

HOUSE No. 51

Accompanying the third recommendation of the Commissioner of Insurance (House, No. 48). Insurance.

The Commonwealth of Massachusetts

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

AN ACT TO IMPROVE THE PROCEDURE OF THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to improve the procedure of the
3 board of appeal on motor vehicle liability policies and bonds,
4 therefore it is hereby declared to be an emergency law, neces-
5 sary for the immediate preservation of the public health, safety
6 and convenience.

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 113D of chapter 175 of the General Laws is hereby
2 amended by striking out the third paragraph and inserting in
3 place thereof the following:—

4 If the complaint relates to the cancellation of such a policy or
5 bond, the filing of the complaint shall operate to continue the
6 policy or bond in full force and effect, but not beyond its date of
7 expiration in any case, and not beyond the effective date of can-
8 cellation as specified in any order or finding of the board, except
9 that, if an appeal is taken from any order or finding as herein-
10 after provided, the superior court or justice thereof may, upon
11 application, stay the force and effect of such cancellation
12 thereof, other than for nonpayment of premium, pending the
13 appeal; and the commissioner shall cause a copy of such com-
14 plaint, attested in such manner as he may prescribe, forthwith
15 to be sent to the Registrar of Motor Vehicles or his office and to
16 the company.

17 No insured, after notice of cancellation of such a policy has
18 been given by a company or an agent thereof on its behalf, may
19 appeal to the board a refusal from any other company or agent
20 thereof on its behalf to issue such a policy on the same motor
21 vehicle involved in the cancellation until the expiration of a
22 period of at least thirty days from the date on which the can-
23 cellation by the first company became effective; provided, how-
24 ever, that the board upon the issuance of a finding that such
25 cancellation is valid, reasonable and proper may in its discretion
26 prescribe that said period of thirty days shall be extended, but in
27 no event shall such extension exceed one hundred days.