

## **RULE 55. PRE-INSURANCE INSPECTION PROGRAM**

General Laws Chapter 175, section 113S, and the implementing regulation, 211 CMR 94.00, require the pre-insurance inspection of private passenger motor vehicles.

### **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 Safety prior to the issuance of physical damage coverages by Safety. Safety's decision to require an inspection in situations that are otherwise waived or exempt will be based on underwriting criteria uniformly applied, and such decision will be supported by objective facts. The decision to require such an inspection shall not be based on the age, race, sex, marital status, creed, national origin, religion, occupation, income, education, credit information or homeownership of the applicant or the customary operators of the motor vehicle, the principal place where the motor vehicle is garaged, or the fact that the policy has been assigned to Safety through the Massachusetts Automobile Insurance Plan.

### **Exemptions to the 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 Safety 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 the 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.
3. The inspection is waived by Safety.
4. Any private passenger motor vehicle that is not owned by the applicant, but is used by the applicant, with the permission of the owner, is a temporary substitute due to breakdown, repair, servicing, loss or destruction of the applicant's own motor vehicle.
5. The motor vehicle is leased less than six months, provided Safety receives the lease or rental agreement containing a description of the leased motor vehicle, including its condition.
6. The inspection would cause a serious hardship to Safety or the applicant.
7. Safety 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.

Safety shall maintain a written record of its reasons for requiring an inspection in situations that are otherwise exempt in the applicant's policy record.

### **Waiver of Inspection**

An inspection may be waived if any of the following apply:

1. All listed operators have a merit rating response of 98 or 99.
2. The motor vehicle is ten or more years older than the current calendar year for all policies issued or renewed during the current calendar year.

Example: For policies issued or renewed during calendar year 2010, inspection of all 2000 and older model year vehicles may be waived.

3. A non-owned vehicle is insured under a policy providing physical damage coverage issued by Safety which has inspected such motor vehicle in accordance with the provisions of this regulation.
4. The applicant has had continuous auto insurance coverage for the prior 12 months and has a valid Massachusetts Drivers license; the exception to this would be if an applicant is adding physical damage coverage to an existing vehicle listed on the policy an inspection is required.

Safety shall maintain a written record of its reasons for not waiving an inspection in situations where it is permitted in the applicant's policy record.

### **Deferral of Inspection**

Safety may defer an inspection for ten calendar days (not including legal holidays and Sundays) following the effective date of coverage if an inspection at the time of the request for coverage would create a serious inconvenience for the applicant.

If Safety, pursuant to Rule 27 of the MAIP Rules of Operation, is required to provide physical damage coverage at the option of the applicant, it shall provide physical damage coverage as requested by the applicant, and may defer the inspection for ten calendar days (not including legal holidays and Sundays).

### **Inspection Procedures**

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

Safety will retain the original report and photographs for three years except as provided by the Regulation.

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

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3. The inspection is waived by Safety.
4. Any private passenger motor vehicle that is not owned by the applicant, but is used by the applicant, with the permission of the owner, is a temporary substitute due to breakdown, repair, servicing, loss or destruction of the applicant's own motor vehicle.
5. The motor vehicle is leased less than six months, provided Safety receives the lease or rental agreement containing a description of the leased motor vehicle, including its condition.
6. The inspection would cause a serious hardship to Safety or the applicant.
7. Safety 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.

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~~1.~~ The motor vehicle is ten or more years older than the current calendar year.  
Example: For policies issued or renewed during calendar year 2010, inspection of all 2000 and older model year vehicles may be waived.

~~2.~~ A non-owned vehicle is insured under a policy providing physical damage coverage issued by Safety which has inspected such motor vehicle in accordance with the provisions of this regulation.

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Example: For policies issued or renewed during calendar year 2010, inspection of all 2000 and older model year vehicles may be waived.

~~3. An individual applicant's coverage is submitted for assignment and the producer provides Safety with a copy of the inspection report completed on behalf of the previous insurer, documenting that the insured vehicle was physically inspected by the previous insurer. However, if the Safety does not receive a copy of the inspection report sixty days prior to the first renewal date, Safety shall require an inspection prior to the renewal policy effective date.~~

~~4. The motor vehicle is insured for physical damage on the applicant's expiring Massachusetts Automobile Insurance Policy provided there is no lapse in coverage, or when a copy of a prior inspection is provided.~~

~~5. 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.~~

~~6. The applicant is assigned to Safety and qualifies for a waiver in accordance with any waiver provisions for its voluntary business filed by Safety with the Division of insurance at the time of the assignment.~~

Safety shall maintain a written record of its reasons for not waiving an inspection in situations where it is permitted in the applicant's policy record.

### **Deferral of Inspection**

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If Safety, pursuant to Rule 27 of the MAIP Rules of Operation, is required to provide physical damage coverage at the option of the applicant, it shall provide physical damage coverage as requested by the applicant, and may defer the inspection for ten calendar days (not including legal holidays and Sundays).

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