

**SENATE . . . . . No. 2022**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to an appeal process of insurance premium surcharges under managed competition.

*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 175E of the General Laws, as so appearing in the 2006 Official  
2 Edition, is hereby amended by inserting after Section 7 the following new section:-

3 Section 7A. Any insured aggrieved by any determination of an insurer as to the  
4 application of any provision of an insurer’s safe driver insurance plan or merit rating plan placed  
5 on file with commissioner pursuant to regulations promulgated in accordance with Section 10 of  
6 this chapter and section 15 of Chapter 175A, may within thirty days thereafter, file a written  
7 complaint with the board of appeals on motor vehicle policies and bonds, hereinafter called the  
8 board. Such complaint shall be accompanied by a filing fee to be determined by the board. In  
9 the notice of its decision to deny the complaint by the insured, the board shall notify the insured  
10 that he has a right to a hearing on the application of the safe driver insurance plan or merit rating  
11 plan.

12 The board shall provide the insurer and the insured with at least ten days notice of any  
13 hearing held under this section. If, after a hearing, the board finds that the application of the safe

14 driver insurance plan or merit rating plan was in accordance with the standards promulgated by  
15 the board and an insurer's provisions of the safe driver insurance plan or merit rating plan placed  
16 on file with the commissioner, it shall deny the appeal. If the board finds that the insurer's  
17 application of the safe driver insurance plan or merit rating plan was not in accordance with said  
18 standards and provisions, it shall order the insurer to make the appropriate premium adjustment  
19 and it shall notify the merit rating board to remove the insured's surcharge points. The board  
20 may designate a person to act as a hearing officer pursuant to this section. The hearing officer  
21 shall file a memorandum of his findings or order in the office of the board, and shall send a copy  
22 to the insurer and the insured.

23 Any person or company aggrieved by any finding or order of the board may appeal  
24 therefrom to the superior court department of the trial court, pursuant to the provisions of section  
25 fourteen of chapter thirty A. The appellant shall file with his appeal a duly certified copy of the  
26 complaint and of the finding and order thereon, and, if the appeal is taken from a finding and  
27 order of the board in respect to a cancellation, the clerk of such court shall forthwith, upon the  
28 filing of such an appeal, give written notice of the filing thereof to the registrar of motor vehicle  
29 and to the appellee. Said court shall, after such notice to the parties as it deems reasonable, give  
30 a summary hearing on such appeal and shall have such jurisdiction in equity to review all  
31 questions of fact and law, and to affirm or reverse such finding or order and may make any  
32 appropriate decree. Said court or justice may allow such appeal, finding or order to be amended.  
33 The decision of the court or justice shall be final. The clerk of such court shall, within two days  
34 after entry thereof, send an attested copy of the decree to each of the parties and the  
35 commissioner and to said registrar, or his office. Said court or justice may make such order as to

36 costs as it or he deems equitable. Said court may make reasonable rules to secure prompt  
37 hearings on such appeals and a speedy disposition thereof.

38 SECTION 2. Section 1 shall apply to any insured aggrieved by a determination of an  
39 insurer's safe driver insurance plan or merit rating plan before, on or after April 1, 2009.