HOUSE DOCKET, NO. 3835 FILED ON: 6/16/2011

HOUSE . . . . . No. 3576

By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day for legislation to provide motor vehicle insurance special investigators with access to registry of motor vehicle photographs. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1989* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing auto insurance special investigators with access to registry of motor vehicle photographs..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 16 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 9 the following section:- Section 9A. (a) For the purposes of this section, the following words shall have the following meanings:- “Claim”, any application submitted to a motor vehicle insurer seeking compensation for injuries alleged to have been sustained in a motor vehicle collision or for compensation for theft or damage as a result of theft of or from or vandalism to a motor vehicle.

“Computerized access”, direct access via computer, including the ability to download text and images as provided in this section.

9 “Licensee”, a person issued a license or right to operate a motor vehicle by the registry of
10 motor vehicles.

11 “Driver’s license information”, all information, including photographs, contained on a
12 driver’s license or permit to operate a motor vehicle issued by the registry of motor vehicles.

13 “Motor vehicle insurers”, motor vehicle insurance carriers that write policies of insurance
14 for individuals within the commonwealth.

15 (b) Notwithstanding any general or special law, ordinance, rule or regulation to
16 the contrary, the registry of motor vehicles shall adopt rules and regulations to permit motor
17 vehicle insurers computerized access, for a fee, to driver’s license information, including
18 photographs, to the extent necessary to discern the identity of individuals who submit claims
19 based on having been injured in a motor vehicle collision. The information obtained pursuant to
20 this statute and the use thereof, shall be restricted to those entities set forth herein and their legal
21 counsel and only in connection with claims that have been referred to, and accepted by, a special
22 investigations unit of: motor vehicles insurers; the Insurance Fraud Bureau of Massachusetts; the
23 National Insurance Crime Bureau, the United States Attorney’s Office, the Federal Bureau of
24 Investigation, the department of state police; a municipal police department; the attorney general;
25 or a district attorney, which is conducting an investigation of or prosecuting a criminal case
26 involving claims in which fraudulent activity is suspected or alleged. Such information shall be
27 used only to extent necessary to conduct and complete an investigation of a motor vehicle
28 insurance claim presented by or on behalf of a claimant or to prosecute a criminal case against a
29 claimant or any co-conspirator and shall not otherwise be disseminated or published to any

30 individual or agency, but may be transmitted among the entities and agencies authorized to

31 receive this information pursuant to this section.