

HOUSE No. 1046

The Commonwealth of Massachusetts

PRESENTED BY:

Steven S. Howitt

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 adoption of the accompanying bill:

An Act relative to the cleanup of accidental home heating oil spills.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/16/2023</i>

HOUSE No. 1046

By Representative Howitt of Seekonk, a petition (accompanied by bill, House, No. 1046) of Steven S. Howitt relative to homeowner's insurance coverage for the cleanup of accidental home heating oil spills. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1119 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the cleanup of accidental home heating oil spills.

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. Chapter 175 of the General Laws as appearing in the 2016 Official Edition
2 is hereby amended by striking out Section 4D and inserting in place thereof the following
3 section:—

4 Section 4D. (a) As used in this section, unless the context clearly requires otherwise,
5 "residential property" shall mean a 1 to 4-unit dwelling used for living or sleeping and “liquid
6 fuel tank” shall mean a tank in which heating oil is stored and from which heating oil is delivered
7 or pumped through a fuel supply line to an oil burner, whether located within a dwelling or other
8 structure, including tanks installed at or below grade level, or located outdoors but excluding
9 underground tanks wherever located.

10 (b) The joint underwriting association, formed pursuant to chapter 175C, and each
11 insurer licensed to write and engaged in the writing of homeowners' insurance shall offer the
12 following coverage to residential owners to whom a homeowners' insurance policy is issued or
13 renewed: (1) first party property coverage for response action costs incurred under chapters 21E
14 or 21K, or regulations promulgated pursuant thereto, and for property damage on the insured
15 property caused by or in response to a release of heating oil from a residential liquid fuel tank or
16 any piping, fuel supply lines, equipment or systems connected thereto; and (2) liability coverage
17 for third party claims arising out of a release of heating oil into the environment. Minimum
18 coverage of \$75,000 per occurrence for first party property coverage, subject to a reasonable
19 deductible not to exceed \$1,000 per claim, and \$250,000 per occurrence for third party liability
20 shall be offered. Such minimum coverage shall be included in a homeowners' insurance policy
21 unless the insurer or joint underwriting association obtains a written rejection of such coverage
22 signed by the policyholder, or the policyholder elects to purchase higher limits for such coverage
23 that the insurer or joint underwriting association, at its option, may offer. For the purposes of
24 this section, first party property coverage shall include response action costs incurred to assess
25 and remediate a heating oil release impacting soil, indoor air or other environmental media on
26 the insured's property. Third party liability coverage shall include the obligation to defend the
27 insured at the insurer's expense against third party claims, and such defense obligation shall
28 include coverage for costs incurred to investigate the source and extent of the release of heating
29 oil. Damages covered under third party liability coverage shall include response action costs
30 incurred to address conditions on and off the insured's property arising from a heating oil release
31 on the insured's property that has impacted or is likely to impact groundwater or has migrated to,

32 or is likely to migrate to, a third party's property. First party and third party liability coverage
33 shall apply simultaneously and, in addition to, one another when both coverages are applicable.

34 SECTION 2. This act shall take effect upon its passage.