

## INDEX

### FINANCIAL PROTECTION FOR THE MOTOR ACCIDENT VICTIM

#### AMBULANCE CHASING

See **LIABILITY CLAIM RACKET.**

#### AMERICAN AUTOMOBILE ASSOCIATION

development of Safety-Responsibility Bill by Nat. Comm. of 17 of, 508-509, 519.

#### ATLANTA

liability claim investigation in, 502-503.

#### AUTOMOBILE ACCIDENT COMPENSATION PLAN

early proposals for, 579; outline of Columbia Committee plan, 580-582; merits of, in securing financial responsibility, 583-587; general principles underlying, 588-589, criticized, 599-600; premium cost of insurance under, 589-590, 607-608; rate fixing, 590-591; forcing risks, 591; basis of liability under, 580, 591; persons compensated by, 591, 599-600; incidence of liability, 580, 592, 601; hit-and-run cars, 592, 604, 605; out-of-state cars, 592, 604, 605; unauthorized drivers, 593; property damage excluded from, 593-594, 602; right of subrogation, 580, 594; scale of benefits, 581-582, 594-595, criticized, 603, 605; administration, 582, 595; choice of physicians, 595; fraudulent claims, 596; volume of litigation under, 596, 601-602, 604; analogy to workmen's compensation criticized, 600-601, 604-605; insurance problems under, 607.

*Automobile Compensation Plan, The*, 583.

#### AUTOMOBILE GUESTS

change in rules of liability to, 489-490; insurance coverage of, 543; under compensation plan, 592, 599, 602.

*Baltimore & Ohio R. R. v. Goodman*, 479.

BEHA, JAMES A., 500.

BOYKIN, JOHN, 502.

#### BUSES

See **COMPULSORY AUTOMOBILE LIABILITY INSURANCE.**

CAVANAUGH, WM. P., 500.

#### CLAIMS

See **LIABILITY CLAIM RACKET.**

#### COMMERCIAL MOTOR VEHICLES

See **COMPULSORY AUTOMOBILE LIABILITY INSURANCE.**

#### COMPENSATION FOR MOTOR ACCIDENTS

social importance of, generally, 466-475; life and accident insurance as, 467; gifts to injured as, 467; bargaining process in obtaining, 468-470; extent of, received, 470, 584-585; cases of hardship caused by lack of, 472-475; importance of liability insurance for, 584-585.

#### COMPULSORY AUTOMOBILE LIABILITY INSURANCE

under Mass. act: legislative history, 537-538, provisions of, 538-540, 553-555, insurance contract required by, 540-544, premium rates under, 544-549, adequacy of rates, 549-551, 586-587, proposal for merit rating, 551, operation of Bd. of Appeal, 551-552, effect on accidents, 552-553, effect on court congestion, 556-557, 563, efforts to relieve

court congestion increased by, 557-564; in foreign nations, 565, 587; in Great Britain, 565-569, legislative history of, 565-566, provisions of 1930 act providing for, 566-567, defects of, 568, amendments to, 568-569; for commercial motor vehicles, 571-578, early laws requiring, 571, defects of, 572, state and federal requirements for buses, 572-574, for motor trucks, 574-577, for taxis, 577-578; need for, to secure financial responsibility, 583-587; opposition of insurance companies to, 586-587. See **COURT CONGESTION.**

#### CONSTITUTIONAL LAW

validity of laws requiring proof of financial responsibility for nonpayment of damages, 517, effect of discharge in bankruptcy on, 518; state jurisdiction over interstate motor carriers, 571-572.

#### CONTRIBUTORY NEGLIGENCE

See **TORTS.**

#### COURT CONGESTION

effect of Mass. compulsory insurance act on, 556-557, 563; efforts to relieve, in Mass., generally, 557-564, entry of motor tort cases in dist. cts., 557-558, references to auditors, 558-560, pre-trial procedure, 560-561, other measures, 561-562, efforts appraised, 562-564.

*Ex parte Lindley*, 517.

#### FAULT

diminishing importance of, in motor tort cases, generally, 476-489; increased importance of, in cases of motor guests, 489-490; as basis of liability, criticized, 588-589; desirability of, as basis of liability, 599-600. See **TORTS.**

#### FINANCIAL RESPONSIBILITY LAWS

provisions of, discussed, 505-518; outlined, 508, 521, analyzed in table, 511; objectives of, 506, 522, 531; history of movement for, 507-509, 519; principal types of, and states adopting, 509-510; provisions of, relating to violations of motor vehicle laws, 510-513, to the effect of judgments, 513-514, to proof in cases not involving convictions or judgments, 514-515, to amount and territorial extent of coverage, 515, to types of proof receivable, 515-516, to duration of proof, 516-517; constitutionality of, 517-518; procedure followed in study of operation of, 520-521; effect of, in segregating bad drivers, 522-523, in decreasing motor accidents, 523-524, in compelling bad drivers to insure, 524-529, in procuring payment of judgments, 528-529, in increasing number of insured, 529; appraisals by administrators of, 530; administrative problems under, generally, 532-536, "rating risks," 532-533, extent of jurisdiction, 533, limits on administrative discretion, 534, obtaining insurer's cooperation, 534, cancellation of insurance, 527, 535-536; reciprocity between states

- enacting, 536; text references to provisions of, or operation of, as enacted in the following jurisdictions: *United States*: Arizona, 510, California, 509, 517, 527, 528, Colorado, 509, Connecticut, 507, 509, 514, 520, 526, 527, 528, 530, 531-536, Delaware, 509, Dist. of Col., 509, Hawaii, 509, Indiana, 509, Iowa, 510, Kentucky, 509, Maine, 507, 510, 520, 527, 529, Maryland, 509, Massachusetts, 510, Michigan, 509, Minnesota, 507, 509, Nebraska, 509, New Hampshire, 508, 510, 514, 526, New Jersey, 509, 514, 520, 526, 527, 529, New York, 509, 520, 529, North Carolina, 510, North Dakota, 509, Ohio, 509, Oregon, 509, Pennsylvania, 509, 520, 526, 527, 528, 529, Rhode Island, 507, 509, South Dakota, 510, Vermont, 507, 509, 520, 526, 527, 528, West Virginia, 509, 527, Wisconsin, 509, 528; *Canada*: Alberta, 509, British Columbia, 509, Manitoba, 509, New Brunswick, 509, Nova Scotia, 509, Ontario, 509, Prince Edward Is., 510, Saskatchewan, 509.
- GATNER, ABRAHAM**  
ambulance chasing activities of, 493-496.  
*Gallegher v. Wheeler*, 539.
- HECHT-ROSENZWEIG RING**, 497.
- In re Perkins*, 518.
- INTERSTATE COMMERCE COMMISSION**  
insurance regulations for interstate motor buses, 573-574, for interstate trucks, 572, 574-577.  
*Journal of the Am. Judicature Soc.*, 564.
- JURY**  
effect of trial by, on motor tort liability rules, 477, 481, on court congestion in Mass., 556-564, *passim*.
- KEARNEY, PAUL**  
quoted, 503.  
*King v. Smythe*, 487.
- LAWYERS**  
effect of liability claim racket on, 490, 493.
- LEWIS, SHIPPEN**, 579.
- LIABILITY CLAIM RACKET**  
discussed, generally, 491-504; evidenced by growth of liability claims, 491-492; types of claim racketeers, 492-493; early development of, in motor cases, 493-494; technique of ambulance chasing, 493-496; faking of liability claims, 496-497; victimizing of clients by lawyers in, 498-499; public opinion relating to, 497, 503-504; activities of Nat. Bur. of Casualty and Surety Underwriters against, 499-503; cost to community of, 503-504.
- LIABILITY INSURANCE**  
importance of, as source of motor accident compensation, 584-585; standard and Mass. statutory policies compared, 540-544. See **COMPULSORY AUTOMOBILE LIABILITY INSURANCE**.
- MARX, ROBERT S.**, 579.
- MCLEATH, WALTER**, 502.
- MOTOR ACCIDENT RATES**  
relation of, to license revocations, 523; effect of compulsory insurance on, 552-553, 587.
- MOTOR CARRIER ACT**  
effect of, on insurance requirements for motor carriers, 572-577, *passim*.  
*Munz v. Harnett*, 518.
- NATIONAL BUREAU OF CASUALTY AND SURETY UNDERWRITERS**  
organized efforts of, against liability claim racket, generally, 500-501, investigation by Claim Dep't of, in Atlanta, 502-503.
- NATIONAL CONFERENCE ON STREET AND HIGHWAY SAFETY**, 507.
- NATIONAL RESEARCH COUNCIL**, 506.
- NEGLIGENCE**  
See **TORTS**
- NEW YORK CITY**  
volume of liability claims in, 492.
- Pokora v. Wabash Ry.*, 479.
- PHYSICIANS**  
effect of liability claim racket on, 493; choice of, under automobile compensation plan, 595.
- ROAD TRAFFIC ACTS**  
(Great Britain) provisions of, 566-569.
- SAFETY-RESPONSIBILITY LAWS**  
See **FINANCIAL RESPONSIBILITY LAWS**.  
*Saturday Evening Post*, 503.
- SHEARN, CLARENCE J.**  
quoted, 504.
- SHERMAN, P. TECUMSEH**, 583-590.
- TORTS**  
changing rules of, in motor cases, generally, 476-490; changes in standard of care in motor cases, generally, 476-481; importance of specific standards, 477, their creation, 478; "stop, look, and listen" rule, 478-479; "range of vision" rule, 479-480; statutory right of way at intersections, 480-481; exceptions to contributory negligence doctrine, 482-483, wilful negligence, 482, "last clear chance" rule, 482; comparative negligence, 483-484; contribution between joint tort-feasors, 484; owner's responsibility for driver's negligence, generally, 484-489, by choice of incompetent driver, 485-486, as master, 486, under the "family purpose" doctrine, 487-488, under statutes, 488-489; motor guest statutes, 489-490.
- TRUCKS**  
See **COMPULSORY AUTOMOBILE LIABILITY INSURANCE**.
- ULMAN, JOSEPH N.**  
quoted, 481.
- UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT**, 508.
- WORKMEN'S COMPENSATION LAWS**  
as models for legislative proposals in motor accident field, 505; analogy of, to automobile compensation plan criticized, 600-601, 604-605.