

By Mr. McGee of Lynn, petition of Richard E. McLaughlin (Registrar of Motor Vehicles) and Thomas W. McGee that said registrar be eliminated from the obligation to issue notices of intent to revoke registrations and of right to receive certain notices concerning cancellations of insurance until such cancellations have become final. Insurance.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING FOR THE ELIMINATION OF THE OBLIGATION OF THE REGISTRAR OF MOTOR VEHICLES TO ISSUE NOTICES OF INTENT TO REVOKE REGISTRATION AND OF HIS RIGHT TO RECEIVE CERTAIN NOTICES CONCERNING CANCELLATIONS OF SUCH INSURANCE UNTIL THE CANCELLATION HAS BECOME FINAL.

*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. Section 34H of chapter 90 of the General Laws  
2 as most recently amended is hereby further amended by striking  
3 out the first paragraph and inserting in place thereof the  
4 following new paragraph: — In the event that the registrar  
5 receives written notice, in conformity with section one hundred  
6 and thirteen A of chapter one hundred and seventy-five, he shall  
7 revoke the registration of such motor vehicle on the effective  
8 date of the cancellation as specified in such notice unless not  
9 later than two days prior to such effective date the registrar shall  
10 have received a new certificate covering the same motor vehicle,  
11 or in case the owner does not file a complaint under section one  
12 hundred and thirteen D of said chapter one hundred and  
13 seventy-five that he is aggrieved by the issue of such notice, or as  
14 specified in an order of the board of appeal on motor vehicle  
15 liability policies and bonds affirming such cancellation under said  
16 section one hundred and thirteen D in case the owner does not  
17 claim an appeal from such order, or as specified in a decree of the  
18 superior court or a justice thereof affirming such cancellation on  
19 such appeal, or as specified in such a decree ordering a

20 cancellation of such a policy or bond after its reinstatement by  
21 said board of appeal, unless not later than two days prior to such  
22 effective date as finally specified the registrar shall have received  
23 a new certificate covering the same motor vehicle.

1 SECTION 2. Section 34K of chapter 90 of the General Laws  
2 as most recently amended is hereby further amended by striking  
3 out the first sentence, and by inserting in place thereof, the  
4 following sentence: – No power of attorney in connection with  
5 the cancellation of a motor vehicle liability policy as defined in  
6 section thirty-four A shall be exercised until ten days' notice has  
7 been given to the policyholder by registered or certified mail,  
8 return receipt requested, by the person or corporation exercising  
9 the power of attorney.

1 SECTION 3. Section 113A of chapter 175 of the General  
2 Laws as most recently amended is hereby further amended by  
3 striking out the first sentence of subparagraph (2) and by  
4 inserting in place thereof the following sentence: – That, except  
5 as otherwise provided in provision (2) A and in section one  
6 hundred and thirteen D, no cancellation of the policy, whether  
7 by the company or by the insured, shall be valid unless written  
8 notice thereof is given by the party proposing cancellation to the  
9 other party giving the specific reason or reasons for such  
10 cancellation at least twenty days in each case prior to the  
11 intended effective date thereof, which date shall be expressed in  
12 said notice, and that notice of cancellation sent by the company  
13 to the insured, by registered mail, postage prepaid, with a return  
14 receipt of the addressee requested, addressed to him at his  
15 residence or business address stated in the policy shall be a  
16 sufficient notice, and that an affidavit of any officer, agent or  
17 employee of the company, duly authorized for the purpose, that  
18 he has so sent such notice addressed as aforesaid shall be prima  
19 facie evidence of the sending thereof as aforesaid; together with a  
20 provision that, in the event of a cancellation by the insured, he  
21 shall, if he has paid the premium on the policy to the company  
22 or to its agent who issued the policy, or to the duly licensed  
23 insurance broker, if any, by whom the policy was negotiated, be  
24 entitled to receive a return premium after deducting the  
25 customary monthly short rates for the time the policy shall have

26 been in force, or in the event of cancellation by the company,  
27 the insured shall, if he has paid the premium as aforesaid, be  
28 entitled to receive a return premium calculated on a pro rata  
29 basis; provided, that if the insured after the sending of a notice of  
30 cancellation by the company, or after giving such a notice to the  
31 company, files a new certificate under section thirty-four H of  
32 chapter ninety prior to the intended effective date of such  
33 cancellation, the filing of said certificate shall operate to  
34 terminate the policy on the date of said filing, and the return  
35 premium, if any, payable to the insured shall be computed as of  
36 the date of said filing, instead of the intended effective date of  
37 cancellation expressed in the notice thereof; and, provided  
38 further, that if the final effective date of a cancellation by the  
39 company is fixed by an order of the board of appeal on motor  
40 vehicle liability policies and bonds or of the superior court, or a  
41 justice thereof, as provided in section one hundred and thir-  
42 teen D, the return premium, if any, payable to the insured shall  
43 be computed as of such final effective date; and provided further  
44 that said cancellation shall not become effective unless the  
45 company or an insurance premium finance agency duly licensed  
46 under the provisions of Chapter 255C of the General Laws has,  
47 immediately upon the intended effective date of the cancellation  
48 of the policy, whether proposed by the company or by the  
49 insured, forwarded to the registrar of motor vehicles a notice, in  
50 such form as he may prescribe, containing such information to  
51 apprise the registrar of the particular motor vehicle registration  
52 on which the insurance is intended to be cancelled.

1 SECTION 4. Section 113D of chapter 175 of the General Laws  
2 as most recently amended is hereby further amended by striking  
3 out the third paragraph and by inserting in place thereof, the  
4 following paragraph: — If the complaint relates to the cancel-  
5 lation of such a policy or bond, the filing of the complaint shall  
6 operate to continue the policy or bond in full force and effect,  
7 but not beyond its date of expiration in any case, pending the  
8 finding and order of the board, and pending the decree of the  
9 superior court or a justice thereof if an appeal from such finding  
10 and order is taken as hereinafter provided; and the commissioner  
11 shall cause a copy of such complaint, attested in such manner as  
12 he may prescribe, forthwith to be sent to the company.

1 SECTION 5. Section 113D of chapter 175 of the General  
2 Laws is hereby further amended by striking out the fifth  
3 paragraph, and by inserting in place thereof the following  
4 paragraph: — “The commissioner, as soon as may be after the  
5 rendition thereof, shall cause a written memorandum of all  
6 findings and the orders entered thereon signed by the assenting  
7 members of the board to be filed in his office as a public record,  
8 and he shall on the date of said filing cause a copy of the finding  
9 and order, duly attested by the board or a member of the  
10 secretary thereof, with the date of said filing endorsed thereon,  
11 to be sent to each of the parties.”

1 SECTION 6. Section 113D of chapter 175 of the General  
2 Laws is hereby further amended by striking out the sixth  
3 paragraph, and by inserting in place thereof the following  
4 paragraph: — “Any person or company aggrieved by any finding  
5 or order of the board, other than a finding that the complainant  
6 is or is not a suitable and proper person to whom to issue such a  
7 policy or on behalf of whom to execute such a bond as surety,  
8 may, within ten days after the filing of the memorandum thereof  
9 in the office of the commissioner, unless the policy or bond has  
10 expired or will expire prior to the expiration of said period, and  
11 any person or company aggrieved by any finding of the board  
12 that a complainant is or is not a suitable and proper person as  
13 aforesaid may, in any case, within said period, appeal therefrom  
14 to the superior court or any justice thereof, in any county in case  
15 of an appeal by any complainant, and in the county in which the  
16 complainant resides in case of an appeal by the company. The  
17 appellant shall file with his appeal a duly certified copy of the  
18 complaint and of the finding and order thereon, and, if the  
19 appeal is taken from a finding and order of the board in respect  
20 to a cancellation, the clerk of the court shall forthwith upon the  
21 filing of such an appeal, give written notice of the filing thereof  
22 to the appellee. The court or justice shall, after such notice to the  
23 parties as it or he deems reasonable, give a summary hearing on  
24 such appeal and shall have jurisdiction in equity to review all  
25 questions of fact and law, and to affirm or reverse such finding or  
26 order and may make any appropriate decree. The court or justice  
27 may allow such complaint, finding or order to be amended. The  
28 decision of the court or justice shall be final. If the court or

29 justice finds in favor of the company in the case of such a  
30 cancellation, the decree shall, unless the policy or bond has  
31 expired, affirm the cancellation and specify a date not earlier  
32 than five days from the entry thereof, on which the cancellation  
33 shall become effective; but, if the policy or bond will expire on  
34 or before the termination of a period of five days from such  
35 entry, the decree shall specify a date prior to such expiration, or  
36 the court or justice may dispense with such a specification. The  
37 clerk shall, within two days after the entry thereof, send an  
38 attested copy of the decree to each of the parties and the  
39 commissioner. The court or justice may make such order as to  
40 costs as it or he deems equitable. The superior court may make  
41 reasonable rules to secure prompt hearings on such appeals and a  
42 speedy disposition thereof.



The following is a list of the names of the members of the House of Representatives for the year 1901. The names are arranged in alphabetical order of their surnames.

The following is a list of the names of the members of the House of Representatives for the year 1902. The names are arranged in alphabetical order of their surnames.

The following is a list of the names of the members of the House of Representatives for the year 1903. The names are arranged in alphabetical order of their surnames.

The following is a list of the names of the members of the House of Representatives for the year 1904. The names are arranged in alphabetical order of their surnames.

The following is a list of the names of the members of the House of Representatives for the year 1905. The names are arranged in alphabetical order of their surnames.

The following is a list of the names of the members of the House of Representatives for the year 1906. The names are arranged in alphabetical order of their surnames.

The following is a list of the names of the members of the House of Representatives for the year 1907. The names are arranged in alphabetical order of their surnames.

