

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

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Ronald Mariano**

*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 RELATIVE TO THE OWNERSHIP AND PROPRIETARY RIGHTS OF LICENSED INSURANCE PRODUCERS TO CERTAIN INSURANCE INFORMATION FOR ASSIGNED RISK BUSINESS.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ronald Mariano	3rd Norfolk
Angelo J. Puppolo, Jr.	12th Hampden

# The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT RELATIVE TO THE OWNERSHIP AND PROPRIETARY RIGHTS OF LICENSED INSURANCE PRODUCERS TO CERTAIN INSURANCE INFORMATION FOR ASSIGNED RISK BUSINESS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1           SECTION1. Subsection (D) of Section 113H of Chapter 175, as appearing in the 2006  
2 Official Edition, is hereby amended by inserting after the first paragraph the following  
3 paragraph:-

4           A duly licensed insurance producer, certified to place business in the plan, shall own and  
5 have an exclusive right, as the insured's producer of record, to use certain insurance  
6 information of the insured embodying the records of the insurance agency which shall include  
7 but not be limited to the name of the insured, the policy inception date, the amount of  
8 insurance coverage, the policy number and the terms of insurance. If a policyholder, insured  
9 through the plan with an assigned risk carrier, is offered voluntary coverage by said carrier and  
10 the policyholder accepts the offer, the insured's producer of record shall continue to represent

11 the insured written or renewed in the voluntary market, and such policy shall be continued to  
12 be serviced through the producer of record, unless:

13 (1) said producer is decertified or suspended by the plan or the Commissioner of  
14 Insurance, (2) at the insured's request, the insured terminates such producer as its producer of  
15 record, or (3) the producer of record is precluded from dealing with other insurance companies  
16 pursuant to an exclusive agency contract; provided, further, if a policy is written or renewed on  
17 a voluntary basis, the assigned risk carrier shall pay the insured's producer of record the  
18 commission rate as set forth in the first paragraph of subsection (D), regardless of whether the  
19 producer of record has an agency agreement with that assigned risk carrier.

20