

SENATE No. 466

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to holocaust victims insurance relief..

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

1 CHAPTER 175K

2 HOLOCAUST VICTIMS INSURANCE

3 Section 1. The general court hereby finds that:

4 (a) During World War II, untold millions of lives and property were destroyed.

5 (b) In addition to the many atrocities that befell the victims of the Nazi regime,
6 insurance claims that rightfully should have been paid out to the victims and their families, in
7 many cases, were not.

8 (c) In many instances, insurance company records are the only proof of
9 insurance policies held. In some cases, recollection of such policies' very existence may have
10 perished along with the Holocaust victims.

11 (d) Many documented Holocaust survivors are living in Massachusetts today.
12 Many of these survivors and their descendents have been fighting for over 50 years to persuade

13 insurance companies to settle unpaid or wrongfully paid claims. Survivors are asking that
14 insurance companies come forth with any information they possess that could show proof of
15 insurance policies held by Holocaust victims and survivors, in order to ensure that closure on this
16 issue is swiftly brought to pass.

17 (e) Insurance companies doing business in the commonwealth have a
18 responsibility to ensure that any involvement they or their related companies may have had with
19 insurance policies of Holocaust victims are disclosed to the commonwealth and to ensure the
20 rapid resolution of these questions and to eliminate the further victimization of these
21 policyholders and their families.

22 (f) The international Jewish community is in active negotiations with
23 responsible insurance companies through the International Commission on Holocaust Era
24 Insurance Claims to resolve all outstanding insurance claims issues. This chapter is necessary to
25 protect the claims and interests of Massachusetts residents, as well as to encourage the
26 development of a resolution to these issues through the international process or through direct
27 action by the commonwealth, as necessary.

28 Section 2. For purposes of this chapter, the following words shall have the
29 following meanings:-

30 "Commissioner", the commissioner of insurance.

31 "Division", the division of insurance.

32 "Holocaust victim", any person who was persecuted during the period of 1929
33 to 1945, inclusive, by Nazi Germany, its allies, or sympathizers.

34 "Insurer", an insurance company doing business in the commonwealth, or
35 whose contacts in the commonwealth satisfy the constitutional requirements for jurisdiction, that
36 sold life, property, liability, health, annuities, dowry, educational, casualty, or any other
37 insurance covering persons or property to persons in Europe at any time before 1945, directly or
38 through a related company, whether the sale of the insurance occurred before or after the insurer
39 and the related company became related.

40 "Proceeds", the face value or other payout value of insurance policies and
41 annuities plus reasonable interest to date of payment without diminution for wartime or
42 immediate postwar currency devaluation.

43 "Related company", any parent, subsidiary, successor in interest, managing
44 general agent, or affiliate company of the insurer.

45 Section 3. (a) The commissioner shall establish and maintain within the
46 division a central registry containing records and information relating to insurance policies of
47 Holocaust victims, living and deceased. The registry shall be known as the Holocaust Era
48 Insurance Registry. The Attorney General, in coordination with the division, shall establish
49 appropriate mechanisms to ensure public access to the registry.

50 Section 4. (a) Any insurer currently doing business in the commonwealth that
51 sold life, property, liability, health, annuities, dowry, educational, or casualty insurance policies,
52 directly or through a related company, to persons in Europe, which were in effect between 1920
53 and 1945, whether the sale occurred before or after the insurer and the related company became
54 related, shall file or cause to be filed the following information with the commissioner to be
55 entered into the registry:

56 (1) the number of such insurance policies;
57 (2) the holder, beneficiary, and current status of such policies; and
58 (3) the city of origin, domicile, or address for each policyholder listed in the
59 policies.

60 (b) In addition, each insurer subject to subsection (a) shall certify to any of the
61 following that:

62 (1) the proceeds of the policies described in subsection (a) have been paid to the
63 designated beneficiaries or their heirs where such person or persons, after diligent search, could
64 be located and identified;

65 (2) the proceeds of the policies where the beneficiaries or heirs could not, after
66 diligent search, be located or identified, have been distributed to Holocaust survivors or to
67 qualified charitable nonprofit organizations for the purpose of assisting Holocaust survivors;

68 (3) a court of law has certified in a legal proceeding resolving the rights of
69 unpaid policyholders, their heirs, and beneficiaries, a plan for the distribution of the proceeds;

70 (4) the proceeds have not been distributed and the amount of those proceeds.

71 (c) An insurer who certifies as true any material matter pursuant to subsection (b), which
72 the insurer knows to be false, is guilty of a misdemeanor and shall be subject to the penalty set
73 forth in section 5.

74 (d) An insurer currently doing business in the commonwealth that did not sell any
75 insurance policies in Europe prior to 1945, shall not be subject to this section if a related

76 company, whether or not authorized and currently doing business in the commonwealth, has
77 made a filing under this section.

78 Section 5. Any insurer that knowingly files information about a policy required
79 by this chapter that is false shall, with respect to that policy, be liable for a civil penalty not to
80 exceed \$5,000. Such penalties shall be appropriated to the division to be used by it to aid in the
81 resolution of Holocaust insurance claims.

82 Section 6. The commissioner shall suspend the license or certificate of
83 authority to conduct insurance business in the commonwealth of any insurer that fails to comply
84 with the requirements of this chapter until such time that the insurer complies with this chapter.

85 Section 7. (a) Notwithstanding the provisions of any general or special laws to
86 the contrary, any Holocaust victim, or heir or beneficiary of a Holocaust victim, who resides in
87 the commonwealth and has a claim arising out of an insurance policy or policies purchased or in
88 effect in Europe before 1945 from an insurer described in section 2 may bring a legal action to
89 recover on that claim in any superior court of the commonwealth for the county in which the
90 plaintiff or one of the plaintiffs resides, which court shall be vested with jurisdiction over that
91 action until its completion or resolution. (b) Any action brought by a Holocaust victim or the
92 heir or beneficiary of a Holocaust victim, whether a resident or nonresident of this state, seeking
93 proceeds of the insurance policies issued or in effect before 1945 shall not be dismissed for
94 failure to comply with the applicable statute of limitation, provided the action is commenced on
95 or before December 31, 2015.

96 SECTION 2. The commissioner shall adopt regulations to implement chapter
97 175K of the General Laws within 90 days of its effective date.

98 SECTION 3. Section 4 of chapter 175K of the General Laws shall take effect
99 180 days after the passage of this act.

100 SECTION 4. The commissioner of insurance shall enforce section 6 of chapter
101 175K of the General Laws 210 days after the passage of this act.

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