

HOUSE No. 961

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act RELATIVE TO THE OWNERSHIP AND PROPRIETARY RIGHTS OF LICENSED INSURANCE PRODUCERS TO CERTAIN INSURANCE INFORMATION FOR ASSIGNED RISK BUSINESS..

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

1 SECTION1. Subsection (D) of Section 113H of Chapter 175, as appearing in the 2006
2 Official Edition, is hereby amended by inserting after the first paragraph the following
3 paragraph:-

4 A duly licensed insurance producer, certified to place business in the plan, shall own and
5 have an exclusive right, as the insured’s producer of record, to use certain insurance information
6 of the insured embodying the records of the insurance agency which shall include but not be
7 limited to the name of the insured, the policy inception date, the amount of insurance coverage,
8 the policy number and the terms of insurance. If a policyholder, insured through the plan with an
9 assigned risk carrier, is offered voluntary coverage by said carrier and the policyholder accepts
10 the offer, the insured’s producer of record shall continue to represent the insured written or
11 renewed in the voluntary market, and such policy shall be continued to be serviced through the
12 producer of record, unless:

13 (1) said producer is decertified or suspended by the plan or the Commissioner of
14 Insurance, (2) at the insured's request, the insured terminates such producer as its producer of
15 record, or (3) the producer of record is precluded from dealing with other insurance companies
16 pursuant to an exclusive agency contract; provided, further, if a policy is written or renewed on a
17 voluntary basis, the assigned risk carrier shall pay the insured's producer of record the
18 commission rate as set forth in the first paragraph of subsection (D), regardless of whether the
19 producer of record has an agency agreement with that assigned risk carrier.