

HOUSE No. 236

By Mr. Rawson of Newton, petition of George E. Rawson for making more equitable the cost of coverage under the Massachusetts motor vehicle assigned risk plan. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT TO MAKE MORE EQUITABLE THE COST OF COVERAGE UNDER THE MASSACHUSETTS MOTOR VEHICLE ASSIGNED RISK PLAN.

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

1 The first paragraph of section 113H of chapter 175 of the
2 General Laws, as appearing in section 5 of chapter 570 of the
3 acts of 1953, is hereby amended by adding at end thereof the
4 following sentence: — Notwithstanding section one hundred and
5 thirteen B of this chapter such a plan may provide for a sur-
6 charge for such coverage based upon accident frequency or court
7 convictions, — so as to read as follows: — Insurance companies
8 undertaking to issue motor vehicle liability policies or bonds,
9 both as defined in section thirty-four A of chapter ninety, shall
10 cooperate in the preparation and submission of a plan for the
11 fair and equitable apportionment among such insurance com-
12 panies of applicants for insurance who are in good faith entitled
13 to and are unable to procure through ordinary methods motor
14 vehicle liability insurance. Such plan shall provide for the is-
15 suance of motor vehicle liability policies insuring, with respect
16 to bodily injury liability on the ways of the commonwealth and,
17 at the option of the insured, the combination of bodily injury
18 liability off the ways of the commonwealth and liability for
19 guest occupants on and off the ways of the commonwealth, to
20 a limit of at least five thousand dollars on account of injury to

21 or death of any one person, and, subject to such limit as re-
22 spects injury to or death of one person, of at least ten thousand
23 dollars on account of any one accident resulting in injury to or
24 death of more than one person and, at the option of the insured,
25 property damage liability to a limit of five thousand dollars on
26 account of injury to or destruction of property of others in any
27 one accident; provided, however, that such coverages shall be
28 subject to all of the terms and conditions contained in said
29 policies relating to cancellation and to all provisions of the Gen-
30 eral Laws relating to cancellation. Before becoming effective
31 any such plan shall be filed with the commissioner of insurance.
32 Such a plan shall provide reasonable rules governing the fair
33 and equitable distribution of risks or losses by direct insurance,
34 reinsurance or otherwise. **Notwithstanding section one hun-**
35 **dred and thirteen B of this chapter such a plan may pro-**
36 **vide for a surcharge for such coverage based upon accident**
37 **frequency or court convictions.**