

HOUSE No. 02179

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 increasing the civil fines and financial responsibilities and criminal penalties of motorists who violate the right of way of other motorists, motorcyclists, bicyclists and/or pedestrians, resulting in serious bodily injury and/or death..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>

HOUSE No. 02179

By Ms. Gobi of Spencer, a petition (accompanied by bill, House, No. 2179) of Scibak and others relative to increasing the penalties for motorists who violate the right of way of other motorists, motorcyclists, bicyclists or pedestrians, resulting in serious bodily injury or death Joint Committee on the Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 1405 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to increasing the civil fines and financial responsibilities and criminal penalties of motorists who violate the right of way of other motorists, motorcyclists, bicyclists and/or pedestrians, resulting in serious bodily injury and/or death..

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 1. Section 8 of chapter 89, as appearing in the 1998 Official Edition, is hereby
- 2 amended by striking out in the last sentence the words “thirty-five” and replacing it with “three
- 3 hundred.”

- 4 SECTION 2. Section 8 of Chapter 89 of the General Laws, as so appearing, is hereby amended
- 5 by adding at the end of said section the following new paragraphs:—

- 6 Any person who violates the provisions of the paragraph and as a result causes serious bodily
- 7 injury or death to another operating a motor vehicle, a motorcycle or bicycle, or as a pedestrian,

8 shall be financially responsible to that injured person or persons, or their Estate, for out of pocket
9 medical or funeral expenses, actual lost wages, excess what might otherwise be covered by
10 liability insurance, and to other insurers who may be obligated to pay such medical expenses.

11 The injured person or their Estate shall have a right to file an action in the Superior Court of the
12 judicial district where they reside or their Estate exists, seeking Judgment against the at-fault
13 operator and vehicle owner, for unpaid medical and or funeral expenses, actual lost wages, and
14 assignment to the at-fault operator and owner, of any medical insurer liens incurred for medical
15 services and treatments, excess the at-fault operator and vehicle owner liability limits, for which
16 the at-fault operator and owner are responsible for.

17 In any such action commenced in the Superior Court in the judicial district in which the injured
18 party resides or Estate exist, the Court shall, upon the filing of an answer or upon default and
19 upon motion of the injured person or Estate, advance the action for a speedy trial.

20 The intent of this language is to hold the at-fault operator and owner financially responsible,
21 above their insured liability limits, for damages caused as a result of violation of this Section.

22 SECTION 3. Any motor vehicle liability insurer's duty to defend an insured shall cease, upon
23 their payment of their insured's policy limits, upon application to the Superior Court of
24 jurisdiction, without the injured party or their Estate having to Release the insurer's insured.

25 SECTION 4. Section 13A (iii) of Chapter 265 of the General Laws, as so appearing, is hereby
26 amended by adding at the end of said section the following new paragraph:— Any person in
27 violation of Section 8 of Chapter 89, resulting in serious bodily injury to any other road user, as
28 defined herein.

29 SECTION 5. Section 13A(c) of Chapter 265 of the General Laws, as so appearing, is hereby
30 amended, by adding to this sentence, “medical expenses incurred by the victim twice in excess of
31 the offender’s liability insurance limits applicable, or which involves either total disability or the
32 loss or substantial impairment of some bodily function for a substantial period of time greater
33 than thirty days.