SENATE DOCKET, NO. 957 FILED ON: 2/9/2021

SENATE . . . . . No. 719

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 expanding automobile insurance coverage options to include the diminished value of automobiles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patrick M. O'Connor	*Plymouth and Norfolk*

SENATE DOCKET, NO. 957 FILED ON: 2/9/2021

SENATE . . . . . No. 719

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 719) of Patrick M. O'Connor for legislation to expand automobile insurance coverage options to include the diminished value of automobiles. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *629* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act expanding automobile insurance coverage options to include the diminished value of automobiles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 34O (2) of Chapter 90 of the General Laws is hereby amended by deleting the twelfth paragraph, and inserting, in place thereof, the following:-

Subject to such stated limits and conditions, exclusions, and limitations as may be approved by the commissioner, the insurer shall offer additional coverage, optional to the insured, for resulting loss of use of the insured vehicle, or diminished value of the insured vehicle resulting from a collision at the fault of an identified negligent third party.

SECTION 2. Section 34O (2) of chapter 90 of the General Laws is hereby further amended by deleting the fourteenth paragraph, and inserting in place thereof, the following:-

Notwithstanding the previous paragraph or any other law, an insurer shall file a plan for approval by the commissioner providing for direct payment by the insurer to the insured for the loss of or damage to the insured motor vehicle, or diminished value of the insured vehicle resulting from a collision at the fault of an identified negligent third party, under collision coverage or limited collision coverage policies prior to receipt by the insurer of a claim form from the insured stating that the repair work described in an appraisal made pursuant to regulations promulgated by the auto damage appraisers licensing board has been completed. Such plan shall not be approved unless it: (a) provides for a procedure acceptable to the commissioner to resolve any dispute between the insured and the insurer as to the adequacy of the payment; (b) provides for adequate disclosure to the insured of his or her rights hereunder; and (c) contains such other terms and conditions as the commissioner shall prescribe.