

**SENATE . . . . . No. 534**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Anne M. Gobi*

*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 the remediation of home heating oil releases.

PETITION OF:

NAME:

*Anne M. Gobi*

DISTRICT/ADDRESS:

*Worcester, Hampden, Hampshire and Middlesex*

**SENATE . . . . . No. 534**

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By Ms. Gobi, a petition (accompanied by bill, Senate, No. 534) of Anne M. Gobi for legislation relative to the remediation of home heating oil releases. Financial Services.

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**The Commonwealth of Massachusetts**

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

An Act relative to the remediation of home heating oil releases.

*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, as appearing in the 2014 Official  
2 Edition, is hereby amended by striking out Section 4D and inserting in place thereof the  
3 following section:–

4           Section 4D. (a) As used in this section, unless the context clearly requires otherwise,  
5 "residential property" shall mean a 1 to 4-unit dwelling used for living or sleeping and “liquid  
6 fuel tank” shall mean a tank in which heating oil is stored and from which heating oil is delivered  
7 or pumped through a fuel supply line to an oil burner, whether located within a dwelling or other  
8 structure, including tanks installed at or below grade level, or located outdoors but excluding  
9 underground tanks wherever located.

10           (b) The joint underwriting association, formed pursuant to chapter 175C, and each insurer  
11 licensed to write and engaged in the writing of homeowners' insurance shall provide the  
12 following coverage to residential owners to whom a homeowners’ insurance policy is issued or

13 renewed: (1) first party property coverage for response action costs incurred under chapters 21E  
14 or 21K, or regulations promulgated pursuant thereto and property damage on the insured's  
15 property caused by or in response to a release of heating oil from a residential liquid fuel tank or  
16 any piping, fuel supply lines, equipment or systems connected thereto; and (2) liability coverage  
17 for third party claims arising out of a release of heating oil into the environment. Minimum  
18 coverage of \$75,000 per occurrence for first party property subject to a reasonable deductible not  
19 to exceed \$1,000 per claim and minimum coverage of \$250,000 per occurrence for third party  
20 liability shall be provided. For the purposes of this section, first party property coverage shall  
21 include response action costs incurred to assess and remediate a heating oil release impacting  
22 soil, indoor air or other environmental media on the insured's property. Third party liability  
23 coverage shall include the obligation to defend the insured at the insurer's expense against third  
24 party claims, and such defense obligation shall include coverage for costs incurred to investigate  
25 the source and extent of the release of heating oil. Damages covered under third party liability  
26 coverage shall include response action costs incurred to address conditions on and off the  
27 insured's property arising from a heating oil release on the insured's property that has impacted or  
28 is likely to impact groundwater or has migrated to, or is likely to migrate to, a third party's  
29 property. First party and third party liability coverage shall apply simultaneously and, in addition  
30 to, one another when both coverages are applicable.

31 SECTION 2. This act shall take effect on January 1, 2018.