

# HOUSE . . . . No. 1284

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, February 21, 1934.

The committee on Insurance, to whom was referred so much of the recommendations of the Commissioner of Insurance (House, No. 102) as relates to filing sworn statements under the standard fire insurance policy (accompanied by bill, House, No. 109), report the accompanying bill (House, No. 1284).

For the committee,

FRANK B. COUGHLIN.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Four.

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An Act relative to the Filing of Sworn Statements under the Standard Fire Insurance Policy.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section one hundred and two of  
2 chapter one hundred and seventy-five of the General  
3 Laws, as amended by section one of chapter one  
4 hundred and seventy-four of the acts of nineteen  
5 hundred and thirty-two, is hereby further amended  
6 by striking out the said section and substituting  
7 therefor the following:—

8 *Section 102.* The failure of the insured under a  
9 fire policy in the standard form prescribed by sec-  
10 tion ninety-nine to render the sworn statement  
11 specified therein forthwith upon the occurrence of  
12 loss or damage by fire, shall not preclude recovery  
13 therefor if the insured forthwith upon the occur-  
14 rence thereof gives a written notice of the fire, and  
15 the location thereof, to the company at its home  
16 office or at the office of the agent who issued or exe-  
17 cuted the policy, or to the said agent, and if the  
18 insured, forthwith upon a written request therefor  
19 made by the company or its said agent forthwith

20 upon the receipt of such a written notice, renders  
21 the said statement to the company or its said agent,  
22 as aforesaid.

23 The failure of such an insured to give such a writ-  
24 ten notice or to render the said sworn statement, as  
25 aforesaid, shall not preclude recovery under such a  
26 policy, if the company sends an agent or represent-  
27 ative to the insured for the purpose of investigating,  
28 estimating or appraising the loss or damage or ad-  
29 justing a claim therefor, and, if the insured forth-  
30 with upon a written request therefor made by the  
31 company, forthwith upon the sending of the afore-  
32 said agent or representative, renders said sworn  
33 statement to the company as aforesaid or its agent  
34 making such written request or at his office.

35 The periods of time within which the company  
36 shall, as provided in such a policy, either pay the  
37 amount for which it is liable or replace the prop-  
38 erty insured, or notify the insured of its intention  
39 to repair or rebuild the premises insured, shall be  
40 computed from the date on which a sworn state-  
41 ment rendered by the insured under this section  
42 was received by the company or its agent, but if no  
43 sworn statement has been rendered and received by  
44 the company or its agent then the said period of  
45 time shall be computed from the date upon which  
46 the company or its agent sent an agent or representa-  
47 tive to the insured for the purpose of investigating,  
48 estimating or appraising the loss or damage or adjust-  
49 ing the claim therefor, or if no agent or representa-  
50 tive was sent or no sworn statement rendered and  
51 received by the company or its agent as aforesaid,  
52 then from the date on which the company or its  
53 agent received a written notice as aforesaid.

54 The provisions of this section shall apply to claims  
55 for loss or damage by lightning or any other hazard  
56 insured against under such a policy.

1 SECTION 2. The provisions of section one of this  
2 act shall apply only to claims for loss or damage under  
3 policies of insurance issued subsequent to its effec-  
4 tive date.