

How Your Driving Record Can Affect Your Auto Insurance Premium and How to Appeal Incorrect Auto Accident Findings



In Massachusetts, your driving record will have an impact on how much you will have to pay in auto insurance premiums. Your driving record is measured by a “surchargeable points” system, in which insurance rates can increase or decrease based on your driving performance. Every moving violation or accident in which you are at-fault will add these points to your driving record, raising your insurance rate. A clean driving record, on the other hand, will lower your points and insurance premiums up to 17%.

The point system can be found on the Registry of Motor Vehicles website (<http://www.dmv.org/ma-massachusetts/point-system.php>). **A driver is considered “at-fault” in an accident if the accident was more than 50% his or her fault – for more information about at-fault determinations see here: [surchargeable events](#).** The RMV has set the surchargeable points system as follows (copied from the RMV website):

- *Major traffic violation (such as DUI): 5*
- *Major at-fault accident (such as a claim over \$2,000): 4*
- *Minor at-fault accident (claim of \$500 to \$2,000): 3*
- *Minor traffic violation (such as speeding): 2*

Five surchargeable violations in three years will require you to complete a driver retraining program. If you have seven surchargeable violations in three years, your license will automatically be suspended for 30 days. Three speeding tickets in 12 months will trigger an automatic 30 day license suspension. For the full list of suspensions see here: <http://www.mass.gov/rmv/suspend/index.htm>

Insurance premiums are a combination of four factors – bodily injury liability, damage liability, personal injury coverage, and collision coverage.

- If you have been driving for less than 6 years, your premium will **increase by 7.5%** in every area for each surchargeable point.
- If you have been driving for more than 6 years, your premium will **increase by 15%** in every area for each surchargeable point.
- If you do not gain a point in five years, your premium will **decrease by 7%** in every area.

- If you do not gain a point in six years, your premium will **decrease by another 10%** in every area.

Accident forgiveness:

Some insurance companies offer “accident forgiveness” programs. In exchange for a higher annual premium, the insurance company will “forgive” an accident and not increase your premium, much like paying higher premiums for lower deductibles.

You can get a copy of your current driving for \$6 or \$20 by visiting the Registry of Motor Vehicle’s website at http://www.mass.gov/rmv/suspend/driving_record.htm

How to Appeal an At-Fault Accident Decision

What happens if your insurance company tells you that you are “at-fault” in an accident, but you believe that the accident was less than 50% your fault? In this situation, you must file an appeal to the Division of Insurance. Appeals must be filed less than 30 days after your insurance company determines that you are at-fault. There is a \$50 non-refundable fee for filing an appeal.

After you have filed your appeal, the Board of Appeals at the Division of Insurance will schedule a 20-30 minute public hearing. You may want to bring a witness or witness statement to the hearing. According to the Registry of Motor Vehicles, there are three ways to appeal your at-fault finding at the hearing (copied from the RMV website):

a. *Appear in Person.*

Bring your Hearing Notice to the scheduled location, along with copies of all relevant information and documents/photographs etc., that you want the Hearing Officer to consider when making the decision.

b. *Submit a Written Statement in lieu of your appearance.*

The Board must receive your written or typed statement via mail or facsimile at least 5 days prior to your hearing. The statement must include:

- *copies of all relevant information, and any documents/photographs etc. that you want the Hearing Officer to consider when making the decision*
- *your signature on the Hearing Notice, which affirms that you are waiving a personal appearance in favor of your written statement and that your statements about the accident are truthful.*

c. *Select a representative to appear on your behalf.*

If you elect to submit a written statement via a representative, instead of appearing in person, it must include:

- *copies of all relevant information, and any documents/photographs etc. that you want the Hearing Officer to consider when making the decision*
- *your signature on the Hearing Notice, which affirms that you are waiving a personal appearance in favor of your written statement and that your statements about the accident are truthful.*

After your hearing, a decision will be mailed 2-4 weeks later.

- If the decision is marked “vacate,” you are not at-fault for the accident.
- If the decision is marked “upheld,” you remain at-fault for the accident.