

SENATE No. 572

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 572) of Robert D. Wetmore for legislation to repeal the provisions establishing surcharges for convictions of speeding and other moving violations under the automobile insurance merit rating plan. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-eight.

AN ACT REPEALING THE PROVISIONS ESTABLISHING SURCHARGES FOR CONVICTIONS OF SPEEDING AND OTHER MOVING VIOLATIONS UNDER THE AUTOMOBILE INSURANCE MERIT RATING PLAN.

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 113P of Chapter 175 as inserted by chapter 266
2 of the Acts of 1976 is hereby amended by striking out the
3 first paragraph, and inserting in place thereof the following
4 paragraph.

5 The commissioner shall after notice and a hearing in the
6 manner provided in chapter thirty A, establish the provisions
7 of a merit rating plan for use by all insurers to vary rates
8 and premiums for private passenger motor vehicles; provided
9 that an insurer may file and use a merit rating plan in accord-
10 ance with chapter one hundred and seventy-five E which
11 meets the standards of this section and is in conformance with
12 any minimum standards as may be promulgated by the com-
13 missioner. Surcharges shall be imposed on account of negli-
14 gence determined to be more than fifty per cent of the cause
15 of a motor vehicle accident, and on account of convictions of
16 moving violations of motor vehicle laws enumerated herein.
17 A surcharge of fifty dollars shall be imposed for the first sur-
18 chargeable accident in a three-year period and the following
19 specified surcharges for the first conviction in a three-year
20 period for each of the following violations.

21 (a) Two hundred dollars — operating a vehicle while un-
22 der the influence of intoxicating liquor, marijuana or narcotic

23 drugs, or depressant or stimulant substances or under the in-
24 fluence of the vapors of glue, carbon tetrachloride, acetone,
25 ethylene, dichloride, toluene, chloroform, xylene or any combi-
26 nation thereof. Said surcharge shall apply to any person
27 charged with operating a motor vehicle while under the influ-
28 ence of intoxicating liquor and who is assigned to a driver
29 alcohol education program as described in section twenty-four
30 D of chapter ninety.

31 (b) One hundred dollars — operating a motor vehicle reck-
32 lessly, or operating negligently so that the lives or safety of
33 the public might be endangered.