

By Mr. Weinberg of Boston, petition of Norman S. Weinberg for legislation to provide a plan for the insuring of motor vehicle risks which require insurance coverage under the motor vehicle liability insurance law. Insurance.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

### AN ACT PROVIDING FOR A PLAN FOR THE INSURING OF RISKS REQUIRING INSURANCE FOR THE OPERATION OF 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 Chapter 90A of the General Laws is hereby amended by inserting after section 6 the following sections:—

2  
3 *Section 6A.* The registrar shall, with the advice of the committee, establish a schedule of the penalties to be imposed as a consequence of the accumulation of points charged against the operating records of said registrants and of said licensees, which schedule shall include, in such manner as he shall determine, warnings to such registrants and licensees, conferences with such registrants and licensees, and suspensions and revocations of motor vehicle registrations or operators' licenses. The registrar, with like advice, may from time to time make changes in said schedule of penalties. Nothing herein contained shall limit the authority of the registrar under chapter ninety to impose any penalty greater than those provided for in said schedule of penalties. The committee shall give appropriate publicity to the point system established under section five and the schedule of penalties established under this section.

19 *Section 6B.* On and after the date fixed by the committee as the effective date of the point system and of the schedule of penalties, the registrar, upon the receipt of any report required by law to be made to him or the reporting of which is provided for by law, charge the number of points indicated in the scale of points for the subject of such report against

25 the operating record of the operator of the motor vehicle to  
26 which such report relates. If the operator is not the owner  
27 of the motor vehicle to which such report relates, and the  
28 motor vehicle was operated with the express or implied con-  
29 sent of the owner, the appropriate number of points indi-  
30 cated in the scale of points shall also be charged against the  
31 operating record of the owner of said motor vehicle, and for  
32 this purpose the registrar shall maintain an operating rec-  
33 ord for all owners of registered motor vehicles against whom  
34 points have been charged. Points charged against the operat-  
35 ing record of a registrant or licensee shall not be admissible  
36 as evidence of negligence or for any other purpose in any pro-  
37 ceeding at law or in equity.

38 *Section 6C.* Notwithstanding any contrary provision of law,  
39 no points shall be assessed against the operating record of the  
40 owner of a motor vehicle as a result of any violation unless the  
41 owner is the operator thereof, except where:—

42 (a) The owner permits an intoxicated person to operate his  
43 motor vehicle.

44 (b) The owner permits an improper person to operate his  
45 motor vehicle.

46 (c) The owner permits operation of his motor vehicle by a  
47 person without a license or after the revocation or suspension  
48 of said person's license to operate.

49 (d) The owner permits operation by an operator in viola-  
50 tion of restrictions on the license of said operator.

51 (e) The motor vehicle is being operated without an inspection  
52 sticker.

53 (f) The motor vehicle is being operated with improper equip-  
54 ment.

55 (g) The owner knowingly permits use of his motor vehicle  
56 in the commission of a crime.

57 *Section 6D.* The registrar shall give notice to each regis-  
58 trant or licensee of any points charged against the operating  
59 record of such registrant or licensee. Any person notified by  
60 the registrar of any points charged against the operating  
61 record of such person may request a hearing before the reg-  
62 istrar, or his authorized representative, provided such re-  
63 quest is made to the registrar within twenty-one days after  
64 the postmark date of such notice or within such further time  
65 as the registrar may deem to be equitable. Failure to request

66 such hearing within such time shall thereafter bar such per-  
67 son from protesting the points so charged.

68 *Section 6E.* No points shall be charged against the operat-  
69 ing record of any registrant or licensee as a result of any vio-  
70 lation of law while there is pending before the courts an ap-  
71 peal by such registrant or licensee from a conviction for such  
72 violation.

73 *Section 6F.* Except as provided in section eight, any per-  
74 son aggrieved by a ruling or decision of the registrar may  
75 appeal from such ruling or decision in the manner provided  
76 in section twenty-eight of chapter ninety.

77 *Section 6G.* The registrar shall maintain for each person  
78 to whom a license to operate motor vehicles is granted under  
79 section eight of chapter ninety a record of the points, fixed  
80 in accordance with this chapter, as are charged against the  
81 operating record of such person, in such manner that such  
82 points so charged because of such person's operation of a  
83 motor vehicle can be distinguished from such points so  
84 charged because of the operation by another of a motor ve-  
85 hicle owned by such person. The registrar shall, in addi-  
86 tion, maintain for each person who owns a registered motor  
87 vehicle, but who has not been granted such a license to  
88 operate motor vehicles a record of the points, fixed in accord-  
89 ance with this chapter, as are charged against such person  
90 because of the operation by another of a motor vehicle owned  
91 by such person.

92 *Section 6H.* Each license to operate motor vehicles issued  
93 during the period of fifty-one months commencing on the  
94 effective date of the point system shall have recorded thereon  
95 by the registrar the number of points charged against the  
96 operating record of the licensee during the period commenc-  
97 ing on the effective date of the point system and ending  
98 ninety days prior to the day preceding the effective date of  
99 such license. Thereafter each such license issued shall have  
100 recorded thereon by the registrar the number of points  
101 charged against the operating record of the licensee during  
102 the period of forty-eight months ending ninety days prior  
103 to the day preceding the effective date of such license. In  
104 making such record on such license, the number of points  
105 charged against the operating record of the licensee because  
106 of his operation of motor vehicles and because of the opera-

107 tion by others of a motor vehicle owned by him shall be  
108 separately shown.

109 *Section 6I.* The owner of a motor vehicle, upon request  
110 of an insurance company issuing, renewing or continuing a  
111 motor vehicle liability policy or bond covering said motor  
112 vehicle or to which application is made for such a policy or  
113 bond shall furnish to such insurance company under the  
114 penalties of perjury his operating point record as recorded  
115 on his license to operate motor vehicles, and for this pur-  
116 pose may be required to exhibit his license to a duly author-  
117 ized representative of such insurance company.

118 *Section 6J.* The registrar shall transmit to the commis-  
119 sioner of insurance a notice of all points charged against every  
120 registrant or licensee. The records required under this chap-  
121 ter to be kept in the custody of the registrar shall not be  
122 deemed to be public records. The commissioner of insur-  
123 ance shall, in accordance with such rules and regulations as  
124 he shall prescribe, make available to insurance companies  
125 such information with respect to the operating records of all  
126 registrants and licensees as shall be required for the proper  
127 application of classifications of risks, premium charges and  
128 premium surcharges to motor vehicle liability policies and  
129 bonds, both as defined in section thirty-four A of chapter  
130 ninety.

131 *Section 6K.* Each motor vehicle liability policy and bond,  
132 both as defined in section thirty-four A of chapter ninety,  
133 issued to become effective or having an anniversary date  
134 subsequent to the thirty-first day of December, nineteen  
135 hundred and fifty-five, which is not subject to the applica-  
136 tion of any experience rating plan promulgated by the com-  
137 missioner of insurance for the modification of the premium  
138 rates fixed and established for such policies and bonds in ac-  
139 cordance with section one hundred and thirteen B of chapter  
140 one hundred and seventy-five, and which covers a motor  
141 vehicle within the "private passenger" or "motorcycles,  
142 skoot-mo-biles and other similar vehicles" classifications as  
143 defined in the classifications of risks promulgated by the  
144 commissioner of insurance in accordance with said section  
145 one hundred and thirteen B, shall be subject to the applica-  
146 tion of appropriate premium surcharges. Such premium  
147 surcharges shall, in the case of an owner of a registered motor

148 vehicle to whom a license to operate motor vehicles has been  
149 granted under section eight of chapter ninety, be based upon  
150 the total number of points fixed in accordance with this  
151 chapter, charged against the operating record of such owner  
152 in accordance with the provisions of section seven, during  
153 the period of forty-eight months ending on a date ninety  
154 days prior to the expiration date of the last expired license  
155 period prior to the effective or anniversary date of such  
156 policy or bond, or that portion of such forty-eight month  
157 period during which the point system established by the  
158 registrar has been in effect. The points to be taken into  
159 account for such licensee shall be the sum of the points  
160 charged against such licensee because of his operation of a  
161 motor vehicle and the points charged against such licensee  
162 because of the operation by another of a motor vehicle owned  
163 by such licensee accruing during the period prescribed in  
164 accordance with the foregoing. Such premium surcharges  
165 shall, in the case of an owner of a registered motor vehicle to  
166 whom such a license to operate motor vehicles has not been  
167 granted under section eight of chapter ninety, be based upon  
168 the number of points charged against such owner in accord-  
169 ance with the provisions of section seven, during the period  
170 of forty-eight months ending on the thirty-first day of August  
171 preceding the effective or anniversary date of the policy or  
172 bond, or that portion of such forty-eight month period during  
173 which the point system established by the registrar has been  
174 in effect.

175 *Section 6L.* The commissioner of insurance shall, in fix-  
176 ing and establishing classifications of risks and premium  
177 charges as required by section one hundred and thirteen B  
178 of chapter one hundred and seventy-five for motor vehicle  
179 liability policies or bonds, written to become effective or  
180 having anniversary dates after the thirty-first day of De-  
181 cember, nineteen hundred and sixty-nine, give consideration  
182 to the points charged in accordance with the provisions of  
183 section seven against the operating records of the owners of  
184 motor vehicles to whom licenses to operate motor vehicles  
185 have been granted under section eight of chapter ninety and  
186 to the records of points charged in accordance with the pro-  
187 visions of section seven against the owners of motor vehi-  
188 cles to whom licenses to operate motor vehicles have not

189 been granted under section eight, and shall fix and establish  
190 a schedule of premium surcharges or penalties to be applied  
191 to premium charges, as otherwise determined, for such poli-  
192 cies and bonds, such schedule to be graduated according to  
193 the point accumulation records of the owners of the motor  
194 vehicles covered under such policies or bonds. Said sched-  
195 ule of surcharges shall provide for an equal surcharge in  
196 money throughout the commonwealth in accordance with  
197 the points charged irrespective of zones and shall not be  
198 based upon a percentage of the premiums. The commissioner  
199 of insurance in fixing and establishing premium charges in  
200 accordance with said section one hundred and thirteen B  
201 shall give consideration to the additional premiums developed  
202 by the application of such premium surcharges or penalties  
203 in each zone.

204 *Section 6M.* The registrar and the commissioner of insur-  
205 ance shall each have authority to prepare and promulgate  
206 such rules and regulations as shall be necessary to carry out  
207 the provisions and purposes of this chapter.

208 *Section 6N.* The registrar may refuse to register or may  
209 suspend the registration of any motor vehicle in the name of  
210 any person, if he has reasonable grounds to believe that  
211 such motor vehicle has been transferred for the primary  
212 purpose of securing a lower premium surcharge or avoiding  
213 the imposition of a premium surcharge or that such regis-  
214 tration will have the effect of defeating any of the purposes  
215 of this chapter.



