

Table of Contents

CHAPTER 1. MOTOR VEHICLES GENERALLY

B. TRANSPORTATION NETWORK COMPANIES, TAXICABS, AND LIVERIES

§ 1:20 Distinctions from taxicabs

C. AUTONOMOUS VEHICLES

§ 1:31 Goals of autonomous vehicles

§ 1:35 Federal statutes, regulations, and oversight pertaining to
autonomous vehicles

§ 1:41 Liability issues generally

§ 1:42 Application of tort law to autonomous vehicles

§ 1:44 Criminal responsibility

CHAPTER 2. STATE OVERSIGHT OF MOTOR VEHICLES

A. THE REGISTRY OF MOTOR VEHICLES

§ 2:28 Voter registration

CHAPTER 3. LICENSES, PERMITS AND IDENTIFICATION CARDS

A. PERMITS

§ 3:9 Permits, in general

B. DRIVER'S LICENSES

§ 3:22 Application process

§ 3:28 Table—Regulation Mass. Regs. Code tit. 540, § 2.06—
Requirements for driver (operator) licenses, learner permits
and identification cards *[Retitled]*

D. THE REAL ID ACT OF 2005

§ 3:38 In general

§ 3:40 Requisite supporting documents

§ 3:42 Real ID required for federal identification

§ 3:43 Table—REAL ID Act Of 2005

§ 3:44 Table—6 CFR § 37.1 et seq.—REAL ID Driver’s Licenses and Identification Cards

F. IDENTIFICATION CARDS

§ 3:53 Massachusetts identification cards

G. COMMERCIAL DRIVER’S PERMIT AND LICENSE

§ 3:64 Disqualifications from holding CDL license

K. LICENSE REVOCATION AND SUSPENSION

§ 3:108 Hardship licenses

§ 3:124 Mandatory disqualification for bribing official in relation to driver’s license

§ 3:150 Operating a motor vehicle under the influence of alcohol or drugs

CHAPTER 4. PURCHASE, SALE, AND LEASE OF MOTOR VEHICLES

E. LEASED AND RENTAL VEHICLES

§ 4:73 Vehicle rentals

§ 4:78 Graves amendment—Limited liability for owners of rental or leased vehicles

CHAPTER 7. TITLE AND REGISTRATION

C. LICENSE PLATES

§ 7:84 License plates generally

§ 7:88 Types of license plates

§ 7:91 Disabled placard or license plates

CHAPTER 8. INSPECTION, TOWING AND REPAIR

A. MOTOR VEHICLE INSPECTIONS

§ 8:11 Certificate of inspection

CHAPTER 9. MOTOR VEHICLE INSURANCE

A. FINANCIAL RESPONSIBILITY LAWS

§ 9:3 Obligation to insure

TABLE OF CONTENTS

**C. CONSTRUCTION OF MOTOR VEHICLE
INSURANCE POLICIES**

- § 9:48 Rule of construction and interpretation of insurance contracts
- § 9:50 Compulsory coverage
- § 9:51 Compulsory coverage—Compulsory liability coverage
- § 9:53 Compulsory coverage—Bodily injury caused by an uninsured
auto
- § 9:54 Compulsory coverage—Compulsory property damage
- § 9:58 Optional coverages—Optional Collision and limited collision

D. UNINSURED AND UNDERINSURED COVERAGE

- § 9:64 Required and optional coverages

**E. NO-FAULT COVERAGE (PERSONAL INJURY
PROTECTION)**

- § 9:71 In general
- § 9:79 Medical expenses coverage
- § 9:91 Non cooperation—Independent Medical Examination
- § 9:92 Non cooperation—Examination under oath

**G. DEFENSES, EXCLUSIONS AND COVERAGE
ISSUES**

- § 9:122 Mental distress claims without bodily injury
- § 9:123 Intentionally caused injury or damages

Table of Laws and Rules

Table of Cases

Table of Contents

CHAPTER 10. PRINCIPLES OF LIABILITY

A. NEGLIGENCE

- § 10:5 Ordinary care—Sudden peril or emergency
- § 10:11 Negligently caused emotional distress

B. PROVING NEGLIGENCE

- § 10:14 Conjecture
- § 10:17 Inferences from circumstantial evidence (formerly *res ipsa loquitur*)
- § 10:22 Violation of statute or ordinance by the defendant
- § 10:28 Conflict of laws

D. WRONGFUL DEATH ACTIONS

- § 10:41 The wrongful death statute
- § 10:42 Wrongful death claims derivative in nature
- § 10:45 Survival of actions

E. PRODUCT LIABILITY

- § 10:51 Product liability—General theories of liability
- § 10:57 Liability based upon breach of warranty
- § 10:63 Federal preemption

F. JOINT TORTFEASORS

- § 10:65 Joint tortfeasors—Joinder of tortfeasors in one action

CHAPTER 11. OPERATIONAL BASES OF LIABILITY

- § 11:4 Negligent entrustment of vehicle
- § 11:16 Overtaking and passing—Statutory requirements
- § 11:28 Bicycles

CHAPTER 12. LIABILITY INVOLVING PARTICULAR PARTIES

A. PASSENGERS IN COMMON CARRIERS

- § 12:5 Negligence of common carrier—Generally

F. EMPLOYEE V. EMPLOYER

§ 12:50 Particular cases involving motor vehicle issues

CHAPTER 13. LIABILITY IN PARTICULAR ACTIONS

A. SUITS AGAINST THE GOVERNMENT—THE TORT CLAIMS ACT

- § 13:3 Negligence of a public employee
- § 13:4 Presentment of the claim—In general
- § 13:5 Presentment—To whom presentment must be made
- § 13:11 Defenses to liability under the tort claims act
- § 13:12 Discretionary or ministerial function—The 10(b) defense
- § 13:14 Use of excessive force by police and qualified immunity
- § 13:14.50 Refusal to allow recording of police during traffic stops and qualified immunity [*New*]

B. SUITS AGAINST THE GOVERNMENT—DEFECTS IN WAYS AND HIGHWAYS

§ 13:23 Particular defects—Obstructions

C. AGENCY AND VICARIOUS LIABILITY

- § 13:47 Registered owner is *prima facie* responsible
- § 13:49 *Respondeat superior*—In general
- § 13:50 *Respondeat superior*—Scope of employment
- § 13:60 Agent's liability to principal

D. LIQUOR LIABILITY

- § 13:64 Retail sellers of alcoholic beverages—Third party claims
- § 13:65 Retail sellers of alcoholic beverages—First party claims

CHAPTER 14. CAUSATION AND DAMAGES

A. CAUSATION

- § 14:1 Causation—In general
- § 14:2 Plaintiff's burden to show injury a foreseeable risk of defendant's negligent conduct

B. DAMAGES

- § 14:14 Damages for personal injuries
- § 14:19 Damage to property
- § 14:20 Damages—Wrongful death cases
- § 14:27 Interest, costs, and attorney fees
- § 14:32 Punitive damages
- § 14:34 Collateral source rule

TABLE OF CONTENTS

**CHAPTER 15. PROCEDURE, EVIDENCE
AND SETTLEMENT**

**A. COURTS, JURISDICTION, AND SERVICE OF
PROCESS**

- § 15:5 Personal jurisdiction—Long-arm statute
- § 15:6 Personal jurisdiction—Due process
- § 15:8 Service on non-resident operator within the Commonwealth

B. EVIDENCE

- § 15:17 Evidence of insurance
- § 15:18 Photographs and video
- § 15:19 Statements of sympathy not admissions of liability
- § 15:23 Expert testimony—Grounds for admission
- § 15:27.50 Crash and police reports and statistical crash information
[New]

C. COMPROMISE AND SETTLEMENT

- § 15:29 Interpretation of release and settlement agreement
- § 15:34 Authority of attorney, agent or representative to settle
- § 15:43 Alternative dispute resolution—Arbitration

**CHAPTER 16. CIVIL MOTOR VEHICLE
INFRACTIONS**

A. CIVIL VIOLATIONS OF MOTOR VEHICLE LAWS

- § 16:13 Civil citation procedure—In general

**CHAPTER 17. CRIMINAL OFFENSES
INVOLVING MOTOR VEHICLES**

A. IN GENERAL

- § 17:11 Identity of operator
- § 17:13 “Way” defined
- § 17:14 Constructive possession in a motor vehicle

B. DOCUMENT FRAUD AND IDENTITY CRIMES

- § 17:18 Filing a false report of motor vehicle theft

C. OPERATIONAL CRIMES

- § 17:31 Operating after license suspension or revocation
- § 17:41 Leaving the scene of an accident

D. MOTOR VEHICLE CRIMES AGAINST A PERSON

- § 17:47 Operating to endanger—Negligently or recklessly
- § 17:49 Manslaughter by motor vehicle
- § 17:53 Drive-by shootings, assault and battery, and murder involving a motor vehicle

E. OFFENSES RELATED TO WEAPONS IN MOTOR VEHICLES

- § 17:55 In general
- § 17:56 Unlawful possession of a firearm in a vehicle, in general

F. OPERATING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

- § 17:66 Blood tests
- § 17:67 Breathalyzer testing
- § 17:68 Lay opinion as to impairment from alcohol or marijuana
- § 17:69 Chemical test refusal
- § 17:70 Videotapes of booking and field sobriety tests
- § 17:73 Operating under the influence of alcohol
- § 17:74 Operating under the influence of drugs
- § 17:75 Prior offenses and sentencing under M.G.L.A. c. 90, § 24
- § 17:83 Offenses related to Ignition Interlock Devices

G. PROPERTY CRIMES

- § 17:104 Panhandling from motorists [*New*]

CHAPTER 18. SEARCH, SEIZURE AND SURVEILLANCE INVOLVING MOTOR VEHICLES

A. IN GENERAL

- § 18:2 What constitutes seizure in a motor vehicle case
- § 18:3 Standing to object to seizure and search of vehicle
- § 18:4 Warrant requirement
- § 18:5 Informant's tip and retention of *Aguilar* and *Spinelli* tests
- § 18:10 Discriminatory profiling and selective enforcement

B. THE AUTOMOBILE EXCEPTION TO THE WARRANT REQUIREMENT

- § 18:13 Probable cause to search vs. probable cause to arrest

C. INVESTIGATORY STOP UNDER *TERRY V. OHIO**

- § 18:18 Timing of reasonable suspicion for *Terry* stop
- § 18:19 Basis for the *Terry* stop

TABLE OF CONTENTS

- § 18:21 Duration of detention
- § 18:24 Exit order to occupants of vehicle
- § 18:25 Pat-Frisk of occupants and protective search of vehicle

D. CONSENT TO SEARCH

- § 18:28 Burden of proof

E. SEARCH INCIDENT TO ARREST

- § 18:34 M.G.L.A. c. 276, Section 1
- § 18:35 Timing of search incident to arrest

F. COMMUNITY CARETAKING AND ROADBLOCKS

- § 18:36 Community caretaking, in general
- § 18:39 Administrative roadblock
- § 18:42 Protective custody for those incapacitated by intoxication

G. VEHICLE IMPOUNDMENT AND INVENTORY

- § 18:44 Impoundment
- § 18:46 Alternatives to impoundment
- § 18:47 Inventory search

H. TERRITORIAL AND JURISDICTIONAL LIMITATIONS OF LAW ENFORCEMENT

- § 18:51 Fresh pursuit under M.G.L.A. c. 41, § 98A
- § 18:53 Extra-territorial arrest on fresh pursuit law

I. PLAIN VIEW DOCTRINE AND PUBLIC VANTAGE

- § 18:59 Public vantage
- § 18:61 Incriminating nature

J. ELECTRONIC SURVEILLANCE AND SEARCHES

- § 18:63 Search of cellular telephones and electronic devices
- § 18:64 Cell site location services and global positioning systems
- § 18:65 Geofence warrants
- § 18:66 Face recognition technology
- § 18:67 Surveillance cameras and automatic license plate readers
- § 18:67.50 Form—Public Request Form for Body Worn Camera (BWC) and Cruiser Mounted Camera (CMC) Video from the Massachusetts State Police *[New]*
- § 18:68 Electronic Toll Collection Systems

K. FORFEITURE OF MOTOR VEHICLES AND CONTENTS

- § 18:72.50 Civil asset forfeiture procedure in Massachusetts
- § 18:78 Civil asset forfeiture reform in Massachusetts

MOTOR VEHICLE LAW AND PRACTICE

§ 18:79 Forfeiture of vehicle for drug-related offenses under
M.G.L.A. c. 94C

Table of Laws and Rules

Table of Cases

Index

Table of Contents

CHAPTER 1. MOTOR VEHICLES GENERALLY

B. TRANSPORTATION NETWORK COMPANIES, TAXICABS, AND LIVERIES

§ 1:20 Distinctions from taxicabs

C. AUTONOMOUS VEHICLES

§ 1:31 Goals of autonomous vehicles

§ 1:35 Federal statutes, regulations, and oversight pertaining to
autonomous vehicles

§ 1:41 Liability issues generally

§ 1:42 Application of tort law to autonomous vehicles

§ 1:44 Criminal responsibility

CHAPTER 2. STATE OVERSIGHT OF MOTOR VEHICLES

A. THE REGISTRY OF MOTOR VEHICLES

§ 2:28 Voter registration

CHAPTER 3. LICENSES, PERMITS AND IDENTIFICATION CARDS

A. PERMITS

§ 3:9 Permits, in general

B. DRIVER'S LICENSES

§ 3:22 Application process

§ 3:28 Table—Regulation Mass. Regs. Code tit. 540, § 2.06—
Requirements for driver (operator) licenses, learner permits
and identification cards *[Retitled]*

D. THE REAL ID ACT OF 2005

§ 3:38 In general

§ 3:42 Real ID required for federal identification

§ 3:43 Table—REAL ID Act Of 2005

§ 3:44 Table—6 CFR § 37.1 et seq.—REAL ID Driver’s Licenses and Identification Cards

F. IDENTIFICATION CARDS

§ 3:53 Massachusetts identification cards

K. LICENSE REVOCATION AND SUSPENSION

§ 3:108 Hardship licenses

CHAPTER 4. PURCHASE, SALE, AND LEASE OF MOTOR VEHICLES

E. LEASED AND RENTAL VEHICLES

§ 4:73 Vehicle rentals

§ 4:78 Graves amendment—Limited liability for owners of rental or leased vehicles

CHAPTER 7. TITLE AND REGISTRATION

C. LICENSE PLATES

§ 7:84 License plates generally

§ 7:88 Types of license plates

§ 7:91 Disabled placard or license plates

CHAPTER 8. INSPECTION, TOWING AND REPAIR

A. MOTOR VEHICLE INSPECTIONS

§ 8:11 Certificate of inspection

CHAPTER 9. MOTOR VEHICLE INSURANCE

C. CONSTRUCTION OF MOTOR VEHICLE INSURANCE POLICIES

§ 9:48 Rule of construction and interpretation of insurance contracts

§ 9:54 Compulsory coverage—Compulsory property damage

§ 9:58 Optional coverages—Optional Collision and limited collision

E. NO-FAULT COVERAGE (PERSONAL INJURY PROTECTION)

§ 9:71 In general

§ 9:79 Medical expenses coverage

§ 9:91 Non cooperation—Independent Medical Examination

§ 9:92 Non cooperation—Examination under oath

TABLE OF CONTENTS

**G. DEFENSES, EXCLUSIONS AND COVERAGE
ISSUES**

§ 9:122 Mental distress claims without bodily injury

§ 9:123 Intentionally caused injury or damages

Table of Laws and Rules

Table of Cases

Table of Contents

CHAPTER 10. PRINCIPLES OF LIABILITY

A. NEGLIGENCE

- § 10:5 Ordinary care—Sudden peril or emergency
- § 10:11 Negligently caused emotional distress

B. PROVING NEGLIGENCE

- § 10:14 Conjecture
- § 10:17 Inferences from circumstantial evidence (formerly *res ipsa loquitur*)
- § 10:22 Violation of statute or ordinance by the defendant
- § 10:28 Conflict of laws

D. WRONGFUL DEATH ACTIONS

- § 10:41 The wrongful death statute
- § 10:42 Wrongful death claims derivative in nature
- § 10:45 Survival of actions

E. PRODUCT LIABILITY

- § 10:51 Product liability—General theories of liability
- § 10:57 Liability based upon breach of warranty
- § 10:63 Federal preemption

F. JOINT TORTFEASORS

- § 10:65 Joint tortfeasors—Joinder of tortfeasors in one action

CHAPTER 11. OPERATIONAL BASES OF LIABILITY

- § 11:4 Negligent entrustment of vehicle
- § 11:16 Overtaking and passing—Statutory requirements
- § 11:28 Bicycles

CHAPTER 12. LIABILITY INVOLVING PARTICULAR PARTIES

A. PASSENGERS IN COMMON CARRIERS

- § 12:5 Negligence of common carrier—Generally

F. EMPLOYEE V. EMPLOYER

§ 12:50 Particular cases involving motor vehicle issues

CHAPTER 13. LIABILITY IN PARTICULAR ACTIONS

A. SUITS AGAINST THE GOVERNMENT—THE TORT CLAIMS ACT

- § 13:3 Negligence of a public employee
- § 13:4 Presentment of the claim—In general
- § 13:5 Presentment—To whom presentment must be made
- § 13:11 Defenses to liability under the tort claims act
- § 13:12 Discretionary or ministerial function—The 10(b) defense
- § 13:14 Use of excessive force by police and qualified immunity
- § 13:14.50 Refusal to allow recording of police during traffic stops and qualified immunity [*New*]

B. SUITS AGAINST THE GOVERNMENT—DEFECTS IN WAYS AND HIGHWAYS

§ 13:23 Particular defects—Obstructions

C. AGENCY AND VICARIOUS LIABILITY

- § 13:47 Registered owner is *prima facie* responsible
- § 13:49 *Respondeat superior*—In general
- § 13:50 *Respondeat superior*—Scope of employment
- § 13:60 Agent's liability to principal

D. LIQUOR LIABILITY

- § 13:64 Retail sellers of alcoholic beverages—Third party claims
- § 13:65 Retail sellers of alcoholic beverages—First party claims

CHAPTER 14. CAUSATION AND DAMAGES

A. CAUSATION

- § 14:1 Causation—In general
- § 14:2 Plaintiff's burden to show injury a foreseeable risk of defendant's negligent conduct

B. DAMAGES

- § 14:14 Damages for personal injuries
- § 14:19 Damage to property
- § 14:20 Damages—Wrongful death cases
- § 14:27 Interest, costs, and attorney fees
- § 14:32 Punitive damages
- § 14:34 Collateral source rule

TABLE OF CONTENTS

**CHAPTER 15. PROCEDURE, EVIDENCE
AND SETTLEMENT**

**A. COURTS, JURISDICTION, AND SERVICE OF
PROCESS**

§ 15:5 Personal jurisdiction—Long-arm statute

§ 15:6 Personal jurisdiction—Due process

B. EVIDENCE

§ 15:17 Evidence of insurance

§ 15:18 Photographs and video

§ 15:19 Statements of sympathy not admissions of liability

§ 15:23 Expert testimony—Grounds for admission

§ 15:27.50 Crash and police reports and statistical crash information
[New]

C. COMPROMISE AND SETTLEMENT

§ 15:29 Interpretation of release and settlement agreement

§ 15:34 Authority of attorney, agent or representative to settle

§ 15:43 Alternative dispute resolution—Arbitration

**CHAPTER 16. CIVIL MOTOR VEHICLE
INFRACTIONS**

A. CIVIL VIOLATIONS OF MOTOR VEHICLE LAWS

§ 16:13 Civil citation procedure—In general

**CHAPTER 17. CRIMINAL OFFENSES
INVOLVING MOTOR VEHICLES**

A. IN GENERAL

§ 17:11 Identity of operator

§ 17:14 Constructive possession in a motor vehicle

C. OPERATIONAL CRIMES

§ 17:31 Operating after license suspension or revocation

D. MOTOR VEHICLE CRIMES AGAINST A PERSON

§ 17:47 Operating to endanger—Negligently or recklessly

§ 17:49 Manslaughter by motor vehicle

§ 17:53 Drive-by shootings, assault and battery, and murder involving
a motor vehicle

E. OFFENSES RELATED TO WEAPONS IN MOTOR VEHICLES

§ 17:56 Unlawful possession of a firearm in a vehicle, in general

F. OPERATING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

§ 17:66 Blood tests

§ 17:67 Breathalyzer testing

§ 17:68 Lay opinion as to impairment from alcohol or marijuana

§ 17:69 Chemical test refusal

§ 17:70 Videotapes of booking and field sobriety tests

§ 17:73 Operating under the influence of alcohol

§ 17:74 Operating under the influence of drugs

§ 17:75 Prior offenses and sentencing under M.G.L.A. c. 90, § 24

§ 17:83 Offenses related to Ignition Interlock Devices

G. PROPERTY CRIMES

§ 17:104 Panhandling from motorists [*New*]

CHAPTER 18. SEARCH, SEIZURE AND SURVEILLANCE INVOLVING MOTOR VEHICLES

A. IN GENERAL

§ 18:2 What constitutes seizure in a motor vehicle case

§ 18:3 Standing to object to seizure and search of vehicle

§ 18:4 Warrant requirement

§ 18:5 Informant's tip and retention of *Aguilar* and *Spinelli* tests

§ 18:10 Discriminatory profiling and selective enforcement

B. THE AUTOMOBILE EXCEPTION TO THE WARRANT REQUIREMENT

§ 18:13 Probable cause to search vs. probable cause to arrest

C. INVESTIGATORY STOP UNDER *TERRY V. OHIO**

§ 18:18 Timing of reasonable suspicion for *Terry* stop

§ 18:19 Basis for the *Terry* stop

§ 18:21 Duration of detention

§ 18:24 Exit order to occupants of vehicle

§ 18:25 Pat-Frisk of occupants and protective search of vehicle

D. CONSENT TO SEARCH

§ 18:28 Burden of proof

TABLE OF CONTENTS

E. SEARCH INCIDENT TO ARREST

§ 18:35 Timing of search incident to arrest

F. COMMUNITY CARETAKING AND ROADBLOCKS

§ 18:36 Community caretaking, in general

§ 18:39 Administrative roadblock

§ 18:42 Protective custody for those incapacitated by intoxication

G. VEHICLE IMPOUNDMENT AND INVENTORY

§ 18:47 Inventory search

**H. TERRITORIAL AND JURISDICTIONAL
LIMITATIONS OF LAW ENFORCEMENT**

§ 18:51 Fresh pursuit under M.G.L.A. c. 41, § 98A

§ 18:53 Extra-territorial arrest on fresh pursuit law

I. PLAIN VIEW DOCTRINE AND PUBLIC VANTAGE

§ 18:59 Public vantage

§ 18:61 Incriminating nature

J. ELECTRONIC SURVEILLANCE AND SEARCHES

§ 18:63 Search of cellular telephones and electronic devices

§ 18:64 Cell site location services and global positioning systems

§ 18:65 Geofence warrants

§ 18:66 Face recognition technology

§ 18:67 Surveillance cameras and automatic license plate readers

§ 18:67.50 Form—Public Request Form for Body Worn Camera (BWC)
and Cruiser Mounted Camera (CMC) Video from the
Massachusetts State Police *[New]*

§ 18:68 Electronic Toll Collection Systems

**K. FORFEITURE OF MOTOR VEHICLES AND
CONTENTS**

§ 18:72.50 Civil asset forfeiture procedure in Massachusetts

§ 18:78 Civil asset forfeiture reform in Massachusetts

§ 18:79 Forfeiture of vehicle for drug-related offenses under
M.G.L.A. c. 94C

Table of Laws and Rules

Table of Cases

Index

Table of Contents

CHAPTER 1. MOTOR VEHICLES GENERALLY

B. TRANSPORTATION NETWORK COMPANIES, TAXICABS, AND LIVERIES

§ 1:20 Distinctions from taxicabs

C. AUTONOMOUS VEHICLES

§ 1:31 Goals of autonomous vehicles

§ 1:35 Federal statutes, regulations, and oversight pertaining to
autonomous vehicles

§ 1:41 Liability issues generally

§ 1:42 Application of tort law to autonomous vehicles

§ 1:44 Criminal responsibility

CHAPTER 2. STATE OVERSIGHT OF MOTOR VEHICLES

A. THE REGISTRY OF MOTOR VEHICLES

§ 2:28 Voter registration

CHAPTER 3. LICENSES, PERMITS AND IDENTIFICATION CARDS

A. PERMITS

§ 3:9 Permits, in general

B. DRIVER'S LICENSES

§ 3:22 Application process

D. THE REAL ID ACT OF 2005

§ 3:38 In general

§ 3:42 Real ID required for federal identification

§ 3:43 Table—REAL ID Act Of 2005

§ 3:44 Table—6 CFR § 37.1 et seq.—REAL ID Driver's Licenses and
Identification Cards

F. IDENTIFICATION CARDS

§ 3:53 Massachusetts identification cards

K. LICENSE REVOCATION AND SUSPENSION

§ 3:108 Hardship licenses

**CHAPTER 4. PURCHASE, SALE, AND LEASE
OF MOTOR VEHICLES**

E. LEASED AND RENTAL VEHICLES

§ 4:73 Vehicle rentals

CHAPTER 7. TITLE AND REGISTRATION

C. LICENSE PLATES

§ 7:84 License plates generally

§ 7:88 Types of license plates

**CHAPTER 8. INSPECTION, TOWING AND
REPAIR**

A. MOTOR VEHICLE INSPECTIONS

§ 8:11 Certificate of inspection

CHAPTER 9. MOTOR VEHICLE INSURANCE

**C. CONSTRUCTION OF MOTOR VEHICLE
INSURANCE POLICIES**

§ 9:48 Rule of construction and interpretation of insurance contracts

§ 9:54 Compulsory coverage—Compulsory property damage

§ 9:58 Optional coverages—Optional Collision and limited collision

**E. NO-FAULT COVERAGE (PERSONAL INJURY
PROTECTION)**

§ 9:71 In general

§ 9:79 Medical expenses coverage

§ 9:91 Non cooperation—Independent Medical Examination

§ 9:92 Non cooperation—Examination under oath

**G. DEFENSES, EXCLUSIONS AND COVERAGE
ISSUES**

§ 9:122 Mental distress claims without bodily injury

§ 9:123 Intentionally caused injury or damages

TABLE OF CONTENTS

Table of Laws and Rules

Table of Cases

Table of Contents

CHAPTER 10. PRINCIPLES OF LIABILITY

A. NEGLIGENCE

§ 10:11 Negligently caused emotional distress

B. PROVING NEGLIGENCE

§ 10:14 Conjecture

§ 10:17 Inferences from circumstantial evidence (formerly *res ipsa loquitur*)

§ 10:22 Violation of statute or ordinance by the defendant

§ 10:28 Conflict of laws

E. PRODUCT LIABILITY

§ 10:51 Product liability—General theories of liability

§ 10:57 Liability based upon breach of warranty

§ 10:63 Federal preemption

F. JOINT TORTFEASORS

§ 10:65 Joint tortfeasors—Joinder of tortfeasors in one action

CHAPTER 11. OPERATIONAL BASES OF LIABILITY

§ 11:4 Negligent entrustment of vehicle

§ 11:16 Overtaking and passing—Statutory requirements

§ 11:28 Bicycles

CHAPTER 12. LIABILITY INVOLVING PARTICULAR PARTIES

F. EMPLOYEE V. EMPLOYER

§ 12:50 Particular cases involving motor vehicle issues

CHAPTER 13. LIABILITY IN PARTICULAR ACTIONS

A. SUITS AGAINST THE GOVERNMENT—THE TORT CLAIMS ACT

§ 13:3 Negligence of a public employee

- § 13:4 Presentment of the claim—In general
- § 13:5 Presentment—To whom presentment must be made
- § 13:11 Defenses to liability under the tort claims act
- § 13:12 Discretionary or ministerial function—The 10(b) defense
- § 13:14 Use of excessive force by police and qualified immunity
- § 13:14.50 Refusal to allow recording of police during traffic stops and qualified immunity *[New]*

C. AGENCY AND VICARIOUS LIABILITY

- § 13:47 Registered owner is *prima facie* responsible
- § 13:49 *Respondeat superior*—In general
- § 13:50 *Respondeat superior*—Scope of employment
- § 13:60 Agent's liability to principal

D. LIQUOR LIABILITY

- § 13:64 Retail sellers of alcoholic beverages—Third party claims
- § 13:65 Retail sellers of alcoholic beverages—First party claims

CHAPTER 14. CAUSATION AND DAMAGES

A. CAUSATION

- § 14:1 Causation—In general

B. DAMAGES

- § 14:14 Damages for personal injuries
- § 14:19 Damage to property
- § 14:20 Damages—Wrongful death cases
- § 14:27 Interest, costs, and attorney fees
- § 14:32 Punitive damages
- § 14:34 Collateral source rule

CHAPTER 15. PROCEDURE, EVIDENCE AND SETTLEMENT

B. EVIDENCE

- § 15:17 Evidence of insurance
- § 15:18 Photographs and video
- § 15:19 Statements of sympathy not admissions of liability
- § 15:23 Expert testimony—Grounds for admission
- § 15:27.50 Crash and police reports and statistical crash information *[New]*

C. COMPROMISE AND SETTLEMENT

- § 15:29 Interpretation of release and settlement agreement
- § 15:34 Authority of attorney, agent or representative to settle
- § 15:43 Alternative dispute resolution—Arbitration

TABLE OF CONTENTS

**CHAPTER 16. CIVIL MOTOR VEHICLE
INFRACTIONS**

A. CIVIL VIOLATIONS OF MOTOR VEHICLE LAWS

§ 16:13 Civil citation procedure—In general

**CHAPTER 17. CRIMINAL OFFENSES
INVOLVING MOTOR VEHICLES**

A. IN GENERAL

§ 17:14 Constructive possession in a motor vehicle

D. MOTOR VEHICLE CRIMES AGAINST A PERSON

§ 17:49 Manslaughter by motor vehicle

§ 17:53 Drive-by shootings, assault and battery, and murder involving
a motor vehicle

**E. OFFENSES RELATED TO WEAPONS IN MOTOR
VEHICLES**

§ 17:56 Unlawful possession of a firearm in a vehicle, in general

**F. OPERATING UNDER THE INFLUENCE OF
DRUGS OR ALCOHOL**

§ 17:66 Blood tests

§ 17:67 Breathalyzer testing

§ 17:68 Lay opinion as to impairment from alcohol or marijuana

§ 17:69 Chemical test refusal

§ 17:74 Operating under the influence of drugs

§ 17:75 Prior offenses and sentencing under M.G.L.A. c. 90, § 24

§ 17:83 Offenses related to Ignition Interlock Devices

G. PROPERTY CRIMES

§ 17:104 Panhandling from motorists [*New*]

**CHAPTER 18. SEARCH, SEIZURE AND
SURVEILLANCE INVOLVING MOTOR
VEHICLES**

A. IN GENERAL

§ 18:2 What constitutes seizure in a motor vehicle case

§ 18:3 Standing to object to seizure and search of vehicle

§ 18:4 Warrant requirement

§ 18:5 Informant's tip and retention of *Aguilar* and *Spinelli* tests

§ 18:10 Discriminatory profiling and selective enforcement

B. THE AUTOMOBILE EXCEPTION TO THE WARRANT REQUIREMENT

§ 18:13 Probable cause to search vs. probable cause to arrest

C. INVESTIGATORY STOP UNDER *TERRY V. OHIO**

§ 18:18 Timing of reasonable suspicion for *Terry* stop

§ 18:19 Basis for the *Terry* stop

§ 18:21 Duration of detention

§ 18:24 Exit order to occupants of vehicle

§ 18:25 Pat-Frisk of occupants and protective search of vehicle

D. CONSENT TO SEARCH

§ 18:28 Burden of proof

E. SEARCH INCIDENT TO ARREST

§ 18:35 Timing of search incident to arrest

F. COMMUNITY CARETAKING AND ROADBLOCKS

§ 18:36 Community caretaking, in general

§ 18:39 Administrative roadblock

§ 18:42 Protective custody for those incapacitated by intoxication

G. VEHICLE IMPOUNDMENT AND INVENTORY

§ 18:47 Inventory search

H. TERRITORIAL AND JURISDICTIONAL LIMITATIONS OF LAW ENFORCEMENT

§ 18:51 Fresh pursuit under M.G.L.A. c. 41, § 98A

§ 18:53 Extra-territorial arrest on fresh pursuit law

I. PLAIN VIEW DOCTRINE AND PUBLIC VANTAGE

§ 18:61 Incriminating nature

J. ELECTRONIC SURVEILLANCE AND SEARCHES

§ 18:63 Search of cellular telephones and electronic devices

§ 18:64 Cell site location services and global positioning systems

§ 18:65 Geofence warrants

§ 18:66 Face recognition technology

§ 18:67 Surveillance cameras and automatic license plate readers

§ 18:67.50 Form—Public Request Form for Body Worn Camera (BWC) and Cruiser Mounted Camera (CMC) Video from the Massachusetts State Police [*New*]

§ 18:68 Electronic Toll Collection Systems

TABLE OF CONTENTS

**K. FORFEITURE OF MOTOR VEHICLES AND
CONTENTS**

§ 18:78 Civil asset forfeiture reform in Massachusetts

§ 18:79 Forfeiture of vehicle for drug-related offenses under M.G.L.A.
c. 94C

Table of Laws and Rules

Table of Cases

Index

Table of Contents

CHAPTER 1. MOTOR VEHICLES GENERALLY

B. TRANSPORTATION NETWORK COMPANIES, TAXICABS, AND LIVERIES

§ 1:20 Distinctions from taxicabs

C. AUTONOMOUS VEHICLES

§ 1:31 Goals of autonomous vehicles

§ 1:41 Liability issues generally

§ 1:42 Application of tort law to autonomous vehicles

CHAPTER 3. LICENSES, PERMITS AND IDENTIFICATION CARDS

D. THE REAL ID ACT OF 2005

§ 3:38 In general

§ 3:42 Real ID required for federal identification

§ 3:44 Table- 6 CFR § 37.1 et seq.—REAL ID Driver's Licenses and
Identification Cards

F. IDENTIFICATION CARDS

§ 3:53 Massachusetts identification cards

K. LICENSE REVOCATION AND SUSPENSION

§ 3:108 Hardship licenses

CHAPTER 4. PURCHASE, SALE, AND LEASE OF MOTOR VEHICLES

E. LEASED AND RENTAL VEHICLES

§ 4:73 Vehicle rentals

CHAPTER 7. TITLE AND REGISTRATION

C. LICENSE PLATES

§ 7:88 Types of license plates

CHAPTER 9. MOTOR VEHICLE INSURANCE

C. CONSTRUCTION OF MOTOR VEHICLE INSURANCE POLICIES

- § 9:48 Rule of construction and interpretation of insurance contracts
- § 9:54 Compulsory coverage—Compulsory property damage
- § 9:58 Optional coverages—Optional Collision and limited collision

E. NO-FAULT COVERAGE (PERSONAL INJURY PROTECTION)

- § 9:71 In general
- § 9:79 Medical expenses coverage
- § 9:91 Non cooperation—Independent Medical Examination

G. DEFENSES, EXCLUSIONS AND COVERAGE ISSUES

- § 9:122 Mental distress claims without bodily injury

Table of Laws and Rules

Table of Cases

Table of Contents

CHAPTER 10. PRINCIPLES OF LIABILITY

A. NEGLIGENCE

§ 10:11 Negligently caused emotional distress

B. PROVING NEGLIGENCE

§ 10:14 Conjecture

§ 10:22 Violation of statute or ordinance by the defendant

§ 10:28 Conflict of laws

E. PRODUCT LIABILITY

§ 10:51 Product liability—General theories of liability

§ 10:63 Federal preemption

F. JOINT TORTFEASORS

§ 10:65 Joint tortfeasors—Joinder of tortfeasors in one action

CHAPTER 11. OPERATIONAL BASES OF LIABILITY

§ 11:4 Negligent entrustment of vehicle

CHAPTER 12. LIABILITY INVOLVING PARTICULAR PARTIES

F. EMPLOYEE V. EMPLOYER

§ 12:50 Particular cases involving motor vehicle issues

CHAPTER 13. LIABILITY IN PARTICULAR ACTIONS

A. SUITS AGAINST THE GOVERNMENT—THE TORT CLAIMS ACT

§ 13:3 Negligence of a public employee

§ 13:11 Defenses to liability under the tort claims act

§ 13:14 Use of excessive force by police and qualified immunity

C. AGENCY AND VICARIOUS LIABILITY

- § 13:47 Registered owner is *prima facie* responsible
- § 13:49 *Respondeat superior*—In general
- § 13:50 *Respondeat superior*—Scope of employment
- § 13:60 Agent's liability to principal

D. LIQUOR LIABILITY

- § 13:65 Retail sellers of alcoholic beverages—First party claims

CHAPTER 14. CAUSATION AND DAMAGES

A. CAUSATION

- § 14:1 Causation—In general

B. DAMAGES

- § 14:19 Damage to property
- § 14:20 Damages—Wrongful death cases
- § 14:32 Punitive damages
- § 14:34 Collateral source rule

**CHAPTER 15. PROCEDURE, EVIDENCE
AND SETTLEMENT**

B. EVIDENCE

- § 15:17 Evidence of insurance
- § 15:18 Photographs and video
- § 15:23 Expert testimony—Grounds for admission
- § 15:27.50 Massachusetts DOT impact data [*New*]

C. COMPROMISE AND SETTLEMENT

- § 15:29 Interpretation of release and settlement agreement
- § 15:43 Alternative dispute resolution—Arbitration

**CHAPTER 17. CRIMINAL OFFENSES
INVOLVING MOTOR VEHICLES**

**F. OPERATING UNDER THE INFLUENCE OF
DRUGS OR ALCOHOL**

- § 17:67 Breathalyzer testing
- § 17:74 Operating under the influence of drugs
- § 17:75 Prior offenses and sentencing under M.G.L.A. c. 90, § 24
- § 17:83 Offenses related to Ignition Interlock Devices

G. PROPERTY CRIMES

- § 17:104 Panhandling from motorists [*New*]

TABLE OF CONTENTS

**CHAPTER 18. SEARCH, SEIZURE AND
SURVEILLANCE INVOLVING MOTOR
VEHICLES**

A. IN GENERAL

- § 18:2 What constitutes seizure in a motor vehicle case
- § 18:4 Warrant requirement
- § 18:5 Informant's tip and retention of *Aguilar* and *Spinelli* tests
- § 18:10 Discriminatory profiling and selective enforcement

**B. THE AUTOMOBILE EXCEPTION TO THE
WARRANT REQUIREMENT**

- § 18:13 Probable cause to search vs. probable cause to arrest

**C. INVESTIGATORY STOP UNDER *TERRY V.
OHIO****

- § 18:19 Basis for the *Terry* stop
- § 18:21 Duration of detention
- § 18:24 Exit order to occupants of vehicle

D. CONSENT TO SEARCH

- § 18:28 Burden of proof

E. SEARCH INCIDENT TO ARREST

- § 18:35 Timing of search incident to arrest

**F. COMMUNITY CARETAKING AND
ROADBLOCKS.**

- § 18:36 Community caretaking, in general
- § 18:39 Administrative roadblock

G. VEHICLE IMPOUNDMENT AND INVENTORY

- § 18:47 Inventory search

**H. TERRITORIAL AND JURISDICTIONAL
LIMITATIONS OF LAW ENFORCEMENT**

- § 18:51 Fresh pursuit under M.G.L.A. c. 41, § 98A

J. ELECTRONIC SURVEILLANCE AND SEARCHES

- § 18:63 Search of cellular telephones and electronic devices
- § 18:64 Cell site location services and global positioning systems
- § 18:65 Geofence warrants
- § 18:66 Face recognition technology
- § 18:67 Surveillance cameras and automatic license plate readers

- § 18:67.50 Form—Public Request Form for Body Worn Camera (BWC)
and Cruiser Mounted Camera (CMC) Video from the
Massachusetts State Police *[New]*
- § 18:68 Electronic Toll Collection Systems

**K. FORFEITURE OF MOTOR VEHICLES AND
CONTENTS**

- § 18:78 Civil asset forfeiture reform in Massachusetts

Table of Laws and Rules

Table of Cases

Index