

HOUSE No. 990

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Moran

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 bill:

An Act prohibiting discrimination on the basis of race, employment level, and education when determining auto insurance rates.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael J. Moran	18th Suffolk
Elizabeth A. Malia	11th Suffolk
Denise Provost	27th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1038 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROHIBITING DISCRIMINATION ON THE BASIS OF RACE, EMPLOYMENT LEVEL,
AND EDUCATION WHEN DETERMINING AUTO INSURANCE RATES.

*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 22E of chapter 175 of the General Laws, as so appearing, is hereby
2 amended by striking the section in its entirety and inserting in place thereof the following section:
3 Section 22E. Refusal to issue, renew or execute motor vehicle liability policy or bond
4 Section 22E. (a) No insurance company, and no officer or agent thereof in its behalf, shall refuse to issue,
5 renew or execute as surety a motor vehicle liability policy or bond, or any other insurance based on the
6 ownership or operation of a motor vehicle because of any factor other than an authorized rating
7 classification that (1) is based solely upon driving record which shall reflect only at-fault accidents,
8 convictions of moving violations of motor vehicle laws, and number of years of driving experience and
9 (2) is fixed and established pursuant to section 113B or, in the event rates and classifications are not fixed
10 and established, approved for use under chapter 175E; provided, however, that the Commissioner may,
11 after a hearing under chapter 30A, authorize the use of additional factors as long as such additional factors
12 are proven not to have a disparate impact on insured's differing in race, income level, ethnic background,
13 age, sex, marital status, occupation, credit history, educational background, or principal place of garaging

14 of the vehicle. A particular company may make a general reduction in volume of automobile insurance in
15 the commonwealth if such a reduction is determined by the commissioner not to be an attempt to
16 circumvent the purposes of this section and that the company's refusal to write motor vehicle liability
17 policies or bonds is not contrary to the public interest by disrupting the market for said insurance in the
18 commonwealth. Any company which does not intend to issue a renewal policy shall give written notice of
19 its intent not to issue a policy for the ensuing policy period in accordance with the provisions of section
20 one hundred and thirteen F and such notice shall specify the reasons for such nonrenewal.