

state on or after June 1, 1959, but the identity of the motor vehicle and of the operator and owner thereof cannot be ascertained or it is established that the motor vehicle was, at the time said accident occurred, in the possession of some person other than the owner without the owner's consent and that the identity of such person cannot be ascertained, any qualified person who would have a cause of action against the operator or owner, or both, in respect to such death or personal injury for a sum in excess of ~~two hundred dollars (\$200.00)~~, ONE HUNDRED DOLLARS (\$100.00), exclusive of interests and costs, or the personal representative of such person, may, upon notice to the commissioner and the board, apply to a court of competent jurisdiction for an order permitting him to bring an action therefor against the commissioner in such court, and the court may proceed upon such application in a summary manner, and may make an order permitting the applicant to bring such an action against the commissioner, when the court is satisfied upon the hearing of the application, that—

(b) The applicant has complied with the requirements of section 145E,

(c) The applicant was not at the time of the accident operating ~~or riding in~~ an uninsured motor vehicle owned by him, ~~or his spouse, parent or child,~~ and is not the personal representative of the person ~~so operating or riding,~~

(d) The applicant was not at the time of the accident operating a motor vehicle in violation of an order of suspension or revocation, and is not the personal representative of the person so operating,

(e) The applicant has a cause of action against the operator or owner of such motor vehicle or against the operator who was operating the motor vehicle without the consent of the owner of the motor vehicle,

(f) All reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and operator thereof and either that the identity of the motor vehicle and the owner and operator thereof cannot be established, or that the identity of the operator, who was operating the motor vehicle without the owner's consent, cannot be established, ~~and that.~~

~~(g) The application is not made by or on behalf of an insurer under circumstances set forth in subsection (e) of Section 145J.~~

145S. Other "hit-and-run" cases.

(a) When in an action for a sum in excess of ~~two hundred dollars (\$200.00)~~ ONE HUNDRED DOLLARS (\$100.00) in respect to the death of, or personal injury to, any person, arising out of the ownership, maintenance or use of a motor vehicle in this state on or after June 1, 1959, judgment is rendered for the defendant on the sole ground that such death or personal injury was occasioned by a motor vehicle—

(b) The identity of which, and of the owner and operator of which, has not been established, or

(c) Which was in the possession of some person other than the owner or his agent without the consent of the owner, and the identity