

Preface to 2025 Supplement

This 2025 cumulative supplement to Motor Vehicle Law and Practice with Forms, 5th (Vols. 11 & 12, Massachusetts Practice Series) brings up-to-date the bound volumes published in 2021, and replaces the 2024 cumulative pocket part supplement.

HIGHLIGHTS

- Updated information regarding increased compulsory insurance coverage amounts under financial responsibility laws beginning July 1, 2025 (§ 9:3, §§ 9:50 et seq.)
- Updated section on offenses related to weapons in motor vehicle (§ 17:55)
- Updated Mass. R. Super. Ct., Rule 74. Civil Asset Forfeiture (§ 18:72.50)
- Updated Massachusetts regulations 540 CMR 2.06 regarding requirements for driver licenses (including CDLs), learner permits and identification cards (§ 3:28)
- Updated federal regulations 6 CFR §§ 37.1 et seq. pertaining to REAL ID Driver's Licenses and Identification (§ 3:44)

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The Publisher

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This 2024 cumulative pocket part supplement replaces the 2023 cumulative pocket part supplement.

HIGHLIGHTS

- New section on civil asset forfeiture procedure in Massachusetts (§ 18:72.50)
- Updated Regulation Mass. Regs. Code tit. 540, § 2.06 covering requirements for driver (operator) licenses, learner permits and identification (§ 3:28)
- License plate statute updates (§ 7:84)
- Cell site location services and global positioning systems (§ 18:64)

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PREFACE

This fifth edition is both a continuation and expansion of the pioneering *Automobile Law and Practice* (1954 West), the first edition of this work authored by Ephraim Martin, Esq., and the Honorable Edward F. Hennessey, former Chief Justice of the Massachusetts Supreme Judicial Court. They intended their work primarily for use by practitioners handling actions for negligence arising out of motor vehicle accidents at a time when those types of cases were prevalent.

We continue to preserve much of the content of previous editions because, despite some of the earlier case law's antiquated language, it continues to represent the law in this Commonwealth and applies to modern practice. We have also retained several older cases decided on an outdated or obsolete rule of law or defense, such as assumption of the risk, where the case continues to be valid for another legal principle, such as a rule of evidence or standard of review.

We have once again reordered, reorganized, and expanded the work from the earlier editions. Significant new material addresses autonomous vehicles, civil forfeiture, and various electronic surveillance and telematics pertaining to motor vehicles and their occupants. We have also expanded the discussion of distracted driving, the interaction of vehicles with cyclists, and mediation & arbitration.

Prior editions discussed evidence, procedure, and settlement in a more comprehensive fashion but insofar as those topics are now the subject of entire volumes in the Massachusetts Practice series, we have streamlined our discussion of same to focus on matters that commonly arise in motor vehicle cases.

Navigating some of the complex motor vehicle statutes in M.G.L.A. c. 90 can prove challenging, particularly those regularly amended. Good practice mandates that any practitioner verify the current content of statutes, regulations, and the relevant case law.

Motor vehicle law involves innumerable forms, many of which have been included in this edition. These forms should only be used for informational purposes and not used for official submissions. Where available, we have provided an online source for each.

Per the decision in *Chace v. Curran*, 71 Mass. App. Ct. 258, 261 n. 4, 881 N.E.2d 792, 795 n. 4, rev. denied, 451 Mass. 1103, 885 N.E.2d 834 (2008), we include some of the decisions issued

under Appeals Court Rule 1:28. Such cases, identified by a parenthetical (Table— Rule 1:28 decision), must only be cited as persuasive authority and accompanied by a copy of the decision.

Regarding gender pronouns, we find no reasoned basis for favoring one and often take our cue from the gender referenced in a particular case under discussion.

Any errors in these volumes are both regrettable and disappointing but strictly attributable to us. We welcome hearing directly from the bench or bar about any suggested corrections, changes, or additions.

Finally, we would like to acknowledge the fine editors from West for their patient assistance in preparing these volumes during a worldwide pandemic.

Terésa J. Farris
Charles P. Kindregan III

January, 2021