

**HOUSE . . . . . No. 888**

By Mr. Donato of Medford, a petition (accompanied by bill, House, No. 888) of Stephen J. Buoniconti and others relative to appeals of motor vehicle insurance surcharges. Financial Services.

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Paul J. Donato**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to an appeal process of motor vehicle insurance surcharges under managed competition.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen J. Buoniconti	Hampden
Paul J. Donato	35th Middlesex
Angelo J. Puppolo, Jr.	12th Hampden
Rosemary Sandlin	3rd Hampden
John P. Fresolo	16th Worcester
Peter v. Kocot	1st Hampshire
Thomas A. Golden, Jr.	16th Middlesex
Angelo M. Scaccia	14th Suffolk
Sarah K. Peake	4th Barnstable
Stephen Stat Smith	28th Middlesex
James R. Miceli	19th Middlesex
Dennis Rosa	4th Worcester
William Smitty Pignatelli	4th Berkshire
F. Jay Barrows	1st Bristol
Stephen R. Canessa	12th Bristol
James H. Fagan	3rd Bristol
Louis L. Kafka	8th Norfolk

William Lantigua	16th Essex
Patricia A. Haddad	5th Bristol
David J. Holway	
Stephen Kulik	1st Franklin
David P. Linsky	5th Middlesex
Theodore C. Speliotis	13th Essex
Antonio F.D. Cabral	13th Bristol
Susan Williams Gifford	2nd Plymouth
Christopher J. Donelan	2nd Franklin
Thomas M. Stanley	9th Middlesex
James J. O'Day	14th Worcester District
John W. Scibak	2nd Hampshire
Robert S. Hargraves	1st Middlesex
George N. Peterson, Jr.	9th Worcester
Bill Bowles	2nd Bristol
Paul K. Frost	7th Worcester
Mark V. Falzone	9th Essex
James B. Eldridge	Middlesex and Worcester
Michael R. Knapik	Second Hampden and Hampshire
Scott P. Brown	Norfolk, Bristol and Middlesex
Harriette L. Chandler	First Worcester
Thomas P. Kennedy	Second Plymouth and Bristol
James E. Timilty	Bristol and Norfolk
Jennifer L. Flanagan	Worcester and Middlesex
Joan M. Menard	First Bristol and Plymouth
Susan C. Tucker	Second Essex and Middlesex
Marc R. Pacheco	First Plymouth and Bristol
Joyce A. Spiliotis	12th Essex
Jennifer Benson	37th Middlesex
Thomas J. Calter	12th Plymouth
Donald F. Humason, Jr.	4th Hampden
Matthew C. Patrick	3rd Barnstable
James Dwyer	30th Middlesex
Tom Sannicandro	7th Middlesex
Cleon H. Turner	1st Barnstable
Colleen M. Garry	36th Middlesex
John D. Keenan	7th Essex
Bradley H. Jones, Jr.	20th Middlesex
John V. Fernandes	10th Worcester
Joseph F. Wagner	8th Hampden
Danielle W. Gregoire	4th Middlesex
John J. Binienda	17th Worcester

James T. Welch	6th Hampden
Kay Khan	11th Middlesex
David M. Torrisi	14th Essex
Cheryl A. Coakley-Rivera	10th Hampden
Steven A. Tolman	Second Suffolk and Middlesex
Geraldo Alicea	6th Worcester
John F. Quinn	9th Bristol
Katherine Clark	32nd Middlesex
A. Stephen Tobin	2nd Norfolk
Christopher G. Fallon	33rd Middlesex
Bradford R. Hill	4th Essex
Steven M. Walsh	11th Essex
Viriato Manuel deMacedo	1st Plymouth
Robert L. Rice, Jr.	2nd Worcester
William N. Brownsberger	24th Middlesex
Kathi-Anne Reinstein	16th Suffolk
Mary E. Grant	6th Essex
James Arciero	2nd Middlesex
Kevin J. Murphy	18th Middlesex
Karen E. Spilka	Second Middlesex and Norfolk
James E. Vallee	10th Norfolk
Allen J. McCarthy	7th Plymouth
Paul McMurtry	11th Norfolk
Anne M. Gobi	5th Worcester
Kevin G. Honan	17th Suffolk
Steven J. D'Amico	4th Bristol
Timothy Madden	Barnstable, Dukes and Nantucket
Lida E. Harkins	13th Norfolk
Robert P. Spellane	13th Worcester
Elizabeth A. Malia	11th Suffolk
Marie P. St. Fleur	5th Suffolk
Pam Richardson	6th Middlesex
Timothy Madden	Barnstable, Dukes and Nantucket
Sean Curran	9th Hampden
Kate Hogan	3rd Middlesex
Ann-Margaret Ferrante	5th Essex
Peter J. Koutoujian	10th Middlesex
William G. Greene, Jr.	22nd Middlesex
Carlo P. Basile	1st Suffolk
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Carolyn Dykema	8th Middlesex
Kevin Aguiar	7th Bristol

Paul Kujawski	8th Worcester
Jeffrey Davis Perry	5th Barnstable
Barbara A. L'Italien	18th Essex
Alice Hanlon Peisch	14th Norfolk
Sean Garballey	23rd Middlesex
Jay R. Kaufman	15th Middlesex
Richard J. Ross	9th Norfolk
Timothy J. Toomey, Jr.	26th Middlesex
James E. Timilty	Bristol and Norfolk
Elizabeth Poirier	14th Bristol
Cory Atkins	14th Middlesex
Brian A. Joyce	Norfolk, Bristol and Plymouth
Daniel K. Webster	6th Plymouth
Susan C. Fargo	Third Middlesex
Karyn E. Polito	11th Worcester
Todd M. Smola	1st Hampden
Lewis G. Evangelidis	1st Worcester
Brian Michael Ashe	2nd Hampdon
James Cantwell	4th Plymouth
Barry R. Finegold	17th Essex
Stanley C. Rosenberg	Hampshire and Franklin
Thomas P. Conroy	13th Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO AN APPEAL PROCESS OF MOTOR VEHICLE INSURANCE SURCHARGES UNDER MANAGED COMPETITION.

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

3 SECTION 1. Chapter 175E of the General Laws, as so appearing in the 2006 Official Edition, is  
4 hereby amended by inserting after Section 7 the following new section:-

5 Section 7A. Any insured aggrieved by any determination of an insurer as to the application of  
6 any provision of an insurer's merit rating plan filed and approved by the commissioner pursuant  
7 to regulations promulgated in accordance with Section 10 of this chapter and section 15 of  
8 Chapter 175A, may within thirty days thereafter, file a written complaint with the board of  
9 appeals on motor vehicle policies and bonds, hereinafter called the board. Such complaint shall  
10 be accompanied by a filing fee to be determined by the board. The board may deny such appeal  
11 without a hearing on the basis of the standards of fault to be promulgated by the board. In the  
12 notice of its decision to deny the complaint by the insured, the board shall notify the insured that  
13 he has a right to a hearing on the application of the safe driver insurance plan.

14 The board shall provide the insurer and the insured with at least ten days notice of any  
15 hearing held under this section. If, after a hearing, the board finds that the application of the safe

16 driver insurance plan was in accordance with the standards promulgated by the board and an  
17 insurer's provisions of the safe driver insurance plan approved by the commissioner, it shall deny  
18 the appeal. If the board finds that the insurer's application of the safe driver insurance plan was  
19 not in accordance with said standards and provisions, it shall order the insurer to make the  
20 appropriate premium adjustment. The board may designate a person to act as a hearing officer  
21 pursuant to this section. The hearing officer shall file a memorandum of his findings or order in  
22 the office of the board, and shall send a copy to the insurer and the insured.

23 Any person or company aggrieved by any finding or order of the board may appeal  
24 therefrom to the superior court department of the trial court, pursuant to the provisions of section  
25 fourteen of chapter thirty A. The appellant shall file with his appeal a duly certified copy of the  
26 complaint and of the finding and order thereon, and, if the appeal is taken from a finding and  
27 order of the board in respect to a cancellation, the clerk of such court shall forthwith, upon the  
28 filing of such an appeal, give written notice of the filing thereof to the registrar of motor vehicle  
29 and to the appellee. Said court shall, after such notice to the parties as it deems reasonable, give  
30 a summary hearing on such appeal and shall have such jurisdiction in equity to review all  
31 questions of fact and law, and to affirm or reverse such finding or order and may make any  
32 appropriate decree. Said court or justice may allow such appeal, finding or order to be amended.  
33 The decision of the court or justice shall be final. The clerk of such court shall, within two days  
34 after entry thereof, send an attested copy of the decree to each of the parties and the  
35 commissioner and to said registrar, or his office. Said court or justice may make such order as to  
36 costs as it or he deems equitable. Said court may make reasonable rules to secure prompt  
37 hearings on such appeals and a speedy disposition thereof.