

**HOUSE . . . . . No. 3653**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joan Meschino***

*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 surcharges on motor vehicle insurance premiums.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>1/16/2019</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>3/26/2019</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>3/26/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/2/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>3/25/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/22/2019</i>

**HOUSE . . . . . No. 3653**

By Ms. Meschino of Hull, a petition (accompanied by bill, House, No. 3653) of Joan Meschino and others relative to surcharges on motor vehicle insurance premiums. Financial Services.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to surcharges on motor vehicle insurance premiums.

*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. Section 57A of chapter 6C of the General Laws, as appearing in the 2016  
2 Official Edition, is hereby amended by striking out, in line 21, the figure \$1,000 and inserting in  
3 place thereof the following figure: – \$3,000.

4 SECTION 2. Section 113B of chapter 175 of the General Laws, as so appearing, is  
5 hereby amended by inserting after the word “accidents”, in line 201, the following words:-  
6 resulting in a claim payment of more than \$3,000, in excess of any applicable deductible.

7 SECTION 3. Said section 113B of said chapter 175, as so appearing, is hereby further  
8 amended by inserting after the word “section”, in line 334, the following words:- ; provided  
9 however, that for purposes of establishing and fixing premium charges, an at-fault accident shall  
10 not be a surchargeable incident if the resulting claim payment is equal to or less than \$3,000, in  
11 excess of any applicable deductible.

12 SECTION 4. Chapter 175 of the General Laws is hereby amended by striking out section  
13 113B½ and inserting in place thereof the following section:-

14 Section 113B½. For an at-fault accident claim, a minor accident shall be an accident for  
15 which the claim payment, exclusive of any deductible, exceeds \$3,000 but is not more than  
16 \$5,000 under: (i) property damage liability coverage; (ii) collision coverage; (iii) limited  
17 collision coverage; (iv) for accidents occurring on or after January 1, 2006, bodily injury liability  
18 coverage if there is neither a surchargeable property damage liability coverage claim nor a  
19 surchargeable collision coverage claim; or (v) as a result of an accident with a bodily injury  
20 liability coverage claim. For an at-fault accident claim, a major accident shall be an accident for  
21 which the claim payment, exclusive of any deductible, exceeds \$5,000 under: (A) property  
22 damage liability coverage; (B) collision coverage; (C) limited collision coverage; (D) for  
23 accidents occurring on or after January 1, 2006, bodily injury liability coverage if there is neither  
24 a surchargeable property damage liability coverage claim nor a surchargeable collision coverage  
25 claim; or (E) as a result of an accident with a bodily injury liability coverage claim. No motor  
26 vehicle liability policy, as defined by section 34A of chapter 90, shall apply an increase in  
27 premium as a result of an at-fault accident that does not satisfy the criteria for a minor or major  
28 accident. For purposes of this section, “premium” shall mean the cost of a policy, or coverage  
29 within a policy, to an individual policyholder based on the particular drivers and motor vehicles  
30 insured under the policy.