

**HOUSE . . . . . No. 277**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***William N. Brownsberger***

*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 to preserve the financial assistance feature in automobile insurance rating.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William N. Brownsberger</i>		<i>1/11/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/3/2011</i>
<i>John K. M. Hayes</i>	<i>5 Colonial Terrace Belmont, MA 02478</i>	<i>1/11/2011</i>
<i>Anne M. Paulsen</i>	<i>90 School Street Belmont, MA 02478</i>	<i>1/11/2011</i>

**HOUSE . . . . . No. 277**

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By Mr. Brownsberger of Belmont, a petition (accompanied by bill, House, No. 277) of William N. Brownsberger and others for legislation to establish a commission to study financial assistance in automobile insurance ratings. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3449 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act to preserve the financial assistance feature in automobile insurance rating.

*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. Establishment of a special working commission.

2 A working commission (“commission”) shall be established, consisting of one or more,  
3 but no more than three, individuals representing each of the following groups:

4 The Office of the Attorney-General;

5 The Office of Consumer Affairs and Business Regulation;

6 The insurance companies licensed to do business in the Commonwealth;

7 The Boston City Council; and,

8                   The Massachusetts Public Interest Research Group (MassPIRG), providing that  
9 that organization is willing to be so involved.

10                 In any decisions, actions, and/or votes of the commission, each of the above groups will  
11 have equal status, regardless of the number of commission members supplied by that group.

12                 Section 2A of Chapter 4 of the General Laws of Massachusetts, which deals with the  
13 rules of conduct of special legislative commissions, shall not be applicable to this commission.

14                 SECTION 2. Purpose of the commission.

15                 The purpose of this commission shall be to devise a process whereby the internal  
16 cross-subsidizing financial assistance feature (“assistance feature”) contained in the former  
17 “fixed-and-established” rating system in effect through the year two thousand and seven (2007)  
18 CE is maintained in any and all future automobile insurance rating systems, such as the more  
19 competitive rating system currently being developed under the auspices of the Division of  
20 Insurance. The commission shall be authorized to contract with recognized established actuarial  
21 organizations to develop actuarial analyses as needed. The commission may invite insurance  
22 experts and authorities, both in-state and out-of-state, to appear before them.

23

24                 The commission will determine the averages of the assistance feature levels of the years  
25 2004 and 2005 as detailed in Automobile Insurers Bureau Actuarial Notice 04-2, “Subsidies in  
26 the 2004 Rates”, February 6, 2004, and Automobile Insurers Bureau Actuarial Notice 05-2,  
27 “Subsidies in the 2005 Rates”, February 14, 2005, respectively. The process referred to above  
28 shall be so constructed as to develop overall levels of the assistance feature for all future insur-

29    ance rates at a minimum of three-quarters of those overall 2004/2005 averages, starting with the  
30    rates to be effective January 1, 2012. In addition, no individual policy's assistance feature will  
31    be less than two-thirds of the 2004/2005 level for the effective equivalent of that policy.

32            The above-referenced process will also forbid the use of any underwriting procedures that  
33    could interfere with the preservation of the assistance feature.

34            The commission will publish the results of its deliberations, and will also develop the  
35    neces-sary legislation to implement the above-referenced process and to incorporate it into the  
36    private passenger automobile insurance system of the Commonwealth of Massachusetts as  
37    detailed in Chapters 90, 175, and 175C and elsewhere in the General Laws of the  
38    Commonwealth of Massa-chusetts. The above-referenced publication of the results, and the  
39    development of implementing legislation, is to be accomplished within three months of the date  
40    of passage of this bill or June 1st of 2011, whichever date occurs later.

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42            Minority reports may also be produced if so desired.

43            SECTION 3. Funding of the commission.

44            The commission and its activities shall be funded by an assessment on the automobile  
45    insur-ance companies doing business in the Commonwealth of Massachusetts, said assessment to  
46    be ten cents (\$0.10) per policy in effect as of January 1st, 2011, for a total of approximately four  
47    hundred thousand dollars (\$400,000).

48            The commission may decide on an alternate method of funding its activities provided the  
49    alternate method is equally fair and non-discriminatory and will produce similar funding results.

50           SECTION 4. The formation of the commission shall take place within thirty (30) days of  
51 the passage of this act.