

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.