

211 CMR: DIVISION OF INSURANCE

211 CMR 3.00:            MOTORCYCLE INSURANCE

Section

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3.01: Authority

211 CMR 3.00 is promulgated according to the authority granted by Chapter 744 of the Acts of 1970.

3.02: Definitions

“Commissioner,” the Commissioner of Insurance, appointed pursuant to M.G.L. c. 26, § 6.

“Motorcycle,” any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any bicycle with a motor or a driving wheel attached, except a tractor or a motor vehicle designed to carry golf clubs and not more than four persons, an industrial three-wheel truck or a motor vehicle on which the operators and passengers ride in an enclosed cab, or a motorized bicycle.

3.03:- Exemption from Personal Injury Coverage

(1)a. No insurance company shall be required to provide, in motor vehicle insurance policies covering motorcycles, Personal Injury Protection pursuant to St. 1970, c. 670, for owners, operators or guests of motorcycle owners or operators ~~s~~ who ~~incurs~~ suffer bodily injury while operating or riding as a guest ~~upon~~ such vehicles; provided, however, that such policies shall provide afford Personal Injury Protection to pedestrians struck by motorcycles; and provided further, that such policies shall in all other ways conform to the requirements of M.G.L. c. 90, § 34A and 34O, and M.G.L. c. 175, § 113C.

(2)

b. No person who suffers bodily injury while an operator or a guest on a motorcycle shall be entitled to recover ~~his~~ damages for such injury through the so-called assigned claims plan or

under the Personal Injury Protection coverage of any insurance policy covering any other motor vehicle owned by such person or any member of his or her household.

~~ε(3). The exemption provided in 211 CMR 3.034(1)2-(a) provisions of 211 CMR 3.00(1) exempting companies from providing Personal Injury Protection to motorcycle operators and guests shall not be construed to prohibit owners of motorcycles or members of their household from recovering damages for personal injury under the Personal Injury Protection coverage of a policy covering a motorcycle if:~~

~~(a)i. the damages would be recoverable if the policy were upon a private passenger motor vehicle; and~~

~~(b)ii. if the injured person was not an operator or a guest upon a motorcycle when the injury occurred.s.~~

### 3.04: Policy Forms and Approvals

#### ~~— 3.05: , Policy Fforms and Approvals~~

~~a. The insurance policy forms of insurance policy to which the provisions of 211 CMR 3.0342(1a) 0(1) are applicable and the application forms of application therefor such policies shall be approved by the Commissioner ~~of Insurance~~, and shall state in clear language and bold print that the coverage provided does not include Personal Injury Protection for owners, operators or guests of owners or operators motorcycles who incur suffer bodily injury while operating or riding as a guest upon a motorcycle. such vehicles.~~

### 3.05: Severability

If any section or portion of a section of 211 CMR 3.00 or the applicability thereof to any person, entity, or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of 211 CMR 3.00 or the applicability of such provision to other persons, entities or circumstances, shall not be affected thereby.

~~The premium charges for motor vehicle policies insuring motorcycles shall be the same as those fixed, established and approved by the Commissioner of Insurance for motorcycles pursuant to M.G.L. c. 175 §§ 113B and 113C.~~

~~“Motorcycle” as used herein, shall mean any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including any~~

~~bicycle with a motor or a driving wheel attached, except a tractor or a motor vehicle designed for the carrying of golf clubs and not more than four persons, an industrial three-wheel truck or a motor vehicle on which the operators and passengers ride within an enclosed cab.~~

REGULATORY AUTHORITY

211 CMR 3.00: St. 1970 c. 744

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