

HOUSE No. 1189

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey N. Roy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to primary insurance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/18/2021</i>

HOUSE No. 1189

By Mr. Roy of Franklin, a petition (accompanied by bill, House, No. 1189) of Jeffrey N. Roy relative to primary insurance in the leasing of motor vehicles or trailers under the "drive-it-yourself" system, so-called. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to primary insurance.

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. Chapter 90, section 32C is amended by striking the first paragraph and
2 replacing it with the following:-

3 No person engaged in the business of leasing motor vehicles or trailers under the "drive-
4 it-yourself" system, so called, or any similar system including rentals based on daily, week,
5 hourly or monthly rental rates , wherein the amount of the rental is determinable in whole or in
6 part by the distance such motor vehicles or trailers travel, shall lease any such vehicle whereto is
7 attached a hubodometer or other mechanical device for the purpose of registering the distance
8 that such vehicle travels which does not register such distance with substantial accuracy, nor
9 shall any such person, herein and in the following three sections called the lessor, knowingly
10 deceive any lessee of any such vehicle under any such system, herein and in the following three
11 sections called the lessee, as to the distance which such vehicle has traveled under the lease, or
12 make or collect a charge for the use thereof based wholly or in part on such deception, or lease

13 any such vehicle for operation on any public way by any person whom he knows or has reason to
14 believe to be under the influence of intoxicating liquor or of any drug. No lessor shall lease any
15 motor vehicle or trailer until the lessee shows that he or his authorized operator is the holder of a
16 duly issued license to operate the type of motor vehicle or trailer which is being leased.

17 SECTION 2. Section 32E is amended by striking the title and replacing it with the
18 following:-

19 Section 32E: Leasing motor vehicles on mileage basis; operation of vehicles or use of
20 trailers; insurance coverage; vehicles leased on daily, weekly, hourly or monthly rental rate

21 Section 32E is further amended by adding at the end thereof the following paragraph:-

22 Notwithstanding anything to the contrary contained in this chapter, the liability insurance
23 policy or self-insurance available to the lessee or operator of the leased vehicle shall be primary
24 as to any motor vehicle liability policy, bond or deposit maintained by the lessor and will serve
25 to satisfy the minimum financial responsibility requirements imposed on owners or registrants of
26 vehicles under this section and under chapter ninety, sections thirty-four A through thirty-four R
27 for the liability in the use or operation of the leased vehicle by persons with the express or
28 implied consent of the lessor. If the operator is a different person than the renter, the operator's
29 liability insurance policy or self-insurance would be primary before the renter's liability
30 insurance or self-insurance. If the operator does not have a liability insurance policy or self-
31 insurance available, primacy would default to the renter's liability insurance or self-insurance.
32 Any provision contained in a liability policy or self-insurance available to the lessee or operator
33 of the leased vehicle contrary to the provisions herein shall be of no effect.

34 SECTION 3. Section 32M is further amended by adding the following words after
35 “section thirty-four A” the following words:- and thirty-four E,