

# HOUSE . . . . . No. 187

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Bill accompanying the petition of George E. Lovett and others for legislation to provide for a lien upon automobiles and for holding the same as security in case of injury to persons or property by means thereof. Joint Judiciary. January 15.

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

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### AN ACT

To provide a Lien upon Automobiles in the Case of Injury to Person or Property caused by Means of Them.

*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. In case any injury to person or prop-  
2 erty is caused by the presence or operation of an  
3 automobile in a highway or other public place,  
4 whether the automobile is in charge of the owner or  
5 some other person, and whether it is operated with  
6 or without the knowledge or consent of the owner,  
7 a lien upon the automobile shall thereupon arise in  
8 favor of the person who is injured, or whose prop-  
9 erty is injured, and shall continue until discharged

10 by an order of the court, or by agreement of the  
11 parties. But the lien shall cease at the expiration  
12 of three months from the date of the injury unless  
13 within that time the person injured or whose prop-  
14 erty is injured shall have begun a suit to recover  
15 damages for the injury.

1 SECTION 2. The lien may be discharged at any  
2 time by giving to the person injured, or whose prop-  
3 erty is injured, a bond with sufficient sureties in an  
4 amount equal to the value of the automobile, and  
5 conditioned upon payment of such damages as may  
6 be recovered for the injury by proceedings at law.  
7 The sufficiency of the bond may be passed upon by  
8 the judge of any municipal or district court, or by  
9 any judge of the superior court.

1 SECTION 3. The lien aforesaid shall be good  
2 against all persons, with or without notice, and  
3 without regard to ownership or possession of the  
4 automobile; but it shall not be good against a bona  
5 fide purchaser for value without notice, unless,  
6 within fifteen days after the infliction of the said  
7 injury, the person claiming a lien shall file a written  
8 notice with the state highway commission; and the  
9 said commission shall keep a record of such notices  
10 which shall be open to the public. It shall be un-  
11 lawful for the owner or person having charge or  
12 possession of the automobile, to sell, mortgage, or  
13 lease the same, without giving notice of the lien to  
14 the vendee, mortgagee, or lessee, and also to the  
15 person holding the lien. It shall be unlawful to  
16 remove from the commonwealth any automobile  
17 upon which a lien as aforesaid exists.

1 SECTION 4. Any violation of the provisions of  
2 this act shall be punished by fine or imprisonment  
3 at the discretion of the court.

1 SECTION 5. This act shall take effect upon its  
2 passage.

