

RULE 55. PRE-INSURANCE INSPECTION PROGRAM

The Commissioner of Insurance promulgated regulation 211 CMR 94.00, Pre-Insurance Inspection of Private Passenger Motor Vehicles, to be effective July 24, 2009. For specific details about the Program, refer to the regulation.

The provisions of this Rule 55 shall be applied uniformly and without regard to whether the applicable motor vehicle is to be insured under a policy that was written on a voluntary basis or is to be insured under a policy that was assigned to the company by the Massachusetts Automobile Insurance Plan.

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 an insurer prior to the issuance of physical damage coverages by the insurer.

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 insurer 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 insurer to which the application is submitted; or any applicant involuntarily transferred to another insurer 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 insurer.
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 insurer 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 insurer or the applicant and such hardship is documented in the applicant's policy record.
7. When the insurer 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. The motor vehicle is ten or more model years older for all policies issued or renewed during the current calendar year.

Example: For policies issued or renewed during calendar year 2005, inspection of all 1995 and older model year vehicles may be waived.
2. A non-owned vehicle is insured under a policy providing physical damage coverage issued by an insurer which has inspected such motor vehicle in accordance with the provisions of this regulation.
3. A producer is transferring a book of business from one insurer to one or more insurers.
4. An individual applicant's coverage is being transferred by an independent insurance producer to a new insurer and said producer provides the new insurer with a copy of the inspection report completed on behalf of the previous insurer, provided the independent producer represents both insurers, and the insured vehicle was physically inspected by the previous insurer. However, if the new insurer does not receive a copy of the inspection report sixty days prior to the first annual date, the insurer must, upon renewal of the physical damage insurance, require an inspection.

5. When a motor vehicle is insured for physical damage on the applicant's expiring Massachusetts Automobile Insurance Policy, or when a copy of a prior Pre-insurance Inspection is provided.
6. 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.
7. When the applicant had physical damage coverage on the vehicle on the prior policy term with no lapse in coverage

Deferral of Inspection

An insurer 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.

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

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

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Deleted: The following is a general summary of the regulation which was distributed with General Notice No. G-1766, dated June 18, 2002.

The provisions of this Rule 55 shall be applied uniformly and without regard to whether the applicable motor vehicle is to be insured under a policy that was written on a voluntary basis or is to be insured under a policy that was assigned to the company by the Massachusetts Automobile Insurance Plan.

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3. A producer is transferring a book of business from one insurer to one or more insurers.
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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 insurer 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 insurer must retain the original report and photographs for three years except as provided by the Regulation.

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

RULE 55. PRE-INSURANCE INSPECTION PROGRAM

The Commissioner of Insurance promulgated regulation 211 CMR 94.00, Mandatory Pre-Insurance Inspection of Private Passenger Motor Vehicles, to be effective March 1, 1989. The following is a general summary of the regulation which was distributed with General Notice No. G-1766, dated June 18, 2002. For specific details about the Program, refer to the regulation.

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Eligibility

Unless specifically exempted or waived, all private passenger motor vehicles and pick-ups or vans having a gross vehicle weight up to 8,000 pounds are required to be inspected by an insurer prior to the issuance of physical damage coverages by the insurer.

Exemptions to Inspection Requirement

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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 insurer 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.

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