

Substituted by the House, as recommended by the committee on Bills in the Third Reading and as amended by Mr. Mara of Brockton, for a bill with the same title (House, No. 5590, changed). June 26.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

### AN ACT FURTHER REGULATING AUTOMOBILE INSURANCE SURCHARGES.

*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. The 10th paragraph of section 113B of chap-  
2 ter 175, as appearing in the 1988 Official Edition, is hereby  
3 amended by adding the following three sentences: — The  
4 commissioner shall provide a downward adjustment to all drivers  
5 incurring surchargeable incidents occurring before January first,  
6 nineteen hundred and eighty-six and adversely effected by the safe  
7 drivers insurance plan, promulgated by the commissioner and  
8 effective as of January first, nineteen hundred and ninety. Said  
9 downward adjustment shall be equivalent to the upward  
10 adjustment said drivers received as a result of the safe drivers  
11 insurance plan, promulgated by the commissioner and effective  
12 as of January first, nineteen hundred and ninety. Said downward  
13 premium adjustments shall be provided to said drivers during the  
14 following rate year. All upward adjustments pursuant to this  
15 section shall apply only to surchargeable incidents within the five  
16 years immediately preceding the applicable rate year.

1 SECTION 2. The 12th paragraph of said section 113B of said  
2 chapter 175, as so appearing, is hereby amended by adding the  
3 following four sentences: — In the event of a change of an  
4 automobile insurer by an insured, the insured shall not pay any  
5 amount more than the surcharge initially attributed to said  
6 insured. Driving a motor vehicle which has an expired registration  
7 sticker affixed to the license plate shall not be considered a

8 surchargeable incident. The commissioner shall not make any rule  
9 or regulation which denies a downward premium adjustment to  
10 a driver who presents a driving record with no surchargeable  
11 incidents within the five years immediately preceding the  
12 applicable rate year. This section shall apply to all driving  
13 experience within or without the commonwealth.