

By Ms. Amick (by request), a petition (accompanied by bill, Senate, No. 789) of J. Bert Swain for legislation to require the Commissioner of Insurance to respond to Ralph J. Markson's complaints of unfair claims settlement practices. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT TO REQUIRE THE COMMISSIONER OF INSURANCE TO RESPOND TO RALPH J. MARKSON'S COMPLAINTS OF UNFAIR CLAIMS SETTLEMENT PRACTICES.

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. This act shall be construed liberally in accord
2 with the intent expressed in the Governor's message, dated
3 March 19, 1972, in House No. 5239, so as to protect the in-
4 sured individual consumer from the detrimental effects of
5 unfair claims settlement practices, through meaningful regu-
6 latory performance, by administrative action without undue
7 expenditure of public funds.

1 SECTION 2. The Commissioner of Insurance is deemed to have
2 reason to believe that an insurer probably has engaged in this
3 Commonwealth in some act or practice prohibited by sections
4 2. and 3. of chapter 176D of the General Laws, and is deemed
5 to have reason to believe that a proceeding by him in respect
6 thereto would be to the interest of the public, as alleged in
7 written complaints to him, dated November 5, 1976 and March
8 6, 1980, by Ralph J. Markson.

1 SECTION 3. The said Ralph J. Markson, an inhabitant of the
2 Town of Weston, has a right, enforceable by civil action in
3 the Superior Court, to have the Commissioner of Insurance:

4 (A) proceed in accordance with General Laws, chapter
5 176D, section six, or

6 (B) render an advisory ruling as authorized by the General
7 Laws, chapter 30A, section 8, or

8 (C) both (A) & (B), or

9 (D) provide the complainant a written statement explain-
10 ing the reasoned opinion of the Commissioner of Insurance
11 that each of the three foregoing alternatives is inappropriate,
12 stating with particularity the foundation of facts and law
13 supporting that opinion.

1 SECTION 4. The effective date of this act shall be 90 days
2 after enactment.