SENATE DOCKET, NO. 754 FILED ON: 1/20/2011

SENATE . . . . . No. 461

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 passage of the accompanying:

An Act banning the use of certain socio-economic factors for insurance underwriting and rating of motor vehicle liability insurance..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Rodrigues	*[District]*
Patricia A. Haddad	*5th Bristol*
Frederick E. Berry	*[District]*
Karen E. Spilka	*[District]*
Benjamin B. Downing	*Berkshire, Hampshire, and Franklin*
Michael O. Moore	*[District]*
Thomas P. Kennedy	*[District]*
Michael R. Knapik	*[District]*
Marc R. Pacheco	*[District]*
Katherine M. Clark	*Middlesex and Essex*
Kenneth J. Donnelly	*[District]*
Gale D. Candaras	*[District]*
James B. Eldridge	*[District]*
James T. Welch	*[District]*
Paul J. Donato	*35th Middlesex*
Steven M. Walsh	*11th Essex*
Bradley H. Jones, Jr.	*20th Middlesex*

Viriato Manuel deMacedo	*1st Plymouth*
Thomas A. Golden, Jr.	*16th Middlesex*
David B. Sullivan	*6th Bristol*
James J. Dwyer	*30th Middlesex*
Cory Atkins	*14th Middlesex*
F. Jay Barrows	*1st Bristol*
Christopher N. Speranzo	*3rd Berkshire*
James Arciero	*2nd Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Linda Campbell	*15th Essex*
Kevin J. Kuros	*8th Worcester*
Angelo J. Puppolo, Jr.	*12th Hampden*
Thomas J. Calter	*12th Plymouth*
Elizabeth A. Malia	*11th Suffolk*
Nicholas A. Boldyga	*3rd Hampden*
Dennis A. Rosa	*4th Worcester*
Cheryl A. Coakley-Rivera	*10th Hampden*
John P. Fresolo	*16th Worcester*
Michael F. Kane	*5th Hampden*
Steven S. Howitt	*4th Bristol*
Angelo L. D'Emilia	*8th Plymouth*
James J. Lyons, Jr.	*18th Essex*
Bruce J. Ayers	*1st Norfolk*
Elizabeth A. Poirier	*14th Bristol*
Colleen M. Garry	*36th Middlesex*
John H. Rogers	*12th Norfolk*
Stephen L. DiNatale	*3rd Worcester*
James M. Murphy	*4th Norfolk*
David Paul Linsky	*5th Middlesex*
James R. Miceli	*19th Middlesex*
John W. Scibak	*2nd Hampshire*
Stephen R. Canessa	*12th Bristol*
Geraldine M. Creedon	*11th Plymouth*
Anne M. Gobi	*5th Worcester*
Michael J. Finn	*6th Hampden*
Peter V. Kocot	*1st Hampshire*
Alice Hanlon Peisch	*14th Norfolk*
Thomas M. Stanley	*9th Middlesex*
Stephen Kulik	*1st Franklin*

William Smitty Pignatelli	*4th Berkshire*
John J. Binienda	*17th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Susan Williams Gifford	*2nd Plymouth*
Sheila C. Harrington	*1st Middlesex*
Louis L. Kafka	*8th Norfolk*
Benjamin Swan	*11th Hampden*
Kevin Aguiar	*7th Bristol*
Donald F. Humason, Jr.	*4th Hampden*
Sarah K. Peake	*4th Barnstable*

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[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1024* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act banning the use of certain socio-economic factors for insurance underwriting and rating of motor vehicle liability insurance..

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. Chapter 175 of the General Laws is hereby amended by inserting after Section 4C, as appearing in the 2006 official edition, the following section:-

Section 4D. No insurer, engaged in writing motor vehicle liability insurance in the commonwealth, shall in connection with underwriting of said insurance, shall refuse to issue or renew a motor vehicle liability policy or bond or any other insurance based on the ownership or operation of a motor vehicle based upon credit information, including but not limited to a numerical credit-based insurance score, other credit rating of an insured, or education or occupation or any other information or factors that would be considered as proxies for credit scores, education or occupation; and provided, further, no insurer shall file rates, pursuant to chapter 175E, based on credit information, including but not limited to a numerical credit-bases insurance score, other credit rating of an applicant or insured, or the education or occupation of the insured or any other information or factors that would be considered as proxies for credit scores, education or occupation.

SECTION 2. Section 113B of said chapter 175, as so appearing in the 2006 official edition, is hereby amended by adding the following paragraph:- The commissioner shall not fix or establish any rates, premium charges, premium adjustments, or classifications of risks based in whole or in part on credit information relating to an insured, including but not limited to a numerical credit based insurance score, other credit rating of an insured, or education or

occupation or any other information or factors that would be considered as proxies for credit scores, education or occupation; and provided, further, that no insurer, in connection with underwriting motor vehicle liability insurance or bonds on any other insurance based on the ownership or operation of a motor vehicle, shall refuse to issue or renew said insurance or bond based upon credit information, including but not limited to a numerical credit-based insurance score, other credit rating of an insured or applicant, or education or occupation, or any other information or factors that would be considered as proxies for credit scores, education or occupation.

SECTION 3. Subsection (a) of section 5 of chapter 175A of the General Laws, as so appearing in the 2006 Official Editions, is hereby amended by striking out subdivision 4. and inserting in place thereof the following subdivision:-

4. Rates shall not be excessive, inadequate or unfairly discriminatory and shall not be based in part or in whole on credit information relating to an insured, including but not limited to a numerical credit-based insurance score, other credit rating of an insured, or education or occupation or any other information or factors that would be considered as proxies for credit scores, education or occupation.

SECTION 4. Section 4 of chapter 175E of the General Laws, as so appearing in the 2006 Official Edition, inserting after the work "discriminatory", in line 5, the following words:- and shall not be based in whole or in part on any credit information relating to an insured, including but not limited to, a numerical credit-based insurance score, other credit rating of an insured, or education or occupation, or any other information or factors that would be considered as proxies for credit scores, education or occupation; and provided, further, that no insurer, in connection with underwriting motor vehicle liability insurance or bonds or any other insurance based on the ownership or operation of a motor vehicle, shall refuse to issue or renew said insurance or bond based upon credit information, including but not limited to a numerical credit-based insurance score, other credit rating of an insured or applicant, or education or occupation or any other information or factors that would be considered as proxies for credit scores, education or occupation.

SECTION 5. Section 3 of chapter 176D of the General Laws, as so appearing in the 2006 Official Edition, is hereby amended by inserting after the word "sections", in line 170, the following words:- four D

SECTION 6. Section 51 of chapter 93 subsections (a) (3) (iii) is hereby deleted.