



American Insurance Association

One Walnut Street
Boston, MA 02108
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November 12, 2009

The Honorable Charles A. Murphy
Chair
House Ways and Means Committee
Room 243
State House
Boston, MA 02133

RE: Municipal Red Light Cameras - H. 4303

Dear Chairman Murphy:

Section 18 of H. 4303, An Act Implementing Fiscal Stability Measures for Fiscal Year 2010, would add a new section to the motor vehicle statute (M.G.L. c. 90) allowing local cities and towns to use cameras to document violations of its traffic control signals and levy monetary fines against offenders.

The American Insurance Association ("AIA") does not object to the concept of using cameras to catch and punish those running red lights. Discouraging this type of bad behavior will improve traffic safety and prevent unnecessary accidents, injuries and damage to cars and people.

Unfortunately, the proposal contains language that would statutorily prevent penalties imposed under this system from becoming a part of an individual's driving record or being considered by insurance companies when they rate and price that individual's motor vehicle insurance policy. AIA strongly objects to this provision and urges the Committee to remove it from the proposal.

This limitation on insurer use of this information creates inequity by treating similarly situated drivers unfairly. A person who runs a red light and who receives a citation by a police officer quite properly will have that moving violation become part of his or her driving history and be vulnerable to points being assessed under their insurance plan while the scofflaw whose bad behavior is caught on camera would pay only a fine and escape any insurance consequences. The latter approach ignores a long-standing and fundamental tenet that driving behavior should be an important factor in underwriting and rating drivers. Those who engage in unsafe or irresponsible driving behavior place themselves and others at greater risk of harm and their insurance costs should reflect that level of enhanced risk.

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The Commonwealth of Massachusetts has long recognized this precept through the safe driver insurance plan it required of all insurers. That plan assessed points and surcharges based on at-fault accidents and traffic violations as a way of distinguishing safe drivers from riskier ones and provided a financial incentive for violators to drive more safely in the future. While carriers now independently define their safe driver insurance plans under the new system of managed competition, the ability to access and consider this information remains absolutely necessary if consumers are to be treated fairly and equitably.

Running a red light is bad behavior whether it is witnessed by a police officer or a camera. The penalties associated with that bad behavior should not be different merely because one driver was nabbed by the police while another was captured on film. Should the Committee decide to advance the municipal red light proposal, AIA respectfully requests that the insurance provisions of this proposal be deleted.

Thank you for the opportunity to offer these comments. Please don't hesitate to contact me at (617) 305-4152 if you would like to discuss this issue further.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John P. Murphy".

John P. Murphy

cc: The Honorable Stephen Buoniconti
The Honorable Peter Koutoujian
The Honorable Ron Mariano