

**HOUSE . . . . . No. 3161**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Joseph F. Wagner***

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*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 workers compensation classification appeals.

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PETITION OF:

NAME:

*Joseph F. Wagner*

DISTRICT/ADDRESS:

*8th Hampden*

**HOUSE . . . . . No. 3161**

By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 3161) of Joseph F. Wagner relative to workers compensation classification appeals. Labor and Workforce Development.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to workers compensation classification appeals.

*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 152 of the General Laws is hereby amended by striking out section  
2 52D and inserting in place thereof the following section:-

3 Section 52D. Any member of or subscriber to a rating organization may appeal to the  
4 commissioner from the action or decision of such rating organization in approving or rejecting  
5 any proposed change in or addition to the filings of such rating organization and the  
6 commissioner shall, after a hearing held upon not less than ten days' written notice to the  
7 appellant and to such rating organization, and within a reasonable period of time, issue an order  
8 approving or rejecting the action or decision of such rating organization. If such appeal is from  
9 the action or decision of the rating organization in rejecting a proposed addition to its filings, in  
10 the event he finds that such action or decision was unreasonable, he may issue an order directing  
11 the rating organization to make an addition to its filings, on behalf of its members and

12 subscribers, in a manner consistent with his findings, within a reasonable time after the issuance  
13 of such order.

14 Every rating organization and every insurer which makes its own rates shall, within a  
15 reasonable period of time after receiving written request therefor and upon payment of such  
16 reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the  
17 authorized representative of such insured, all pertinent information as to such rate. Every rating  
18 organization and every insurer which makes its own rates shall provide within the  
19 commonwealth reasonable means whereby any person aggrieved by the application of its rating  
20 system may be heard, person or by his authorized representative, on his written request to review  
21 the manner in which such rating system has been applied in connection with the insurance  
22 afforded him.

23 If the rating organization or insurer does not make a determination within thirty days after  
24 the appeal is made, the applicant may proceed in the same manner as if his application had been  
25 rejected. Any party affected by the action of such rating organization or such insurer on such  
26 request may, within thirty days after written notice of such action, appeal to the commissioner,  
27 who, after a hearing held upon not less than ten days' written notice to the appellant and to such  
28 rating organization or insurer, shall affirm or reverse such action. Nothing in this section  
29 prevents a member or subscriber from exercising the rights and remedies available under  
30 applicable state or federal law relating to internal and external grievance and appeals processes.