

SENATE No. 461

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 banning the use of certain socio-economic factors for insurance underwriting and rating of motor vehicle liability insurance..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael J. Rodrigues</i>	
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Frederick E. Berry</i>	
<i>Karen E. Spilka</i>	
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Michael O. Moore</i>	
<i>Thomas P. Kennedy</i>	
<i>Michael R. Knapik</i>	
<i>Marc R. Pacheco</i>	
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Kenneth J. Donnelly</i>	
<i>Gale D. Candaras</i>	
<i>James B. Eldridge</i>	
<i>James T. Welch</i>	
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Steven M. Walsh</i>	<i>11th Essex</i>

<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>David B. Sullivan</i>	<i>6th Bristol</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Christopher N. Speranzo</i>	<i>3rd Berkshire</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Linda Campbell</i>	<i>15th Essex</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Michael F. Kane</i>	<i>5th Hampden</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Stephen R. Canessa</i>	<i>12th Bristol</i>
<i>Geraldine M. Creedon</i>	<i>11th Plymouth</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>

<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>John J. Binienda</i>	<i>17th Worcester</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Kevin Aguiar</i>	<i>7th Bristol</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>

SENATE No. 461

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1024 OF 2009-2010.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
—————

An Act banning the use of certain socio-economic factors for insurance underwriting and rating of motor vehicle liability insurance..

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 175 of the General Laws is hereby amended by inserting after
2 Section 4C, as appearing in the 2006 official edition, the following section:-

3 Section 4D. No insurer, engaged in writing motor vehicle liability insurance in the
4 commonwealth, shall in connection with underwriting of said insurance, shall refuse to issue or
5 renew a motor vehicle liability policy or bond or any other insurance based on the ownership or
6 operation of a motor vehicle based upon credit information, including but not limited to a
7 numerical credit-based insurance score, other credit rating of an insured, or education or
8 occupation or any other information or factors that would be considered as proxies for credit
9 scores, education or occupation; and provided, further, no insurer shall file rates, pursuant to
10 chapter 175E, based on credit information, including but not limited to a numerical credit-bases
11 insurance score, other credit rating of an applicant or insured, or the education or occupation of

12 the insured or any other information or factors that would be considered as proxies for credit
13 scores, education or occupation.

14 SECTION 2. Section 113B of said chapter 175, as so appearing in the 2006 official
15 edition, is hereby amended by adding the following paragraph:- The commissioner shall not fix
16 or establish any rates, premium charges, premium adjustments, or classifications of risks based in
17 whole or in part on credit information relating to an insured, including but not limited to a
18 numerical credit based insurance score, other credit rating of an insured, or education or
19 occupation or any other information or factors that would be considered as proxies for credit
20 scores, education or occupation; and provided, further, that no insurer, in connection with
21 underwriting motor vehicle liability insurance or bonds on any other insurance based on the
22 ownership or operation of a motor vehicle, shall refuse to issue or renew said insurance or bond
23 based upon credit information, including but not limited to a numerical credit-based insurance
24 score, other credit rating of an insured or applicant, or education or occupation, or any other
25 information or factors that would be considered as proxies for credit scores, education or
26 occupation.

27 SECTION 3. Subsection (a) of section 5 of chapter 175A of the General Laws, as so
28 appearing in the 2006 Official Editions, is hereby amended by striking out subdivision 4. and
29 inserting in place thereof the following subdivision:-

30 4. Rates shall not be excessive, inadequate or unfairly discriminatory and shall not be
31 based in part or in whole on credit information relating to an insured, including but not limited to
32 a numerical credit-based insurance score, other credit rating of an insured, or education or

33 occupation or any other information or factors that would be considered as proxies for credit
34 scores, education or occupation.

35 SECTION 4. Section 4 of chapter 175E of the General Laws, as so appearing in the 2006
36 Official Edition, inserting after the word "discriminatory", in line 5, the following words:- and
37 shall not be based in whole or in part on any credit information relating to an insured, including
38 but not limited to, a numerical credit-based insurance score, other credit rating of an insured, or
39 education or occupation, or any other information or factors that would be considered as proxies
40 for credit scores, education or occupation; and provided, further, that no insurer, in connection
41 with underwriting motor vehicle liability insurance or bonds or any other insurance based on the
42 ownership or operation of a motor vehicle, shall refuse to issue or renew said insurance or bond
43 based upon credit information, including but not limited to a numerical credit-based insurance
44 score, other credit rating of an insured or applicant, or education or occupation or any other
45 information or factors that would be considered as proxies for credit scores, education or
46 occupation.

47 SECTION 5. Section 3 of chapter 176D of the General Laws, as so appearing in the 2006
48 Official Edition, is hereby amended by inserting after the word "sections", in line 170, the
49 following words:- four D

50 SECTION 6. Section 51 of chapter 93 subsections (a) (3) (iii) is hereby deleted.