

RULE 55. PRE-INSURANCE INSPECTION PROGRAM

General Laws Chapter 90, section 113S, and the implementing regulations, 211 CMR 94.00, require the pre-insurance inspection of private passenger motor vehicles and 211 CMR 94.00 applies to all private passenger motor vehicles insured in the Commonwealth unless specifically exempted or waived under 211 CMR 94.00. Where such an inspection is not mandated, the decision to require such an inspection will not be based on the age, race, sex, or marital status of the applicant or the customary operators of the vehicle, the principal place of garaging, or the fact that the policy has been ceded to the residual market mechanism or has been assigned through the MAIP. The following is a summary of the requirements of the regulation.

Eligibility

Unless specifically exempted or waived, all private passenger motor vehicles and pick-ups or vans having a gross vehicle weight up to 10,000 pounds are required to be inspected by the Company prior to the issuance of physical damage coverages by the Company.

Exemptions to Inspection Requirement

An inspection shall not be required if:

1. The motor vehicle is a new, unused motor vehicle from a franchised automobile dealership where the Company is provided with either: a copy of the bill of sale which contains a full description of the motor vehicle, including all options and accessories; or a copy of the RMV Form 1 provided by the Registry of Motor Vehicles, which establishes the transfer of ownership from the dealer to the customer and a copy of the window sticker or the dealer invoice showing the itemized options and equipment in addition to the total retail price of the vehicle.
2. The applicant has been insured for three years or longer, without interruption, under a motor vehicle liability policy or policies which include(s) physical damage coverage, issued by the Company to which the application is submitted; or any applicant involuntarily transferred to the Company due to the applicant's original insurer's withdrawal from the Commonwealth if the applicant otherwise qualifies under this regulation.
3. An inspection is waived by the Company.
4. Any private passenger motor vehicle not owned by the applicant, which is used by the applicant, with the permission of the owner, as a temporary substitute due to breakdown, repair, servicing, loss or destruction of the applicant's own motor vehicle.
5. A motor vehicle which is leased less than six months, provided the Company receives the lease or rental agreement containing a description of the leased motor vehicle, including its condition.
6. When requiring an inspection would cause a serious hardship to the Company or the applicant and such hardship is documented in the applicant's policy record.
7. When the Company has no inspection facility or authorized representative either in the city or town in which the motor vehicle is principally garaged or within five miles of said city or town.

Waiver of Inspection

An inspection may be waived if:

1. A producer is transferring a book of business from one insurer to the Company.
2. The vehicle is insured for physical damage on an expiring MA auto insurance policy (copy of prior inspection provided) ~~and customer is member of group marketing plan.~~
3. When the applicant has been a customer of the producer for at least three years under a Massachusetts Automobile insurance Policy which included physical damage coverage and has an existing inspection on at least one vehicle.

4. The vehicle is a new vehicle that has odometer readings of 1,000 miles or less.
5. The insured re-writes with the Company within 30 days after a cancellation and had an existing inspection on at least one vehicle.
6. There is no inspection site or authorized representative within five miles of the garaging city.
7. The applicant or rated operator has a driving record rating adjustment of 99, 98 or 00 through 15.

Deferral of Inspection

The Company may defer an inspection for ten calendar days (not including legal holidays and Sundays) following the effective date of coverage on new business and on additional or replacement vehicles to an existing policy, if an inspection at the time of the request for coverage would create a serious inconvenience for the applicant. An inspection may also be deferred for applicants ceded to Commonwealth Automobile Reinsurers.

Whenever an inspection is deferred, the Notice of Mandatory Pre-Insurance Inspection Requirement (Form B) or the Acknowledgment of Requirement for Pre-Insurance Inspection (Form D) must be used in accordance with the Regulation.

If an inspection is not conducted within the ten day deferral period, physical damage coverage is automatically suspended on the day following the ten day deferral period.

Coverage may be reinstated to be effective at the time of inspection or, in accordance with the Regulation, the Notice of Suspension of Physical Damage Coverage (Form C) must be used.

Inspection Procedures

Inspections required or permitted shall be made by a designated authorized representative of the Company at a time and place reasonably convenient to the applicant.

The inspection shall be recorded on the prescribed Motor Vehicle Pre-Insurance Inspection Report (Form A) and include appropriate photos as required under the Regulation.

The Company must retain the original report and photographs for three years except as provided by the Regulation.

The Company shall maintain an up-to-date list of all its authorized representatives and inspection sites.

The Company will apply the pre-inspection requirements uniformly and without regard to whether the policy was insured voluntarily or was assigned to it through the MAIP in compliance with the spirit of regulation 211 CMR 94.

RULE 56. DRIVING RECORD RATING PLAN

Driving Record/Experience Period

Each listed operator on a policy is assigned a driving record rating based on the operator's driving record. The driving record rating adjustment is a percentage multiplied by the otherwise applicable premium that reflects the number, type, and age of at-fault accidents and traffic violations of the operator during the policy experience period. The percentage can be either positive or negative.

The policy experience period is the six years immediately preceding the effective date of the policy. At fault accidents or traffic violations that occurred more than five years prior to the policy effective date are not considered in the determination of the driving record rating adjustment.

The driving record rating adjustment will be determined based on the merit rating code reported to us by the Merit Rating Board.

Operators New to Massachusetts

If an application for insurance indicates that an operator new to Massachusetts was licensed outside of Massachusetts within the last six years, or such operator is being added to an existing policy, the operator's policy experience period will begin as of the effective date of that policy until Liberty Mutual receives an authorized inquiry response from the Merit Rating Board indicating the operator's merit rating code.

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3. When the applicant has been a customer of the producer for at least three years under a Massachusetts Automobile insurance Policy which included physical damage coverage and has an existing inspection on at least one vehicle.
4. The vehicle is a new vehicle that has odometer readings of 1,000 miles or less.

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