

FF | PERSONAL AUTO | 01/01/12

PERSONAL AUTO

AUTOMOBILE INSURERS BUREAU

MASSACHUSETTS

RULE 28

PRIVATE PASSENGER CLASSIFICATION

## A. Operator Classes

10 Experienced Operator. The operator has been licensed at least six years and is under the age of 65 and the automobile is not used in the occupation, profession or business of the insured.

15 Experienced Operator - age sixty-five or more. The operator has been licensed at least six years and is sixty-five years of age or more and the automobile is not used in the occupation, profession or business of the insured.

17 Inexperienced Principal Operator - licensed three or more years. The operator of the automobile has been licensed at least three years and less than six years and is the principal operator of the automobile.

18 Inexperienced Occasional Operator - licensed three or more years. The operator has been licensed at least three years and less than six years and is not the principal operator of the automobile.

20 Inexperienced Principal Operator - licensed less than three years. No driver training. The operator has been licensed less than three years, is the principal operator of the automobile, and has not completed a Satisfactory Driver Training Program.

21 Inexperienced Occasional Operator - licensed less than three years. No driver training. The operator has been licensed less than three years, is not the principal operator of the automobile, and has not completed a Satisfactory Driver Training Program.

25 Inexperienced Principal Operator - licensed less than three years. Driver training. The operator has been licensed less than three years, is the principal operator of the automobile, and has completed a Satisfactory Driver Training Program.

26 Inexperienced Occasional Operator - licensed less than three years. Driver training. The operator has been licensed less than three years, has completed a Satisfactory Driver Training Program, and is not the principal operator of the automobile.

30 Business Use. The operator has been licensed at least six years and the automobile is used in the occupation, profession, or business of the insured. Going to or from the principal place of the occupation, profession or business of the insured is not considered business use.

## B. Operators

All operators of the insured automobiles must be listed on the Coverage Selections Page of the Policy. An operator is a person who has an operator's license, but does not include a person who has only a learner's permit.

### 1. Assignment of Operators to Automobiles

a. Each operator listed on the policy shall be assigned to an automobile on the policy based on the operator's class and merit rating code in a manner which produces the highest Combined Premium (the sum of the premium for Parts 1, 2, 4, 5, 7, 8, and 9 for the operator's class and the operator's merit rating code) for each automobile. The operators shall be assigned in order of the highest Combined Premium applied to the automobile with highest Base Premium (the automobile's Class 10 premium for Parts 1, 2, 4, 5, 7, 8, and 9) until all operators are assigned to an automobile, except that:

i. If an inexperienced operator is the principal operator of a specific automobile, the automobile shall be rated with the appropriate inexperienced principal operator class and merit rating code of that operator;

ii. If an operator age 65 or over is the principal operator of a specific automobile and all operators listed on the policy have been licensed at least six years, the automobile shall be rated as Class 15 and that operator's merit rating code shall be applied. However, if more than one listed operator is age 65 or over, Class 15 and the merit rating code of the Class 15 operators shall be applied in the manner which produces the highest Combined Premium.

iii. If an operator's class and merit rating code are rated on an automobile covered by another Massachusetts private passenger insurance policy, that operator shall be deferred from rating on the policy (Deferred Operator). If all operators listed on a policy are Deferred Operators, the operator producing the lowest Combined Premium shall be assigned to the automobile(s).

iv. If only one operator is listed on the policy, all automobiles on the policy will be assigned the same principal operator classification and merit rating code.

v. If each listed operator has been used in rating an automobile on the policy, any remaining automobiles shall be assigned the operator class and merit rating code which produces the lowest Combined Premium, unless the automobile is subject to rating as Class 30.

vi. If more than one operator is listed on the policy, an operator cannot be assigned as the principal operator of more

than one automobile on the policy until the other operators (except Deferred Operators) are assigned to an automobile.

b. The assignment of operators to automobiles applies regardless of the number of policies or insurers involved.

c. An inexperienced operator in active military service with the Armed Forces of the United States of America shall not be considered an operator of the automobile unless such individual customarily operates the automobile.

d. Private passenger automobiles owned by clergy are to be classified as Class 10 or 15 unless (a) Class 30 is required due to business use other than in connection with church use or (b) an inexperienced operator is listed on the policy.

## 2. Excluded Operator

If an operator who is a member of the household is to be excluded in rating a particular automobile to produce a lower premium charge, the policyholder must submit a signed statement that such operator does not and will not operate the automobile to be insured. The signed statement must be on the Operator Exclusion Form, M-0106-S.

If any operator excluded as a result of such signed statement operates the automobile, the appropriate operator classification premium for the full policy period may be charged unless a collision or limited collision claim has been denied in accordance with the provisions of the policy because the excluded operator was driving the automobile at the time of the accident.

## 3. Driving Experience

An operator new to Massachusetts must provide evidence of licensure from the state or country where the operator was previously licensed in order to assign the correct operator classification under this rule. If electronically available, the company will be responsible for obtaining the motor vehicle operator report from the other state or country. If necessary, a certified English translation may be required. No operator shall be assigned to Class 10 unless the operator has six or more years of driving experience.

The classification assigned to the operator is based on the number of years licensed in the other state or country and the completion of driver training, as established by the evidence of licensure. If no evidence of prior licensure is available, the operator may be assigned to Class 20 (inexperienced principal operator, licensed less than three years, no driver training) or Class 21 (inexperienced occasional operator, licensed less than three years, no driver training). The Massachusetts driving experience will be used thereafter to assign the operator classification.

## 4. Operator Use

Operators will be classified by the amount of use of an insured automobile:

- a. Principal Operator - a person who has an operator's license and operates the insured automobile more than any other listed operator as determined by the percentage of use of the automobile.
- b. Occasional Operator - a person who has an operator's license and operates the insured automobile less than the principal operator.

C. Classification Changes

Classification of each automobile shall be determined by the facts existing as of the effective date of the policy. Premium adjustments shall be made on a pro rata basis if changes occur during the policy period.

D. Satisfactory Driver Training Program

1. Completion and receipt of a certificate under the Massachusetts Driver Education Program prescribed by the Registrar of Motor Vehicles, or

2. Satisfactory evidence (certificate signed by school officials) that such operators have successfully completed a driver education course in a state other than Massachusetts meeting the following standards:

- a. The course had the official approval of the State Department of Education or other responsible state agency, and was conducted by:
  - i. a recognized secondary school, college or university, or
  - ii. other school approved and supervised by the State Department of Education or other responsible state agency.
- b. The course was conducted by instructors certified by the State Department of Education or other responsible state agency.
- c. The course was composed of a minimum of thirty clock hours for classroom instruction, plus a minimum of twelve clock hours per student in the practice driving phase.

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