

# HOUSE . . . . . No. 130

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Accompanying the first recommendation of the Commissioner of Insurance (House, No. 129). Joint Judiciary. January 7.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-One.

### AN ACT

Relative to the Authority of the Commissioner of Insurance to summon Witnesses.

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

1 In all examinations, investigations and hearings which  
2 the commissioner of insurance is authorized by law to  
3 conduct he may require the attendance and testimony of  
4 witnesses and the production of all books, papers, con-  
5 tracts and documents relating to such examination, inves-  
6 tigation or hearing. Witnesses shall be summoned in  
7 the same manner and shall be paid the same fees as wit-  
8 nesses before the superior court. The commissioner may  
9 prescribe rules and regulations for the conduct of such  
10 examinations, investigations and hearings, and he, his  
11 deputies or examiners may administer oaths to witnesses  
12 and take their affirmation. If any person summoned  
13 and paid as a witness shall refuse to attend, or to be

14 sworn or to affirm, or to answer any question, or to pro-  
15 duce any book, contract, document or paper pertinent to  
16 the matter before the commissioner, his deputy or ex-  
17 aminer, a justice of the supreme judicial or superior  
18 court, upon application by the commissioner, his deputy  
19 or examiner, may issue an order requiring such person  
20 to appear before the commissioner, his deputy or ex-  
21 aminer, and to produce his books, contracts, documents  
22 and papers and to give evidence touching the matter in  
23 question. Failure to obey such an order of the court may  
24 be punished by the court as a contempt thereof. Any  
25 person summoned and paid who shall refuse to attend or  
26 to be sworn or to affirm or to answer any proper question,  
27 or to produce any book, contract, document or paper  
28 pertinent to the matter before the commissioner, his  
29 deputy or examiner, and any person who wilfully inter-  
30 rupts or disturbs any hearing, or who is disorderly thereat,  
31 shall be punished by a fine of not exceeding fifty dollars,  
32 or by imprisonment for not more than thirty days, or  
33 by both such fine and imprisonment. Any person who  
34 swears or affirms falsely before the commissioner, his dep-  
35 uty or examiner upon any point material to the matter  
36 of inquiry shall be guilty of perjury. Upon applica-  
37 tion by the commissioner, his deputy or examiner, com-  
38 missions to take depositions of persons without the com-  
39 monwealth may be issued by a justice of the supreme  
40 judicial or superior court, to be used in examinations,  
41 investigations and hearings before the commissioner, his  
42 deputy or examiner, and all statutes and rules relating to  
43 such commissions in civil actions shall apply to commis-  
44 sions issued under the provisions of this act.



