finding and order of the
24 board in respect to a cancellation, the clerk of the
25 court shall forthwith upon the filing of such an appeal,
26 give written notice of the filing thereof to said regis-
27 trar and to the appellee. The court or justice shall,
28 after such notice to the parties as it or he deems
29 reasonable, give a summary hearing on such appeal
30 and shall have jurisdiction in equity to review all
31 questions of fact and law, and to affirm or reverse
32 such finding or order and may make any appropriate
33 decree. The court or justice may allow such com-
34 plaint, finding or order to be amended. The decision
35 of the court or justice shall be final. If the court or
36 justice finds in favor of the company in the case of
37 such a cancellation, the decree shall, unless the policy
38 or bond has expired, affirm the cancellation and specify
39 a date not earlier than five days from the entry
40 thereof, on which the cancellation shall become ef-
41 fective; but, if the policy or bond will expire on or
42 before the termination of a period of five days from
43 such entry, the decree shall specify a date prior to
44 such expiration, or the court or justice may dispense
45 with such a specification. The clerk shall, within
46 two days after the entry thereof, send an attested
47 copy of the decree to each of the parties and to the

48 board and the commissioner and, in the case of a
49 decree rendered upon an appeal in respect to the
50 cancellation of such a policy or bond, to said registrar,
51 or his office. The court or justice may make such or-
52 der as to costs as it or he deems equitable. The su-
53 perior court may make reasonable rules to secure
54 prompt hearings on such appeals and a speedy dis-
55 position thereof.

