

HOUSE No. 3161

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph F. Wagner

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 relative to workers compensation classification appeals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>	<i>1/20/2017</i>

HOUSE No. 3161

By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 3161) of Joseph F. Wagner relative to workers compensation classification appeals. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to workers compensation classification appeals.

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 152 of the General Laws is hereby amended by striking out section
2 52D and inserting in place thereof the following section:-

3 Section 52D. Any member of or subscriber to a rating organization may appeal to the
4 commissioner from the action or decision of such rating organization in approving or rejecting
5 any proposed change in or addition to the filings of such rating organization and the
6 commissioner shall, after a hearing held upon not less than ten days' written notice to the
7 appellant and to such rating organization, and within a reasonable period of time, issue an order
8 approving or rejecting the action or decision of such rating organization. If such appeal is from
9 the action or decision of the rating organization in rejecting a proposed addition to its filings, in
10 the event he finds that such action or decision was unreasonable, he may issue an order directing
11 the rating organization to make an addition to its filings, on behalf of its members and

12 subscribers, in a manner consistent with his findings, within a reasonable time after the issuance
13 of such order.

14 Every rating organization and every insurer which makes its own rates shall, within a
15 reasonable period of time after receiving written request therefor and upon payment of such
16 reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the
17 authorized representative of such insured, all pertinent information as to such rate. Every rating
18 organization and every insurer which makes its own rates shall provide within the
19 commonwealth reasonable means whereby any person aggrieved by the application of its rating
20 system may be heard, person or by his authorized representative, on his written request to review
21 the manner in which such rating system has been applied in connection with the insurance
22 afforded him.

23 If the rating organization or insurer does not make a determination within thirty days after
24 the appeal is made, the applicant may proceed in the same manner as if his application had been
25 rejected. Any party affected by the action of such rating organization or such insurer on such
26 request may, within thirty days after written notice of such action, appeal to the commissioner,
27 who, after a hearing held upon not less than ten days' written notice to the appellant and to such
28 rating organization or insurer, shall affirm or reverse such action. Nothing in this section
29 prevents a member or subscriber from exercising the rights and remedies available under
30 applicable state or federal law relating to internal and external grievance and appeals processes.