

HOUSE No. 02138

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 discretion to the allocation of certain settlement proceeds.

PETITION OF:

NAME:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

HOUSE No. 02138

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2138) of Bradley relative to the allocation of certain settlement proceeds by the Superior Court Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1558 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to discretion to the allocation of certain settlement proceeds.

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 34M of Chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is
2 hereby amended by inserting after the fourth paragraph the following paragraph: “If after the
3 commencement of any such action, but before judgment, the insurer makes payment of the
4 amount that is due and payable, the court may still assess costs and reasonable attorney’s fees for
5 the bringing and prosecuting of the action, but only up until the time of such payment. Interest,
6 running from the commencement of the action shall be assessed on all amounts adjudged to be
7 due and payable in any such action, at the same rate as interest is assessed for breach of contract
8 actions in the Commonwealth.