

211 CMR: DIVISION OF INSURANCE

211 CMR 75.00: REPORTING THE THEFT OF A MOTOR VEHICLE

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75.01: Authority

211 CMR 75.00 is promulgated in accordance with the authority granted to the Commissioner of Insurance by M.G.L. c. 175, § 113O.

75.02: Definitions

As used in 211 CMR 75.00 the following words shall mean:

Commissioner. The Commissioner of Insurance appointed pursuant to M.G.L. c. 26, § 6.

Designated Organization. The Commissioner designates the National Insurance Bureau or its successor organization (hereinafter NICB) as the central organization engaged in motor vehicle loss prevention as required by M.G.L. c. 175, § 113O.

Insurer. Any corporation, association, partnership, group or individual authorized to write motor vehicle insurance in the Commonwealth.

Major Component Part. The engine, transmission, front end assembly, hood, doors, trunk lid, and rear clip of a motor vehicle on which a unique vehicle identifying number has been placed.

75.03: Purpose and Scope

211 CMR 75.00 shall govern the reporting of motor vehicle thefts or misappropriations between insurers and the National Insurance Crime Bureau in accordance with M.G.L. c. 175, § 113O. Its purpose is to prevent payment of fraudulent claims arising under motor vehicle insurance policies and to conduct activities to prevent motor vehicle theft conditions. Such activities shall include, but not be limited to, cooperation with duly constituted law enforcement agencies involved in the prevention and control of motor vehicle theft conditions and providing assistance to duly authorized officials and law enforcement officers in the investigation and control of said conditions.

75.04: National Insurance Crime Bureau's Responsibilities

- (1) Central Index File. The NICB shall establish and keep a central index file in a manner approved by the Commissioner for all motor vehicle thefts or misappropriations reported by insurers.
- (2) Report Acknowledgment. The NICB shall acknowledge the receipt of each theft report received from an insurer within ten working days.
- (3) Cooperation with Insurers. The NICB shall cooperate with insurers in the resolution of errors and the investigation of claims suspected to be fraudulent.

75.05: Insurer's Responsibilities

(1) Reporting Requirements. Insurers shall report all thefts and misappropriations of a motor vehicle or of its major component parts to the NICB within two working days from the receipt of sufficient information from the insured. If the insurer has not received any acknowledgment or communication from the NICB within ten working days following its submission of the total theft report to the NICB, the insurer shall immediately communicate with the NICB to determine the status of its report.

All total losses, however sustained, involving salvage, shall be reported to the NICB within five working days after the sale of salvage, or if the insured is permitted to retain salvage, within five working days after the date of loss payment.

(2) Deferred Claim Processing and Payment. Notwithstanding the provisions of 211 CMR 89.00, an insurer shall defer the processing and payment of a claim filed under comprehensive coverage in accordance with 211 CMR 75.05(2)(a) through (d):

(a) No insurer shall pay a claim filed by an insured under comprehensive coverage for the theft or misappropriation of a motor vehicle or its major component parts unless said claim has been reported to and acknowledged by the NICB.

(b) If the NICB indicates in its response to the insurer that coverage is in effect by more than one insurer for the same vehicle or that the vehicle has been previously reported as stolen and unrecovered or that previous similar claims on the same vehicle have been reported, the insurer shall promptly investigate and resolve such discrepancy.

(c) If the NICB discovers an erroneous vehicle identification number (VIN) and the NICB is unable to clear up such discrepancy internally, the NICB will send a questionnaire to the insurer. This questionnaire shall be returned within five working days of receipt by the insurer. If the NICB and insurer are unsuccessful after due diligence in resolving the VIN error after a 30-day period from date of report of loss to the insurer on a vehicle, the insurer may proceed with the processing of the loss claim.

(d) If the NICB indicates in its response to the insurer or the insurer finds that the loss may have been caused by the criminal or fraudulent act of any person, the insurer shall suspend the processing of the claim and promptly begin an investigation. The insurer shall promptly provide such information to the NICB and shall cooperate fully with the NICB in its investigation of criminal or fraudulent acts.

75.06: Costs of Administration

The NICB is hereby authorized to make assessments, in such manner as its Governing Board may determine, among all licensed insurers in the Commonwealth, to reimburse NICB for the costs of the performance of its duties under M.G.L. c. 175, § 113O. Such assessments shall be prorated upon the basis on net fire and theft premiums written under comprehensive policies, or insurance pertaining to the ownership, use or maintenance of motor vehicles written by each insurer in the Commonwealth. Each such insurer which is a member of the NICB shall be entitled to a credit against the assessments authorized hereunder for all assessments directly related to Massachusetts premiums paid by it to the NICB on account of its membership during the period covered by said assessment.

75.07: Immunity

No insurer or the NICB or their employees or agents, and no commissioner or employees or agents of the commissioner and no official or officer of any law enforcement agency, shall be subject to civil or criminal liability in a cause of action of any kind for furnishing any evidence or information to the commissioner, his employees or any law enforcement agency or any other insurer relating to an investigation conducted involving losses for motor vehicles due to suspected incendiary origin, notwithstanding the provisions of M.G.L. c. 148, § 32.

75.08: Duty to Report

(1) Whenever the NICB or the insurer has reasonable cause to believe that the loss may have been caused by any criminal or fraudulent act of any person, it shall notify the appropriate law enforcement agency or the NICB of that belief.

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75.08: continued

(2) All insurers required to submit reports to the NICB for the purpose of complying with M.G.L. c. 175, § 113O and 211 CMR 75.00, shall be bound by all of the reporting requirements of the NICB.

75.50: Prescription of Forms for Motor Vehicle Theft Reports

Pursuant to the authority granted him by M.G.L. c 175, § 113O, as added by St. 1976, c. 266, the Commissioner of Insurance hereby prescribes the forms appended hereto for use in the reporting of all motor vehicle thefts.

75.51: Description of the Requirements of Printing Forms

This form shall be printed in triplicate. Additional copies, if needed, may be printed. The first copy shall go to the police authority to whom the report must be submitted. The second copy shall go to the insurer. The third copy shall be returned to the insured when he submits the form.

The paragraphs headed: TO INSURED FILING THIS REPORT shall either be printed at the top of the form or separately on the back of the last sheet of the form. The police copy shall be the only copy to contain 211 CMR 75.52 section 3 as that section concerns the recovery of the car and will therefor be filled out later.

The forms shall be printed on paper that is 8½" by 11".

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75.52: Motor Vehicle Theft Report Form

Section 1: Vehicle Information

NAME & ADDRESS OF INSURED _____

TELEPHONE _____ INS. CO. _____ AGENT _____

MAKE _____ MODEL _____ YEAR _____ STYLE _____ COLOR _____

STATE _____ REG. NO. _____ PLATE YEAR (EXPIRATION) _____

V.I.N. _____

DATE OF THEFT _____ TIME _____ A.M.
P.M. WHERE STOLEN FROM _____

DISTINGUISHING CHARACTERISTICS, E.G., ACCESSORIES, STYLISTIC FEATURES,
R A C I N G I T E M S

M E C H A N I C A L D E F E C T S O F C A R

BODY DAMAGE, E.G., CRACKED OR BROKEN GLASS, DENTS ETC. _____

W E R E K E Y S I N V E H I C L E

ANY PRIOR THEFTS, VANDALISM, OR FIRE INVOLVING THIS CAR -- GIVE DETAILS

ANTI-THEFT DEVICES _____ IF YES, WAS INSURANCE DISCOUNT GIVEN —

AMOUNT _____

BRAND NAME _____ TYPE _____ WAS IT IN USE _____

D E S C R I B E D E V I C E I N D E T A I L

LEAPS NO. _____ REFERENCE NO. _____

N C I C N O .

SIGNED UNDER PAINS AND PENALTIES OF PERJURY (M.G.L. c. 268, § 1A)

Signature of the Insured

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Section 2: Receipt of Form by Police Officer.

Police Department Stamp Giving Time and Date Will be Sufficient to Acknowledge Receipt. Receipt of This Form Does Not Constitute Verification by the Police Department of the Fact of the Theft or of the Identity of the Insured.

R e p o r t r e c e i v e d b y :

RANK NAME ID

P O L I C E D E P T .

TIME & DATE REPORT RECEIVED _____

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POLICE USE ONLY -- OPTIONAL

Section 3: Recovery of Vehicle

PLACE OF RECOVERY _____ TIME _____ MADE BY _____

A R R E S T S - - N A M E

A D D R E S S

CAR TOWED -- BY _____ TO _____

A U T H O R I Z E D B Y

C O N D I T I O N O F C A R - - I N D E T A I L

D I S P O S I T I O N O F C A R

REGULATORY AUTHORITY

211 CMR 75.00: M.G.L. c. 175, § 113O.

NON-TEXT PAGE