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BULLETIN 2008-13

TO: Insurance Companies Soliciting, Negotiating, or Selling Motor Vehicle Insurance Policies in Massachusetts

FROM: Nonnie S. Burnes, Commissioner of Insurance 

DATE: September 22, 2008

RE: Designation of "High-Theft Vehicles" and Prescribed Anti-Theft or Auto Recovery Devices

This Bulletin informs insurance companies and insurance company groups (collectively "insurers") that solicit, negotiate or sell motor vehicle insurance policies in Massachusetts about the Commissioner of Insurance's ("Commissioner") designation of "high-theft vehicles" and prescription of anti-theft or auto recovery devices pursuant to her authority under M.G.L. c. 175, § 113H. Motor vehicles subject to this Bulletin must be registered with the Massachusetts Registry of Motor Vehicles. This Bulletin shall be effective upon the repeal of 211 CMR 86.00.

Designation of High Theft Motor Vehicles

In accordance with M.G.L. c. 175, § 113H, the Commissioner may designate any vehicle, classified according to make, model and year of manufacture, which has both above-average incidence of theft and above-average original sales price, as a "high-theft vehicle". Insurers providing motor vehicle insurance coverage for such "high-theft vehicles" in the residual market may refuse to provide collision, fire, theft or comprehensive coverage, or charge an increased rate for such coverage, if those vehicles do not have at least a minimum anti-theft or auto recovery device prescribed by the Commissioner. The Commissioner will designate "high-theft vehicles" annually until further notice. Further, the Division will post a current list of such designated vehicles on its website at www.mass.gov/doi.

Prescribed Anti-Theft or Auto Recovery Devices

The following anti-theft or auto recovery devices will qualify a “high-theft vehicle” for collision, fire, theft or comprehensive coverage at the premium otherwise applicable to motor vehicles not designated as “high-theft vehicles” in the residual market.

The Commissioner will consider prescribing additional anti-theft or auto recovery devices under M.G.L. c. 175, § 113H if such additional devices are submitted to the Division for consideration as part of a motor vehicle insurance rate filing for the residual market.

Prescribed Devices

As used in this Bulletin, the following words shall mean:

“Passive device or system” is an anti-theft system or device that is activated automatically when the operator turns the ignition key to the “off” position.

“Alarm,” except where otherwise specified, is a horn, bell, siren or other sounding device which is audible at 300 feet.

“Tubular lock or device” is a type of lock whose key is cylindrically shaped and which has at least 50,000 combinations.

“Electronic lock or keyless device” is an electronic coding device that has more than 10,000 combinations. The combination used to unlock the device can be entered through a keyboard or similar data entry device or by means of a remote control device.

Stickers identifying the particular anti-theft system installed may not be attached to the motor vehicle unless specifically permitted below.

(1) Passive Alarm System

This is an alarm system that meets all of the following criteria:

- (a) Ignition must be cut off automatically, or starter must be disabled automatically.
- (b) Alarm must be triggered by entry of doors, hood or trunk.
- (c) Hood must not open unless unlocked from inside the motor vehicle by a key, or by an electronic keyless device.
- (d) Alarm must sound for no more than eight minutes, and upon ceasing to sound, must reset itself.
- (e) Alarm must not emit a pulsating, whooping, or yelping sound which would cause it to be mistaken for the modern police, fire or other emergency vehicle siren.

- (f) Alarm must be installed in the engine compartment so as to be inaccessible without opening the hood.
- (g) The system must be engaged passively by turning the ignition key to the "off" position. To disarm the system a tubular lock or electronic keyless device must be used. The maximum time delay permitted to disarm the system after re-entry is twenty seconds.

(2) Passive Fuel Cut-Off Device

This fuel cut-off device is engaged by turning the ignition key to the "off" position. The driver must trip a switch to open the fuel line each time the motor vehicle is started. This device must meet the following criteria:

- (a) The fuel line must be blocked when the power is off.
- (b) The switch to open the fuel line must be well hidden from view, but accessible to the driver from the driver's seat. In the alternative a tubular key or an electronic keyless device may be used.
- (c) A parking/service attendant override switch may be provided. It must be well hidden from view. It must not be accessible from the passenger compartment; alternatively, if the override switch is accessible from the passenger compartment, a warning buzzer must sound (or the operator must be distracted in some other way) while the engine is running and the override switch engaged. If the buzzer is disconnected, it must result in disconnection of the entire anti-theft system.
- (d) Any under-the-dash wiring installed in connection with this device must blend in color with factory-installed wiring.

(3) Armored Ignition Cut-Off Switch

This device is a kill switch designed to resist tampering. To prevent hot-wiring of the motor vehicle, a protective cap is attached to the coil or starter solenoid. Such devices must meet the following criteria:

- (a) Armored cable must run from a separate key to the coil, starter solenoid, or other engine component. Such cable must be similar to that used in outdoor telephone booths, collapse when cut, and preclude quick reconnection of the cut wire inside; alternatively, some other effective means of preventing defeat of the system by cutting the armored cable must be employed.
- (b) The device must prevent hot-wiring of the motor vehicle.
- (c) A separate lock must be of tubular type and must be installed inside the motor vehicle so as to facilitate use by the driver; alternatively, an electronic keyless device may be

used in lieu of a lock if it does not take significantly longer to engage the device than it takes to remove a key from a lock, and use of the system is otherwise facilitated.

(4) Passive Multi-Component Cut-Off Switch

This device is a kill switch activated when the ignition key is turned to the "off" position. It is designed to prevent hot-wiring of the motor vehicle. Such device must meet the following criteria:

- (a) The primary wire to the ignition coil must be disconnected.
- (b) The device must disconnect the starter.
- (c) One or more wires to the electronic ignition system, or to the points and condenser must be disconnected and grounded to the chassis.
- (d) The wiring must blend with factory-installed wiring, and the disconnecting/grounding wires must be routed to random points in the electrical system away from the components they affect.
- (e) The control module, if separate from the electronic locking mechanism, must be hidden in the engine compartment or other part of the motor vehicle so that it is not easily detectable.
- (f) In order to start the motor vehicle, a lock or electronic device must be used to deactivate the system. The lock must be of tubular type and must be installed inside the motor vehicle so as to facilitate use by the driver; alternatively, an electronic keyless device may be used in lieu of a lock if it does not take significantly longer to engage the device than it takes to remove a key from a lock, and use of the system is otherwise facilitated.

(5) Passive Time Delay Ignition System

This is a device which allows the motor vehicle to start only if the operator waits a prescribed time, which must vary from device to device in a range of three to twenty seconds, before moving the ignition key from "On" to "Start". If the motor vehicle does not start, the operator must be required to wait at least ninety seconds before the device can be operated successfully on a subsequent try.

The device must be resistant to tampering; for example, if it is forcibly removed, reconnection of the electrical system must not be possible with a hot-wire device. Alternatively, the device must be installed with a hood lock operated by a tubular key.

(6) Armored Cable or Electrically Operated Hood Lock and Ignition Cut-Off Switch

This is a supplemental hood lock operated from within the motor vehicle which also cuts off the ignition when engaged. Such devices must meet the following criteria:

(a) Armored Cable Hood Lock

- i. The hood lock cable must be armored by case hardened solid steel tubing designed to resist cutting; tubing must extend through firewall and be secured so as to prevent retraction.
- ii. The system must be engaged by a push button or other device which facilitates use. The push button or other device must be installed within reach of the driver when seated.
- iii. No portion of the hood lock cable may be accessible so that it could be grasped from underneath the motor vehicle; and, if accessible through the grillwork, armor must extend to the locking mechanism.

(b) Electrically Operated Hood Lock

- i. The hood lock is electrically operated and functions so that it remains locked even if the wiring operating the hood lock is cut.
- ii. The system must be engaged passively by turning the ignition key to the "off" position. To disarm the system a separate key or electronic keyless device must be used.
- iii. If the hood lock can be reached through the grillwork or from underneath the motor vehicle, the hood lock must be shielded or armored so that it cannot be manually operated. The locks controlling the devices must be of tubular type or operate electronically.

(7) Passive, Delayed Ignition Cut-Off System

This electronic system disables the ignition circuit at a preset engine speed such that the engine cannot be restarted or hot-wired. Such device must meet these criteria:

- (a) The ignition must cut off automatically as soon as the engine reaches a speed in the range of 1,500 to 2,000 RPM.
- (b) The system must be automatically armed when the ignition key is turned to the "off" position.
- (c) A push button or other type of disarm switch must be well hidden from view. The wiring must blend with factory-installed wiring if placed under the dash. In the alternative, a tubular key or an electronic keyless device may be used.
- (d) An alarm or horn shall be actuated at the same time the ignition is disabled.

- (e) If a parking/service attendant switch is provided, a buzzer must sound all the time the engine is running. The switch must be hidden in a remote place.

(8) Passive Ignition Lock Protective system

This is a case hardened steel, protective cap which fits over the ignition lock so as to prevent extraction of the ignition lock cylinder. The cap fastens to a steel collar which fits around the steering post and over the ignition lock. The ignition key fits through a slot in the cap.

A sticker may identify the presence of this system.

(9) High Security Ignition Replacement Lock

This is a high security, case hardened steering column ignition lock, conforming to NHTSA Standard No. 1141, which cannot be removed using a conventional slide hammer or lock puller equipment.

A sticker may identify the presence of this system.

(10) Hydraulic Brake Lock

This is a dash-mounted device which, when activated and pressurized with the brake pedal, maintains hydraulic pressure on the brakes at two or more of a motor vehicle's wheels so that the motor vehicle cannot be driven. The device must have a high security locking system with at least 50,000 combinations and a lock which cannot be pulled using a conventional slide hammer or lock puller equipment.

(11) Motor Vehicle Recovery System

This is an electronic unit installed in a motor vehicle that is activated after the vehicle is stolen. When activated, the device provides information to law enforcement officials or another public or private entity regarding the motor vehicle's location. The system provides for the routine delivery of the information to the appropriate law enforcement organization to assist in the recovery of the motor vehicle.

(12) Motor Vehicle Recovery System with Unauthorized Movement Notification

This is an electronic unit installed in a motor vehicle that is activated after that motor vehicle is moved without authorization. When activated, the device provides information to law enforcement officials or another public or private entity regarding the motor vehicle's location. The system provides for the routine delivery of the information to the appropriate law enforcement organization to assist in the recovery of the motor vehicle. Additionally, the device must provide personalized notification to the owner of a motor vehicle (or his or her authorized user) in the event of a potentially unauthorized movement of the owner's motor vehicle. Personalized notification shall mean notification delivered directly to the owner or his or her authorized user via automated communication, which is available beyond the proximity of the motor vehicle itself, to one or more devices designated in advance by the

owner or his or her authorized user, such as to the owner's home telephone, mobile phone, electronic mail service, or wireless text messaging service. If maintaining the system in effect requires the payment of a service fee, insureds must provide the insurer reasonable confirmation of the coverage.

(13) Chip Key

This device allows only the correct ignition key(s) to start the engine. The system prevents the motor vehicle from being started unless the key to the ignition system enables the correct signal. The three types of systems that qualify are:

- (a) Transponder immobilizer system: system must detect the proper transponder value from the chip in the key in order to start the engine.
- (b) VATS/PASS-Key system: system must detect the proper resistance value in the key in order to start the engine.
- (c) Passlock system: system must detect the proper R-code within the ignition lock or ignition switch to start the engine. This system does not have a chip in the key. The key turns the Passlock cylinder which provides the R-Code.

Questions regarding this Bulletin should be directed to Cara Blank, Property Casualty Actuary, (617) 521-7344 or cara.blank@state.ma.us.