

SENATE No. 594

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:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/17/2019</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>1/30/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/30/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/30/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>2/13/2019</i>

SENATE No. 594

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 594) of Anne M. Gobi, Jason M. Lewis, Barry R. Finegold, Bruce E. Tarr and other members of the Senate for legislation relative to the remediation of home heating oil releases. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 534 OF 2017-2018.]

The Commonwealth of Massachusetts

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

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 2016 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.

(b) The joint underwriting association, formed pursuant to chapter 175C, and each insurer licensed to write and engaged in the writing of homeowners' insurance shall provide the following coverage to residential owners to whom a homeowners' insurance policy is issued or renewed: (1) first party property coverage for response action costs incurred under chapters 21E or 21K, or regulations promulgated pursuant thereto and property damage on the insured's property caused by or in response to a release of heating oil from a residential liquid fuel tank or any piping, fuel supply lines, equipment or systems connected thereto; and (2) liability coverage for third party claims arising out of a release of heating oil into the environment. Minimum coverage of \$75,000 per occurrence for first party property subject to a reasonable deductible not to exceed \$1,000 per claim and minimum coverage of \$250,000 per occurrence for third party liability shall be provided. For the purposes of this section, first party property coverage shall include response action costs incurred to assess and remediate a heating oil release impacting soil, indoor air or other environmental media on the insured's property. Third party liability coverage shall include the obligation to defend the insured at the insurer's expense against third party claims, and such defense obligation shall include coverage for costs incurred to investigate the source and extent of the release of heating oil. Damages covered under third party liability coverage shall include response action costs incurred to address conditions on and off the insured's property arising from a heating oil release on the insured's property that has impacted or is likely to impact groundwater or has migrated to, or is likely to migrate to, a third party's property. First party and third party liability coverage shall apply simultaneously and, in addition to, one another when both coverages are applicable.

SECTION 2. This act shall take effect on January 1, 2020.