



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation
DIVISION OF INSURANCE

1000 Washington Street • Suite 810 • Boston, MA 02118-6200
(617) 521-7794 • FAX (617) 521-7475
<http://www.mass.gov/doi>

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

JOHN C. CHAPMAN
UNDERSECRETARY

GARY D. ANDERSON
ACTING COMMISSIONER OF INSURANCE

NOTICE OF HEARING

Pursuant to M.G.L. Chapter 30A and the authority granted to the Commissioner of Insurance (“Commissioner”) under M.G.L. c. 175, §113B, c. 175A, §15, c. 175E, §§7A and 10, and under the authority granted to the Board of Appeal on Motor Vehicle Liability Policies and Bonds by M.G.L. c. 26, §8A, a hearing will be held at 10:00 a.m. on June 16, 2017, at the Division of Insurance (“Division”), Hearing Room 1-E, 1000 Washington Street, Boston, Massachusetts, 02118-6200. The purpose of the hearing is to afford all interested persons an opportunity to provide oral and written statements regarding three regulations that are the subject of proposed amendments. The docket number assigned to each regulation and a description of the proposed actions to be taken follow.

Docket No. G2017-11

211 CMR 79.00. Private Passenger Motor Vehicle Insurance Rates. The amendments simplify the regulation by removing references to procedures that applied only to the transition period from a market in which the Commissioner fixed-and-established private passenger motor vehicle insurance rates to a competitive market. The proposed changes do not make substantive changes to the regulation as it applies to the competitive market.

Docket No. G2017-12

211 CMR 88.00. Procedures for the Appeal of Insurer At-Fault Accident Determinations and the Conduct of Hearings on Insurer At-Fault Accident Determinations. The current regulation explicitly establishes procedures for the filing, review, and conduct of hearings on appeals of an insurer’s determination that an operator was at fault in a private passenger motor vehicle accident pursuant to the Safe Driver Insurance Plan approved in a fixed-and-established market. It does not address procedures for appeals arising in a competitive market. The proposed amendments establish procedures that will govern the filing, review, and conduct of hearings on appeals of an insurer’s determination that an operator is at fault in an accident, either in accordance with the insurer’s Merit Rating Plan or with the Safe Driver Insurance Plan. The proposed changes also improve the readability, organization, and ease-of-use of the regulation.

Docket No. G2017-13

211 CMR 134.00 Safe Driver Insurance and Merit Rating Plans. 211 CMR 134.00 was promulgated to implement the Safe Driver Insurance Plan approved by the Commissioner as part of the process to fix-and-establish private passenger motor vehicle insurance rates and later amended to reflect the shift to a competitive market and the adoption by insurers of their own Merit Rating Plans. The proposed changes reflect the effect of 2015 legislation requiring the Merit Rating Board, the administrator of data reported pursuant to 211 CMR 134.00, to adopt

new parameters for classifying motor vehicle accidents as "major" or "minor." Additional changes clarify the regulation and its application in a fixed-and-established rating market and in a competitive market.

The proposed regulations may be inspected in the Division's offices during normal business hours or viewed on the Division's website, www.mass.gov/doi. Persons who wish to present unsworn oral or written statements at the June 16, 2017 hearing are asked to submit a notice of intent to comment no later than June 14, 2017. Other persons who wish to speak will be heard after those who notify the Division in advance. The hearing record will remain open for a week after conclusion of the June 16, 2017 hearing to receive any additional written statements.

All notices and submissions must refer to the Docket Number for the particular regulation that the person intends to address. Notices and submissions in hard copy may be sent by mail to the Docket Clerk, Hearings and Appeals, Division of Insurance, at the address above or by electronic mail to doidocket.mailbox@state.ma.us.

May 5, 2017

Gary D. Anderson
Acting Commissioner of Insurance