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The **Corcoran & Havlin** Insurance Group has been awarded the 2011 Reader's Choice Award for the 8th consecutive year.

# RISK ADVISOR

Winter 2012

## Corcoran & Havlin Insurance Group

■ An insurance update for financial officers

■ News, Views, & Current Events

■ A publication of Corcoran & Havlin Insurance Group

### MANAGING YOUR RISKS PROTECTING YOUR INTERESTS

## Corcoran & Havlin Acquires Lougee Insurance of Duxbury

**The Corcoran & Havlin Insurance Group** of Wellesley recently announced a merger with the Lougee Insurance Agency of Duxbury, Mass. For the past 42 years, The Lougee Insurance Agency has provided South Shore homeowners and businesses with first quality personal, commercial, and life insurance services. The combination of the two agencies will further strengthen Corcoran & Havlin's ability to provide customers with superior insurance service and risk management advice. Together, the combined agencies serve over 14,000 clients, offering more choices than ever before. The Lougee Insurance Agency will maintain its 24 Bay Road office in Duxbury's historic business district and continue to be led by Richard "Skip" Lougee, who brings over 30 years of insurance experience. "We felt it was important for our firm to align with a larger organization representing many more insurance companies to provide increased benefits for our clients," remarked Skip Lougee, a long time Duxbury resident. Jack Keefe, President



*Jack Keefe, President, Corcoran & Havlin Insurance, George Doherty, Executive Vice President, Corcoran & Havlin Insurance Group, and Richard Lougee, Lougee Insurance Agency.*

of the Corcoran & Havlin Insurance Group, stated "It is a pleasure welcoming Skip Lougee and the entire Lougee staff to the C&H Group. As a Five Star Agency, we can now offer an increased array of insurance carrier offerings and our award winning service to Lougee Agency clients." Corcoran & Havlin Insurance Group has served the Greater Boston area for over 43 years and was recently named by the Boston Business Journal as one of Boston's top Insurance Agencies.

## Massachusetts to Enforce Ban on Hand-Held Mobile Phone Use While Driving Commercial Vehicles

Announced early January 2012, the U.S. DOT rule regarding the use of hand-held mobile phones in commercial motor vehicles will be enforced in Massachusetts. The new rule prohibits commercial drivers from reaching for, holding, or dialing a cell phone while operating a commercial vehicle.

The Massachusetts regulation defines "commercial motor vehicle" as follows:

1. a motor vehicle with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or more used for

2. a motor vehicle designed to transport more than 15 passengers, including the driver, or

3. a motor vehicle used in the transportation of hazardous materials in a quantity requiring placarding under the Federal Hazardous Materials Transportation Act

It is important to note the following:

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**C & H's  
Commercial Team**

Mike Curtis

Bob Cleary

George Doherty

Debi Drury

Beth Eyster

Tom Fitzgerald

Tim Graham

Virginia Handerhan

Carolyn Jenkins

Jack Keefe

Jane Loomis

Paul McDonald

Martha Mullin

Mary Mullin

Megan Peterson

Mark Sawyer

Kathy Uvanitte

Rick Weden

Beth McDonough

Patrick Byrnes

Mike Kennedy



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This rule does not prohibit a driver from using a mounted mobile phone which can be easily accessed from the driver's seat and activated with a single button.



Driving means operating a commercial vehicle while on a public road, and when stopped in traffic on such a road. Driving does not include instances when the driver is safely parked. Emergency use is permitted.

The term mobile telephone does not include two way or Citizens Band Radio services, however the term mobile telephone does include mobile services which are provided for profit, have inter-connected service and is available to a substantial portion of the public. Penalty: Drivers who violate these cell phone restrictions face federal civil penalties of up to \$2,750 for each offense and disqualification from operating a commercial motor vehicle (CMV) for 60 days with the second offense in 3 years. (120 days for each subsequent offense within 3 years) This only applies if violation occurred while driving a CMV.

**Q&A**

**1. Q: Are wired or wireless earpieces allowed?**

**A:** Yes. Hands-free use of a mobile telephone is allowed using either a wired or wireless earpiece, or the speakerphone function of the mobile telephone. Wireless connection of the mobile telephone to the vehicle for hands-free operation of the telephone, which would allow the use of single-button controls on the steering wheel or dashboard, would also be allowed.

**2. Q: Is Push-to-Talk allowed?**

**A:** No. A driver's use of the Push-to-Talk function on a mobile telephone violates the prohibition against holding the phone. This includes the continuous holding of a button that is necessary to use a Push-to-Talk feature through a mobile telephone, even when the driver is using a connected microphone or wireless earphone.

**3. Q: Are holders of a commercial driver's license (CDL) subject to the regulation only when driving a CMV, as defined in 49 CFR 383.5, or any vehicle?**

**A:** CDL holders are subject to the Federal rule only when driving a CMV.

**4. Q: What is required of the employer in terms of company policy or training?**

**A:** The rule does not require motor carriers to establish written policies in terms of company policy or training programs for their drivers. However, employers are prohibited from allowing or requiring their drivers to use hand-held mobile phones. A motor carrier may establish policies or practices that make it clear that the employer does not require or allow hand-held mobile telephone use while driving a CMV in interstate commerce. The carrier is responsible for its drivers' conduct.

**5. Q: Is dialing a phone number allowed under this rule?**

**A:** No. Dialing a mobile telephone while operating a CMV in interstate commerce is prohibited by the rule. A driver can initiate, answer, or terminate a call by touching a single button on a mobile telephone, earpiece, steering wheel, or instrument panel - comparable to using vehicle controls or instrument panel functions, such as the radio or climate control system.

**6. Q: Can a driver reach for a mobile telephone even if he/she intends to use the hands-free function?**

**A:** No. In order to comply with this rule, a driver must have his or her mobile telephone located where the driver is able to initiate, answer, or terminate a call by touching a single button while the driver is in the seated driving position and properly restrained by a seat belt. If the mobile telephone is not close to the driver and operable while the driver is restrained by properly installed and adjusted seat belts, then the driver is considered to be reaching for the mobile phone, which is prohibited by the rule.

# Corcoran & Havlin Announces Commercial Lines Manager Virginia Handerhan



Corcoran & Havlin is delighted to announce that Virginia Handerhan replaced Jim Serevitch as the Commercial Lines Manager. Jim is retiring from Corcoran & Havlin after over 40 years in the insurance business, and while we're sad to lose such an experienced member of the C&H staff,

Virginia is the perfect fit for the position.

Virginia joined Corcoran & Havlin in the fall of 2010 more than 25 years of experience working in commercial insurance. Virginia has an extensive history with our partner insurance carriers and is excited about the opportunity to lead our commercial lines team. Virginia is a Wellesley resident and enjoys the community aspects of both Corcoran & Havlin's business and clients.

## Corcoran & Havlin New Hires

Corcoran & Havlin is pleased to announce several new additions to our Commercial Lines team. Each of our new hires bring a diverse and experienced background to our growing company; with their expansive professional experience in the insurance business we can assure that our customers are in the best hands. Please help us in welcoming Patrick Byrnes, Alan Heinlein, Mike Kennedy, and Beth McDonough.

### Patrick Byrnes - Account Manager



Patrick joins Corcoran & Havlin as a Commercial Lines Account Manager. Patrick Graduated from Miami University (Ohio) in 2006 with a double major in Economics and Finance. In early 2009 Pat started work in the insurance

business and shortly obtained the Commercial Lines Coverage Specialist designation from The Hartford School of Insurance. Before joining C&H Patrick managed the commercial book of business out of a Greater Worcester-area firm.

### Alan Heinlein - Claims Executive



Corcoran & Havlin welcomes Alan as a new addition to our claims department. Alan received his undergraduate degree from Boston College and his MBA from F.W. Olin Graduate School of Business, Babson College. Prior to

joining Corcoran & Havlin, Alan focused on business development and alliance management in the high

tech software industry. Alan is a life long resident of Dover and spends his free time with his two Labrador Retrievers: Bella & Reign. Alan's other interests include fundraising for The Jimmy Fund Clinic at the Dana-Farber Cancer Institute.

### Mike Kennedy - Sales Executive



As a new addition to our commercial lines production team Michael, joins our company from a local insurance brokerage where he was responsible for driving new business development for mid-sized, privately owned companies. With almost

ten years of experience in the insurance industry, Michael specializes in providing property and casualty insurance and risk management strategies within the construction and manufacturing industries. He is a member of the Plumbing, Heating, and Cooling Contractors Association (PHCC) of Massachusetts.

### Beth McDonough - Account Manager



Beth started with Corcoran & Havlin in December of this past year as a Commercial Lines Account Representative with 25 years experience of account management in the insurance business. Formally an employee of Willis North America,

Beth graduated from the Massachusetts College of Liberal Arts and holds the title of CIC Designation. Beth lives in Massachusetts and enjoys Yoga, hiking with her dog, and has twice completed the 60 mile Avon walk for cancer.



Did you know **Corcoran & Havlin** is on Facebook? Become our fan for up-to date news and articles relating to your insurance needs.

# High Court Overrules 100 Years of Massachusetts Snow Removal Law

In July, 2010 The Massachusetts Supreme Judicial Court overruled 125 years of legal precedent and announced a new rule of law that all Massachusetts property owners are legally responsible for the removal of snow and ice from their property. The case is Papadopoulos v. Target Corp.

Reckoning back to the days of the hardy New Englander, the old common law – known as the Massachusetts Rule – was that owners could simply leave naturally accumulated snow and ice untreated and escape liability. Noting that all other supreme courts of New England have now rejected the relic law, the SJC held that all Massachusetts property owners must remove or treat snow and ice like any other dangerous condition on property.



## Impact to Massachusetts Property Owners: Shovel Early & Often

What this change in Massachusetts snow removal law means for all property owners, both residential and commercial, is that they need to be extra vigilant after snow and ice storms and clear areas in which the public and visitors have access-early and often. Whether a property owner takes reasonable steps in removing snow and ice will be determined by juries on a case by case basis. While this ruling is good for public safety, it has the potential to result in more slip and fall cases filed, and possibly additional insurance costs.

## Check Your Liability Insurance Coverage

Homeowners should ensure that they have sufficient liability coverage. It's recommend that most property owners have at least \$1 Million in liability coverage.

## What About Sidewalks?

In most urban areas, sidewalks are legally owned by the cities. However, the major cities, including Boston, Lynn, and Worcester, require by local ordinances that owners clear municipal sidewalks in front of their residences or businesses. In Boston, snow removal is required for the full width of the sidewalk or a minimum of 42 inches. In addition, shoveling or plowing snow onto city streets from private property is prohibited.

The cities that own their sidewalks, however, still bear the ultimate responsibility for injuries that occur on those public sidewalks. However, there is usually a cap on damages. For residential towns without municipal-owned sidewalks, sidewalks remain the property of the abutting owner, and must be cleared by those owners.

“To promote safety, Boston inspectors will be on alert for unshoveled sidewalks this winter, said Lisa Timberlake, spokeswoman for the Inspectional Services Department. Residents have six hours after a snowfall to clear walkways; businesses have three hours. Violations at buildings with fewer than six units are \$50.”

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