

By Mr. Casey of Winchester, petition of Paul C. Casey and another for legislation to regulate appeals from certain insurance company decisions denying payment on motor vehicle liability policies. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT PROVIDING FOR AN APPEAL FROM CERTAIN INSURANCE COMPANY DECISIONS DENYING PAYMENT ON MOTOR VEHICLE LIABILITY POLICES.

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

1 Chapter 26 of the General Laws is hereby amended by inserting
2 after section 8J, as appearing in the 1992 Official Edition, the
3 following section: —

4 Section 8K. Any person aggrieved by a decision of an insur-
5 ance company, which issues motor vehicle liability policies,
6 refusing to pay the deductible of an insured for property damage
7 caused by a person leaving the scene of an accident without iden-
8 tifying himself, may file a written complaint with the commis-
9 sioner of insurance. The complaint shall be in such form and
10 contain such information as the commissioner may prescribe. The
11 board of appeal on motor vehicle policies and bonds shall hold a
12 hearing on such complaint and may order the insurance company
13 to pay the amount of the deductible to the insured.

14 The commissioner shall cause the other members of the board
15 to be notified of the complaint and written notice to be given to
16 the parties of the time and place of the hearing thereon, which
17 time shall be not less than five days from the filing of the com-
18 plaint, unless the parties agree in writing that the hearing may be
19 held sooner. The board shall after due hearing forthwith make a
20 finding in respect to the issue raised by the complaint. The board
21 shall in all cases enter, in such form as it may prescribe, an appro-
22 priate order.

23 The commissioner, as soon as may be after the rendition
24 thereof, shall cause a written memorandum of all findings and the
25 orders entered thereon signed by the assenting members of the
26 board to be filed in his office as a public record, and he shall on
27 the date of said filing cause a copy of the finding and order, duly
28 attested by the board or a member of the secretary thereof, with
29 the date of said filing endorsed thereon, to be sent to each of the
30 parties.

31 In no event shall an appeal or hearing be granted under this
32 section unless a witness to the incident involved is available.