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brought pursuant to section fourteen of chapter thirty A of the General Laws.

The superior court shall have jurisdiction to enforce the provisions of this act, and any by-laws adopted thereunder, and may restrain violations thereof.

SECTION 6. The town of Ludlow may by its by-laws, regulate the evictions of tenants, and the mobile home rent board, established under section two, may issue orders which shall be a defense to an action of summary process for possession and such orders shall be reviewable pursuant to sections four and five.

SECTION 7. The personnel of the mobile home rent board established under section two shall not be subject to the provisions of section nine A of chapter thirty of the General Laws or chapter thirty-one of the General Laws.

SECTION 8. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 9. This act shall take effect upon its passage.

Approved July 7, 1983.

Chap. 241. AN ACT FURTHER REGULATING MOTOR VEHICLE INSURANCE.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the motor vehicle insurance in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 183 of chapter 6 of the General Laws, as appearing in section 1 of chapter 266 of the acts of 1976, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- The board shall formulate and administer a plan for the compiling, gathering and disseminating of information, operator records and histories, and such other data as it deems necessary or appropriate pertaining to motor vehicle accidents, claims under motor

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vehicle policies and motor vehicle violations in order to facilitate the implementation and operation of the safe driver insurance plan provided in section one hundred and thirteen B of chapter one hundred and seventy-five.

SECTION 2. The third paragraph of section 34 O of chapter 90 of the General Laws, as appearing in section 7 of said chapter 266, is hereby amended by striking out, in line 1, the word "Every" and inserting in place thereof the words:- Except for coverages which insurers may refuse to offer under the provisions of paragraph (A) of section one hundred and thirteen H of chapter one hundred and seventy-five, every.

SECTION 3. Subparagraph (1) of said third paragraph of said section 34 O of said chapter 90, as so appearing, is hereby amended by striking out, in line 4, the word "two" and inserting in place thereof the word:- three.

SECTION 4. Said third paragraph of said section 34 O of said chapter 90, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Benefits under this coverage are payable without regard to negligence, comparative negligence, gross negligence or fault of any kind; except that said policy or bond shall provide that benefits under this coverage shall not be payable if said loss of or damage to the insured vehicle occurs when the operator of such vehicle is a household member, other than the insured, who is not listed as an operator on such policy or bond and if listed, would be classified as an inexperienced driver or would subject the policy to increased premiums under the provisions of the safe driver insurance plan established by the commissioner pursuant to the provisions of section one hundred and thirteen B of chapter one hundred and seventy-five.

SECTION 5. The fifth paragraph of said section 34 O of said chapter 90, as so appearing, is hereby amended by striking out subparagraph (2) and inserting in place thereof the following subparagraph:-

(2) Limited Collision Coverage. The insurer shall pay either to the insured or to a repair shop if the insured so indicates in writing to his insurance company for direct and accidental loss of or damage to the insured motor vehicle in cases described in clauses (a) to (d), inclusive, subject to a deductible of three hundred dollars, up to a limit equal to the actual cash value of the vehicle less such deductible without regard to comparative negligence attributable to the operator of the vehicle which is not in excess of fifty per cent; except that the policy or bond

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shall provide that benefits under this coverage shall not be payable if said loss of or damage to the insured motor vehicle occurs when the operator of such vehicle is a household member, other than the insured, who is not listed as an operator on such policy or bond and, if listed, would be classified as an inexperienced driver or would subject the policy to increased premiums under the provisions of the safe driver insurance plan established by the commissioner pursuant to the provisions of section one hundred and thirteen B of chapter one hundred and seventy-five.

SECTION 6. The eighth paragraph of said section 34 O of said chapter 90, as so appearing, is hereby amended by striking out, in line 3, the word "two" and inserting in place thereof the word:- three.

SECTION 7. The twelfth paragraph of said section 34 O of said chapter 90, as added by section 2 of chapter 775 of the acts of 1981, is hereby amended by striking out the word "two" and inserting in place thereof the word:- three.

SECTION 8. Section 22C of chapter 175 of the General Laws is hereby amended by striking out the first paragraph, as most recently amended by section 8 of chapter 266 of the acts of 1976, and inserting in place thereof the following paragraph:-

No company shall issue any policy of insurance which provides coverage, as described in section thirty-four O of chapter ninety, or coverage against loss or damage to, or loss of, motor vehicles resulting from collision, fire, lightning, larceny, pilferage, theft, malicious mischief, vandalism or other perils usually insured against; or provides personal injury protection or which insures any person against legal liability for loss or damage on account of the bodily injury or death of any other persons or on account of any damages to property of another, arising out of the ownership, maintenance, control or use of motor vehicles, including a motor vehicle liability policy as defined in section thirty-four A of chapter ninety, unless said policy contains a provision that, except with respect to a notice of cancellation issued either before or after the effective renewal date by the company to take effect within the first ninety days of the renewal policy period for those policies not renewed in accordance with section twenty-two E or except with respect to a notice of cancellation issued for failure of the applicant to complete and furnish the insurance company a renewal application on a form prescribed by the commissioner at least thirty days before the expiration of the previous policy period, it shall be noncancellable by the company, except for nonpayment of premiums, fraud or a material misrepres-

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sentation in the application for insurance or renewal thereof, or unless the operator's license or motor vehicle registration of the named insured or of any other person who resides in the same household as the named insured and who usually operates a motor vehicle insured under the policy has been under suspension or revocation during the policy period, or for coverages which insurers refuse to offer under the provisions of paragraph (A) of section one hundred and thirteen H. Every company cancelling an insurance policy under authority of this paragraph shall, upon demand, refund within thirty days all money due to the insured as the result of such cancellation. Any company violating the provisions of the preceding sentence shall be liable to the insured in an action of contract for double the amount of the refund plus reasonable legal fees.

SECTION 9. Said chapter 175 is hereby further amended by striking out section 22E, as most recently amended by section 9 of said chapter 266, and inserting in place thereof the following section:-

Section 22E. No insurance company, and no officer or agent thereof in its behalf, shall refuse to issue, renew or execute as surety a motor vehicle liability policy or bond, or any other insurance based on the ownership or operation of a motor vehicle because of age, sex, race, occupation, or principal place of garaging of the vehicle. A particular company may make a general reduction in volume of automobile insurance in the commonwealth if such a reduction is determined by the commissioner not to be an attempt to circumvent the purposes of this section and that the company's refusal to write motor vehicle liability policies or bonds is not contrary to the public interest by disrupting the market for said insurance in the commonwealth. Any company which does not intend to issue a renewal policy shall give written notice of its intent not to issue a policy for the ensuing policy period in accordance with the provisions of section one hundred and thirteen F and such notice shall specify the reasons for such nonrenewal.

SECTION 10. Section 113B of said chapter 175, as most recently amended by chapter 401 of the acts of 1979, is hereby further amended by inserting after the second sentence the following sentence:- In fixing and establishing premium charges in accordance with the provisions of this section, the deficit of the plan, established under section one hundred and thirteen H, shall not be distributed to risks based on classification or territory.

SECTION 11. Said section 113B of said chapter 175, as most recently amended by said chapter 401, is hereby further amended

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by inserting after the fifth paragraph the following six paragraphs:-

In so fixing and establishing classifications of risks under this section, the commissioner shall establish a safe driver insurance plan to equitably reflect the driving records of insureds. Such plan shall reflect an adjustment of insurance premium based on at-fault accidents, convictions of moving violations of motor vehicle laws, including payments pursuant to chapter ninety C, or any combination thereof, and based on four or more comprehensive claims totalling two thousand dollars or more, unless fire, theft, comprehensive and collision coverages are not purchased by the insured, as compiled and recorded by the motor vehicle insurance merit rating board established pursuant to section one hundred and eighty-three of chapter six.

Such an adjustment shall reflect an aggregate credit to safe drivers' premiums, which shall equal the increase in aggregate premiums to be charged to those not defined as safe drivers, categorized under the safe driver plan.

No safe driver insurance plan shall use any records or factors which occurred more than three years prior to the policy year for which an adjustment of insurance cost is reflected.

The commissioner shall establish reasonable rules to assure that all insureds are informed of any premium adjustments, and the reasons therefore, made as the result of this safe driver insurance plan.

If the method of operation of any company other than those operating pursuant to the so-called American Agency System results in excessive profits above nine per cent return on its earned premiums averaged over three years, the commissioner shall order a refund or dividend to current policyholders in the amount of such profit attributable to the difference between the amount allowed for expenses including acquisition costs in the rates for motor vehicle insurance and the company's actual expenses including acquisition costs incurred over the same three year period, provided such profits have not been previously returned to the holders of policies issued by such company.

In so fixing and establishing premium charges to be used and charged in accordance with the provisions of this section, the commissioner shall consider, in establishing said rates, the reduction of fraud achieved through the entity created pursuant to section one hundred and thirteen H.

SECTION 12. The first sentence of the second paragraph of section 113C of said chapter 175, as most recently amended by section 3 of chapter 707 of the acts of 1975, is hereby further amended by striking out, in line 1, the word "No" and inserting in place thereof the words:- Except for coverages which insurers

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may refuse to offer under the provisions of paragraph (A) of section one hundred and thirteen H, no.

SECTION 13. Said chapter 175 is hereby further amended by striking out section 113E, as most recently amended by section 4 of chapter 551 of the acts of 1973, and inserting in place thereof the following section:-

Section 113E. Nothing in this chapter shall be construed to prohibit an insurance company, its agent or any broker, from requiring a deposit premium before issuance of a policy or execution of a bond, providing the per vehicle deposit does not exceed thirty per cent of the annual premium or the full short term premium for the insurance requested, whichever is less, unless the applicant has been in default in the payment of any premium for automobile insurance during the preceding twenty-four months.

SECTION 14. The first paragraph of section 113F of said chapter 175, as appearing in chapter 545 of the acts of 1970, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Such notice shall, except as hereinafter provided, be sent to the registrar of motor vehicles, and it shall be irrefutably presumed to be the notice of cancellation, and such notice shall also be sent either to said insured or principal or to the insurance agent of the company or insurance broker who negotiated the issue of the policy or the execution of the bond.

SECTION 15. The fifth sentence of the first paragraph of said section 113F of said chapter 175, as appearing in chapter 545 of the acts of 1970, is hereby amended by striking out, in line 1, the words "form satisfactory to" and inserting in place thereof the following words:- standard form prescribed by.

SECTION 16. Said section 113F of said chapter 175, as most recently amended by chapter 333 of the acts of 1973, is hereby further amended by striking out the fourth and fifth paragraphs and inserting in place thereof the following paragraph:-

The insured or principal shall be advised in any such notice that, in accordance with the provisions of the plan established by section one hundred and thirteen H, he shall be eligible for nonrenewed coverages if he is unable to obtain such coverages by the method which insurance is voluntarily made available. Any company failing to send notice as hereinbefore provided, or which sends such notice and subsequently renews such policy or bond, shall, upon request of such insured or principal, issue a new policy or execute a new bond as surety to at least the

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amount of coverages provided by the expiring policy covering said insured or principal and the same or replacement motor vehicle or vehicles and shall recognize the agent or broker designated by the insured in the same manner as provided by any contract, custom, or usage then in effect between such agent or broker and such company.

SECTION 17. Said chapter 175 is hereby further amended by striking out section 113H, as most recently amended by chapter 180 of the acts of 1982, and inserting in place thereof the following section:-

Section 113H. (A) Insurance companies undertaking to issue motor vehicle liability policies or bonds, both as defined in section thirty-four A of chapter ninety, shall cooperate in the preparation and submission of a plan which shall provide motor vehicle insurance to applicants who have been unable to obtain insurance through the method by which insurance is voluntarily made available; except that the plan shall provide that no insurance company shall be required to issue such policy or execute such bond if:

(1) The applicant or any person who usually drives the motor vehicle has failed to pay an insurance company any motor vehicle insurance premiums due or contracted during the preceding twelve months; or

(2) Any person who usually drives the motor vehicle does not hold or is not eligible to obtain an operator's license.

Such a plan shall provide for the fair and equitable apportionment among such insurance companies of premiums, losses or expenses, or any combination thereof.

Such a plan shall provide that at least the following coverages be made available at the option of the applicant:

(1) bodily injury liability and property damage liability coverage in at least the minimum amounts required by law;

(2) personal injury protection;

(3) medical payments coverage, to a limit of at least five thousand dollars;

(4) increased limits of bodily injury liability coverage in an amount to bring the total bodily injury liability coverage available for any one accident to two hundred and fifty thousand dollars per person and five hundred thousand dollars per accident;

(5) increased property damage liability limits in an amount to bring the total property damage liability coverage available for any one accident to fifty thousand dollars;

(6) uninsured motorist limits in an amount up to the bodily injury liability limits of the policy;

(7) physical damage insurance, which shall mean: (a) collision coverage or limited collision coverage, (b) fire and theft

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coverage, or (c) comprehensive coverage, so-called, as those coverages are defined in sections thirty-four A and thirty-four O of chapter ninety and section one hundred and thirteen O. The plan shall permit the refusal of collision, fire, theft or comprehensive coverage under the following circumstances:

(i) comprehensive, fire and theft or collision coverage on a vehicle customarily driven by or owned by persons convicted within the most recent five year period of any category of vehicular homicide, auto insurance related fraud, or motor vehicle theft;

(ii) comprehensive, fire and theft or collision coverage on a vehicle customarily driven by or owned by persons who have, within the most recent five year period, made an intentional and material misrepresentation in making claim under such coverages;

(iii) collision coverage on a vehicle customarily driven by or owned by persons who have been involved in four or more accidents in which such person has been deemed to be at fault in excess of fifty per cent within the three years immediately preceding the effective date of the policy, or

(iv) comprehensive or fire and theft coverages on a vehicle customarily driven by or owned by persons who have had two or more total theft or fire claims within the three years immediately preceding the effective date of the policy.

(B) Such a plan shall be prepared and administered by a governing committee appointed by the commissioner for terms of six years, consisting of six members from insurance companies participating in the plan and one additional representative from a domestic insurer in the commonwealth whose annual motor vehicle policy premiums amount to ten million dollars or less and unaffiliated with any other insurance company and six members from associations of insurance producers. Effective as of July first, nineteen hundred and eighty-two, the governing committee shall consist of three members from insurance companies participating in the plan and two members from associations of insurance producers appointed for terms of six years, two members from insurance companies participating in the plan, two members from associations of insurance producers appointed for terms of four years, two members from insurance companies participating in the plan and two members from the associations of insurance producers appointed for terms of two years. The provisions of this section shall not be construed so as to alter or amend the terms of the present governing members. As of July first, nineteen hundred and eighty-four, one of the producer representatives shall be a producer who writes private passenger automobile insurance exclusively through a servicing carrier assigned pursuant to the provisions of the plan approved under this section. The governing committee shall be responsible for the

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hiring of the employees of the plan.

In the event that a company represented on the committee decreases its book of automobile business in the commonwealth by more than ten per cent from the previous calendar year, as determined by the commissioner, the member representing such company shall cease to be a member of the committee and a new company and a member thereof shall be appointed as prescribed herein. Not more than one insurer in a group under the same management shall serve on the committee at the same time.

(C) The plan shall provide that every licensed agent or broker shall be assigned to at least one servicing carrier; except that the governing committee shall not be required to make any such assignment if subject, to reasonable standards adopted by the governing committee:

(i) the agent or broker has been convicted of a dishonest act related to his occupation as an insurance agent or broker;

(ii) the broker's license to engage as an insurance broker has been revoked;

(iii) there has been a material and substantial breach of a contract between a servicing carrier and a producer by a broker or agent; or

(iv) the broker or agent has an uncured default in remittance of any premiums due the servicing carrier.

The plan shall require the appointment and participation at all times of no fewer than twenty servicing carriers and the plan shall establish reasonable eligibility requirements for appointment as a servicing carrier, including but not limited to, the maintenance of a specific investigative unit to investigate suspicious or questionable motor vehicle insurance claims for the purpose of eliminating fraud. Not more than one insurer in a group under the same management shall serve as a servicing carrier at the same time. There shall be provided within the plan a specific investigative unit to monitor the effectiveness of servicing carrier fraud control efforts. No domestic insurance company shall be denied participation as a servicing carrier based solely upon its share of the Massachusetts motor vehicle insurance market.

In order to insure an orderly transition from the existing plan, the plan shall provide for assignment of licensed agents and brokers, as far as is practicable, to a servicing carrier through whom such agent or broker is currently writing a substantial portion of his private passenger automobile insurance business and such carrier shall service such agent or broker under substantially the same contractual terms and conditions governing their normal agency relationship and may not endorse or declare that the policy is underwritten by the plan.

Changes of assignment of servicing carriers, for reasonable business purposes, may be made upon application to and approval

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by the governing committee, provided there is not significant disruption of the marketplace and no unfair or inequitable apportionment of premiums, losses or expenses.

The plan shall include guidelines for installment payment plans to be provided by servicing carriers.

To control the size of the population of the plan, the plan shall annually provide for territorial and classification credits for those companies voluntarily writing private passenger automobile insurance within those territories and classifications that would otherwise be disproportionately represented in the plan. The size of the credits shall be such as to enhance the prospects that no classification or territory is disproportionately represented in the plan.

(D) The plan shall provide for the payment of a commission to independent insurance agents or brokers on business insured through the plan which shall be stated in the filing of rates as a percentage equal to the average percentage commission paid for risks not insured through the plan to agents by companies which do business through independent insurance agents pursuant to the so-called American Agency System.

The plan shall provide that the allocation of premiums, losses and expenses among companies for all policies issued during the first year of operation of the plan shall be based on the total number of risks written by each company during the calendar year nineteen hundred and eighty-two, excluding risks written through designated producers. Adjustment and consideration may be given to those companies that, due to percentage of business ceded during the base year, fall at either extreme as a result of this method of allocating premiums, losses and expenses under this plan. For policy years thereafter, the allocation shall be based on a method so that no company materially or substantially reduces its percentage of participation by reducing its writings, nor shall any company have their participation materially or substantially increased because of the action of other companies.

All policies insured through the plan shall be rated in accordance with the manual of classifications, rules and rates, and rating plans filed by or on behalf of the plan under the provisions of chapter one hundred and seventy-five A. The statistical data previously and hereafter recorded under this section for risks insured through the plan shall be given due consideration in developing the rates for such risks.

Each risk insured through the plan shall be subject to the provisions of the safe driver insurance plan established by the commissioner pursuant to the provisions of section one hundred and thirteen B in the same manner as risks who are not insured in the plan.

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The premium charges filed by or on behalf of the plan shall provide that such premium charges for any risks, other than those so-called fleet risks rated under the provisions of the Massachusetts Commercial Automobile Insurance Manuals, which is approved by the commissioner for use in nineteen hundred and eighty-two, shall not exceed the premium charges which would be used by each such risk's servicing carrier for that risk if such risk were not insured in the plan.

(E) Meetings of the governing committee of the plan shall be conducted in accordance with the provisions of section eleven A $\frac{1}{2}$ of chapter thirty A.

Before becoming effective and upon any written request of the commissioner on a new plan thereafter, any such plan shall be filed with the commissioner, who shall conduct a public hearing within thirty days to determine whether such plan is consistent with public policy and meets the requirements of this section. At such hearing, insurance companies and any other party having a direct interest shall have an opportunity to be heard. Unless sooner approved or disapproved in writing by the commissioner, such plan shall be deemed to meet the requirements of this section within thirty days after the public hearing.

Amendments to such plan shall be prepared and filed in the same manner as herein provided with respect to the original plan. Such amendments, unless sooner approved or disapproved in writing by the commissioner, shall be deemed to meet the requirements of this section in thirty days from the date of filing. The commissioner shall, prior to the disapproval of any such amendments, issue a notice specifying in what respects the amendments do not meet the requirements of this section and fixing a date for a public hearing thereon, at which insurance companies and any other parties having a direct interest shall have an opportunity to be heard.

If the commissioner shall have requested the submission of a new plan or amendments to the plan, and no such plan or amendments have been filed with and approved by the commissioner within sixty days after such request, the commissioner may, if he deems it necessary to carry out the purposes of this section, prepare and publish proposed amendments or a proposed plan that in his opinion would carry out the purposes of this section. He shall submit a copy of such proposed amendments or proposed plan to the joint committee on insurance at the time of publication, and shall schedule a public hearing thereon not less than ten days after the publication thereof. After such hearing the commissioner may promulgate such plan or amendments thereto as he finds will best carry out the purposes of this section.

When such plan or amendment has been approved or promulgated, no insurer may thereafter issue a motor vehicle policy or

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bond unless such insurer shall participate in such an approved or promulgated plan.

Any insurer and any other party affected may appeal to the commissioner from any ruling or decision with reference to the operation of such plan.

The rules for such plan shall require that separate statistical data be recorded for risks insured in the plan and may provide incentives and penalties to prevent abuse of such plan. The rules for such plan shall also include a provision giving the commissioner authority, after due hearing and investigation, to order that any company he finds using practices which have the effect of distributing risks or expenses or losses of risks unfairly and inequitably on other companies or agents or brokers be assigned a share of the expenses and losses of said risks to insure a fair and equitable distribution. The commissioner may relieve any insurer of a part or all of its obligations under the plan, if he finds that continuation of such obligations would threaten the solvency of such insurer.

Any insurer or group of insurers participating in such plan and other person aggrieved shall be authorized to bring a complaint to the commissioner alleging unfair or unreasonable or improper practices by any insurer, agent, or broker. The commissioner shall, in all such cases, cause a proper hearing on such complaint to be held and shall issue such orders as he then deems appropriate.

If the commissioner finds that, after due hearing and investigation, that any activities or practices of any insurer, agent or broker in connection with the submission or operation of such plan is unfair or unreasonable or inconsistent with the provisions of this section, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or inconsistent with the provisions of this section, and requiring the discontinuance of such activity or practice.

Any ruling, order or decision of the commissioner under authority of this section shall be subject to review by appeal to the superior court department of the trial court of Suffolk county at the instance of any party in interest, which appeal shall be on the basis of the record of the proceeding before the commissioner. Said court shall have jurisdiction to modify, amend, annul, review or affirm such action, order, finding or decision, shall review all questions of fact and of law involved therein, and may make any other appropriate order or decree. Said court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the commissioner.

SECTION 18. Section 113 O of said chapter 175 is hereby amended by adding the following paragraph:-

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In the event of an insured fire or theft loss which would result in the payment of the total value of the insured vehicle, less salvage, the fire or theft coverage on any replacement vehicle may be suspended, and if suspended, shall not apply unless the insured has made the replacement vehicle reasonably available to the insurer, his agent or his representative for inspection by five o'clock post meridian of the second registry of motor vehicles' business day following the day of acquisition. The insurer may also require that in lieu of the deductible otherwise available, a deductible of ten per cent of the actual cash value of such replacement vehicle, but in no event less than three hundred dollars, shall apply unless the insured installs an approved anti-theft device in such replacement vehicle.

SECTION 19. Said section 113 O of said chapter 175 is hereby further amended by striking out the first and second sentences, as appearing in section 18 of chapter 266 of the acts of 1976, and inserting in place thereof the following two sentences:- All policies providing fire and theft coverage or comprehensive coverage, so-called, shall pay for loss or damage to the insured vehicle under the terms of the policy up to a limit equal to the actual cash value of the vehicle, less a deductible of three hundred dollars. Insurers shall also make available additional coverage whereby the deductible of three hundred dollars is reduced to two hundred dollars or to an amount not less than one hundred dollars, except that an insurer may refuse to issue such optional additional coverage on the basis of claims paid, provided that no insurer may refuse to issue such optional additional coverage because of age, sex, race, occupation or principal place of garaging of the vehicle.

SECTION 20. Said chapter 175 is hereby further amended by striking out section 113P, as most recently amended by section 3 of chapter 680 of the acts of 1981, and inserting in place thereof the following section:-

Section 113P. Any insured aggrieved by any determination of an insurer as to the application of any provision of the safe driver insurance plan established by the commissioner pursuant to the provisions of section one hundred and thirteen B may, within thirty days thereafter, file a written complaint with the board of appeals on motor vehicle policies and bonds, hereinafter called the board. Such complaint shall be accompanied by a filing fee to be determined by the board. The board may deny such appeal without a hearing on the basis of the standards of fault to be promulgated by the board. In the notice of its decision to deny the complaint by the insured, the board shall notify the insured that he has a right to a hearing on the appli-

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cation of the safe driver insurance plan.

The board shall provide the insurer and the insured with at least ten days notice of any hearing held under this section. If, after a hearing, the board finds that the application of the safe driver insurance plan was in accordance with the standards promulgated by the board and the provisions of the safe driver insurance plan established by the commissioner, it shall deny the appeal. If the board finds that the insurer's application of the safe driver insurance plan was not in accordance with said standards and provisions, it shall order the insurer to make the appropriate premium adjustment. The board may designate a person to act as a hearing officer pursuant to this section. The hearing officer shall file a memorandum of his findings or order in the office of the board, and shall send a copy to the insurer and the insured.

Any person or company aggrieved by any finding or order of the board may appeal therefrom to the superior court department of the trial court, pursuant to the provisions of section fourteen of chapter thirty A. The appellant shall file with his appeal a duly certified copy of the complaint and of the finding and order thereon, and, if the appeal is taken from a finding and order of the board in respect to a cancellation, the clerk of such court shall forthwith, upon the filing of such an appeal, give written notice of the filing thereof to the registrar of motor vehicles and to the appellee. Said court shall, after such notice to the parties as it deems reasonable, give a summary hearing on such appeal and shall have such jurisdiction in equity to review all questions of fact and law, and to affirm or reverse such finding or order and may make any appropriate decree. Said court or justice may allow such appeal, finding or order to be amended. The decision of the court or justice shall be final. The clerk of such court shall, within two days after entry thereof, send an attested copy of the decree to each of the parties and the commissioner and to said registrar, or his office. Said court or justice may make such order as to costs as it or he deems equitable. Said court may make reasonable rules to secure prompt hearings on such appeals and a speedy disposition thereof.

SECTION 21. The second sentence of the first paragraph of section 4 of chapter 175A of the General Laws, as amended by section 2 of chapter 896 of the acts of 1971, is hereby further amended by inserting after the word "seventy-five", in line 10, the words:- except as provided through a plan approved under section one hundred and thirteen H of chapter one hundred and seventy-five.

SECTION 22. Said first paragraph of said section 4 of said

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chapter 175A is hereby amended by striking out the sentence inserted by section 3 of chapter 774 of the acts of 1977, and inserting in place thereof the following sentence:- This chapter shall also apply to insured legal services plans and membership legal services plans under the provisions of chapter one hundred and seventy-six H, and to regulation of rates for such motor vehicle insurance as is provided through the plan approved under section one hundred and thirteen H of chapter one hundred and seventy-five.

SECTION 23. The commissioner shall, prior to the effective date of this act, and after notice, due hearing and investigation, promulgate rules and regulations to implement the operation of the safe driver rules and regulations to implement the operation of the safe driver insurance plan established pursuant to section twelve of this act. The commissioner shall promulgate reasonable rules governing the confirmation that there are no outstanding premiums due when a new risk application is accepted.

SECTION 24. The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 25. This act shall take effect on January first, nineteen hundred and eighty-four. For the purpose of the issuance of motor vehicle policies or bonds for the calendar year nineteen hundred and eighty-four, all things necessary to be done prior to said effective date may be done.

Approved July 7, 1983.

Chap. 242. AN ACT ELIMINATING THE INTERSTATE COMMERCE AND FEDERAL TRADE COMMISSION EXEMPTIONS IN CERTAIN CONSUMER PROTECTION ACTIONS.

Be it enacted, etc., as follows:

Chapter 93A of the General Laws is hereby amended by striking out section 3, as amended by section 2 of chapter 814 of the acts of 1969, and inserting in place thereof the following section:-

Section 3. Nothing in this chapter shall apply to transactions or actions otherwise permitted under laws as administered by any regulatory board or officer acting under statutory authority of the commonwealth or of the United States.