



COMMONWEALTH OF MASSACHUSETTS

Office of Consumer Affairs and Business Regulation

DIVISION OF INSURANCE

One South Station • Boston, MA 02110-2208

(617) 521-7794 • FAX (617) 521-7475

TTY/TDD (617) 521-7490

<http://www.mass.gov/doi>

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

DANIEL O'CONNELL
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

DANIEL C. CRANE
DIRECTOR

NONNIE S. BURNES
COMMISSIONER OF INSURANCE

BULLETIN 2008-06

TO: All Interested Persons

FROM: Nonnie S. Burnes, Commissioner of Insurance

DATE: March 12, 2008

RE: Availability of Private Passenger Motor Vehicle Insurance Rate Filings for Public Inspection

This Bulletin addresses recent requests to the Division of Insurance ("Division") to view private passenger motor vehicle insurance rate filings submitted to the Division on or after February 15, 2008, prior to the effective date of these filings. Some confusion has arisen as to when these filings are subject to public inspection in view of the section regarding the availability of transition rate filings in the Division's Property & Casualty insurance Filing Guidance Notice 2007-C dated November 13, 2007 ("Filing Guidance"). This section of the Filing Guidance provided for the compilation and dissemination of all initial transition rate filings in November 2007, shortly after their submission to the Division. This section applied only to the initial private passenger motor vehicle insurance rate filings submitted to the Division on November 2007 and was intended to enable filers to view their competitors' rate filings in a prompt fashion so that they could adjust their filings as permitted by 211 CMR 79.19(6)(c). The inspection of private passenger motor vehicle insurance rate filings subsequently submitted to the Division, along with many other property and casualty rate filings, is subject to chapter 175A, sec. 6.

Section 3 of chapter 175E states that the provisions of chapter 175A that are not inconsistent with chapter 175E apply to rate regulation. Section 6(a) of chapter 175A explicitly provides: "[a] filing and any supporting information shall be open to public inspection after the filing becomes effective." Because no provision of chapter 175E is inconsistent with the issue -- indeed chapter 175E is silent on this issue -- based on the Division's past practice for rate filings in commercial motor vehicle insurance and other property and casualty lines, we conclude that chapter 175A, sec. 6 governs when a rate filing becomes open for public inspection.

The Division is aware that, periodically, individuals and organizations wish to view rate filings as soon as possible. Therefore, rather than wait until the effective date of the rate filing, as expressly permitted under chapter 175A, the Division has, and will continue with its practice of making such filings open for public inspection shortly after a filing either is placed “on file” or a hearing is initiated on a filing.

The provisions of this Bulletin do not affect the right of the Attorney General to obtain a copy of a rate filing simultaneously with the submission of the filing to the Division, pursuant to 211 CMR 79.06, or the rights if certain producers to receive copies of rate filings before those filings become open to public inspection, under certain circumstances provided for under G.L. c. 175E, sec. 7.

Any individuals or organizations who wish to view filings that have been placed “on file” should call the Policy Form Review section at (617) 521-7350. Inquiries regarding filings on which a hearing has been initiation should contact the docket clerk at (617) 521-7330.