

HOUSE No. 990

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act prohibiting discrimination on the basis of race, employment level, and education when determining auto insurance rates..

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 22E of chapter 175 of the General Laws, as so appearing, is hereby
2 amended by striking the section in its entirety and inserting in place thereof the following
3 section:

4 Section 22E. Refusal to issue, renew or execute motor vehicle liability policy or bond

5 Section 22E. (a) No insurance company, and no officer or agent thereof in its behalf, shall
6 refuse to issue, renew or execute as surety a motor vehicle liability policy or bond, or any other
7 insurance based on the ownership or operation of a motor vehicle because of any factor other
8 than an authorized rating classification that (1) is based solely upon driving record which shall
9 reflect only at-fault accidents, convictions of moving violations of motor vehicle laws, and
10 number of years of driving experience and (2) is fixed and established pursuant to section 113B
11 or, in the event rates and classifications are not fixed and established, approved for use under
12 chapter 175E; provided, however, that the Commissioner may, after a hearing under chapter
13 30A, authorize the use of additional factors as long as such additional factors are proven not to

14 have a disparate impact on insured's differing in race, income level, ethnic background, age, sex,
15 marital status, occupation, credit history, educational background, or principal place of garaging
16 of the vehicle. A particular company may make a general reduction in volume of automobile
17 insurance in the commonwealth if such a reduction is determined by the commissioner not to be
18 an attempt to circumvent the purposes of this section and that the company's refusal to write
19 motor vehicle liability policies or bonds is not contrary to the public interest by disrupting the
20 market for said insurance in the commonwealth. Any company which does not intend to issue a
21 renewal policy shall give written notice of its intent not to issue a policy for the ensuing policy
22 period in accordance with the provisions of section one hundred and thirteen F and such notice
23 shall specify the reasons for such nonrenewal.