

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to modifications to the safe driver insurance plan. Insurance.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO MODIFICATION OF THE SAFE DRIVER INSURANCE 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 SECTION 1. The 12th paragraph of section 113B of  
2 chapter 175, as appearing in the 1998 Official Edition, is hereby  
3 amended by inserting after the second sentence, the following  
4 nine sentences:— The plan shall provide that said premium  
5 adjustment shall be reduced to reflect the approximate dollar  
6 amount of an increase attributable to one unsafe driver point for  
7 each year an individual driver has no surchargeable incidents  
8 within the 3 years immediately preceding the applicable rate year.  
9 The commissioner shall promulgate new regulations to reflect  
10 changes in the Schedule of Surcharge Points, as defined in 211  
11 CMR 134:15. At fault accidents as deemed surchargeable by the  
12 safe driver insurance plan, as defined in 211 CMR 134.15, shall  
13 be classified by three categories. Accidents resulting in a colli-  
14 sion, limited collision, or property damage liability claim payment  
15 of more than \$800 but not exceeding \$2500, shall be deemed  
16 “minor” accidents and shall be assigned three surchargeable  
17 points under the plan. Accidents resulting in \$2500 but not  
18 exceeding \$5000 in said liability claim payments shall be deemed  
19 “moderate” accidents and shall be assigned four points. Accidents  
20 resulting in said liability claim payments greater than \$5000 shall  
21 be deemed “major” accidents and shall be assigned five points.  
22 The commissioner shall be authorized to create an additional sur-  
23 chargeable classification for drivers who commit two or more

24 major traffic law violations as defined in 211 CMR 134.10(4)(c).  
25 Said major violation, if committed more than once in the policy  
26 experience period as established by the plan, shall be deemed a  
27 “major repeat” traffic law violation and shall be assigned six sur-  
28 chargeable points under said plan. In addition, the commissioner  
29 shall be authorized to waive the loss of the credit point to any  
30 insured’s first minor traffic law violation during the policy experi-  
31 ence period as defined in 211 CMR 134.10(4)(d), provided that  
32 said violation is non-criminal as defined by chapter 90C.

1 SECTION 2. The 13th paragraph of said section 113B of said  
2 chapter 175, as so appearing, is hereby amended by striking out  
3 the word “five” in line 224 and inserting the word “three.”

1 SECTION 3. Said 13th paragraph of said section 113B of said  
2 chapter 175 is further amended by inserting after the fourth sen-  
3 tence the following sentence:— The Commissioner shall promul-  
4 gate regulations relative to abolishing the three year Clean Slate  
5 Rule and providing that said premium adjustment shall be reduced  
6 to reflect the approximate dollar amount of an increase attribut-  
7 able to one unsafe driver point for each year an individual driver  
8 has no surchargeable incidents within the three years immediately  
9 preceding the applicable rate year. For the purposes of this act, the  
10 Clean Slate Rule is defined by 211 CMR 134:11.

1 SECTION 4. In accordance with sections 1 and 2 of this act,  
2 with respect to the plan made effective on January 1, 2002, the  
3 premium adjustment for and class of driver attributable in whole  
4 or in part to surchargeable incidents with surcharge dates prior to  
5 the effective date of the act shall be reduced pursuant to said  
6 section 1, provided however, that said driver has no surchargeable  
7 incidents in the three preceding rate years from the effective date  
8 of this act.