

---

---

By Mr. Rand of Boston, petition of Jacob J. Kaplan relative to insurance against expenses incurred in repairing or replacing property damaged or destroyed by fire or for other causes. Insurance.

---

---

**The Commonwealth of Massachusetts**

---

In the Year One Thousand Nine Hundred and Forty-Six.

---

AN ACT RELATING TO INSURANCE AGAINST EXPENSE ACTUALLY INCURRED IN REPAIRING, OR REPLACING, PROPERTY DAMAGED OR DESTROYED BY FIRE OR OTHER CAUSES; ALSO TO INSURE THE COST OF ADDITIONAL OR OTHER CONSTRUCTION NECESSARY TO COMPLY WITH APPLICABLE LAWS.

1 *Whereas*, The deferred operation of this act would  
2 tend to defeat one of its principal purposes, which  
3 is to provide insurance against expense actually  
4 incurred in repairing or replacing property damaged  
5 or destroyed by fire or other causes, therefore it is  
6 hereby declared to be an emergency law necessary  
7 for the immediate preservation of the public con-  
8 venience.

*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. Section forty-seven of chapter one  
2 hundred and seventy-five of the General Laws is  
3 herewith amended by adding an additional clause to  
4 said section to be numbered seventeenth and to read  
5 as follows: — Seventeenth, to insure for the difference  
6 between the actual cash value (as ascertained with

7 proper deduction for depreciation) of property, real  
8 and personal, and, if repaired, rebuilt or replaced, the  
9 cost of repairing, rebuilding or replacing at the same  
10 or another site, with new materials of like size, kind  
11 and quality, such property which has been damaged  
12 or destroyed by fire or other peril insured against;  
13 and also to insure the cost of additional or other  
14 construction or repair necessary to comply with  
15 applicable laws.

1 SECTION 2. Section forty-eight of chapter one  
2 hundred and seventy-five of the General Laws is  
3 herewith amended by adding to the first paragraph of  
4 said section forty-eight the following:— (*f*) or to  
5 transact the business set forth in any two or more of  
6 the first, eighth and seventeenth clauses thereof,—  
7 and by adding thereto the following additional  
8 paragraphs:—

9 Under the first, eighth and seventeenth clauses, not  
10 less than four hundred thousand dollars.

11 Under the seventeenth clause, not less than two  
12 hundred thousand dollars.

1 SECTION 3. Section forty-eight A of chapter one  
2 hundred and seventy-five of the General Laws is  
3 herewith amended by inserting before the end of said  
4 section forty-eight A the following:— ; or (*f*) to  
5 transact the business set forth in the first, eighth  
6 and seventeenth clauses thereof.

1 SECTION 4. Section fifty-one of chapter one hun-  
2 dred and seventy-five of the General Laws is herewith  
3 amended by changing the designation of the clause  
4 now designated as (*g*) thereof to (*h*) and inserting  
5 before said new clause (*h*) the following:— (*g*) the

6 seventeenth, if authorized to transact the first pro-  
7 vided it has a paid-up capital of not less than three  
8 hundred thousand dollars.

1 SECTION 5. Section fifty-four of chapter one hun-  
2 dred and seventy-five of the General Laws is herewith  
3 amended by changing the designation of the clause  
4 now designated as (g) thereof to (h) and inserting  
5 before said new clause (h) the following:— (g) the  
6 seventeenth, if authorized to transact the first or the  
7 eighth.

1 SECTION 6. Chapter one hundred and seventy-five  
2 of the General Laws is further amended by inserting  
3 a new section designated as section ninety-six A  
4 immediately following section ninety-six of said  
5 chapter one hundred and seventy-five, reading as  
6 follows:—

7 *Section 96A.* Insurance against loss of use or  
8 occupancy, or insurance to indemnify for the differ-  
9 ence between the actual cash value (as ascertained  
10 with proper deduction for depreciation) of property,  
11 real and personal, and, if repaired, rebuilt or replaced,  
12 the cost of repairing, rebuilding or replacing at the  
13 same or another site, with new materials of like size,  
14 kind and quality, such property which has been  
15 damaged or destroyed by fire or other peril insured  
16 against, including additional or other construction or  
17 repair necessary to comply with applicable laws, shall  
18 not be subject to the limitations as to value contained  
19 in sections ninety-five, ninety-six, ninety-nine, one  
20 hundred two A and one hundred two B of this chapter.

1 SECTION 7. This act shall take effect upon its  
2 passage.

