

HOUSE No. 876

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 to discourage uninsured motorists by limiting their bodily injury liability compensation .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	24th Middlesex
John Hayes	5 Colonial Terrace Belmont, MA 02478

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 915 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO DISCOURAGE UNINSURED MOTORISTS BY LIMITING THEIR BODILY INJURY LIABILITY COMPENSATION .

*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 6D of Chapter 231 of the General Laws of
2 Massachusetts, as appearing in the 2006 Official Edition, is hereby amended by
3 adding at the end of the current section the following sentences:
4 In any action of tort brought as a result of bodily injury, sickness or disease,
5 arising out of the ownership, operation, maintenance or use of a motor vehicle
6 within this commonwealth by the defendant, any plaintiff who is under obligation
7 to meet the requirements of sections thirty-four A and thirty-four M of chapter
8 ninety and who, at the time of the incident giving rise to such injury, sickness or
9 disease, was not satisfying those requirements, may recover damages only for the
10 reasonable and necessary expenses incurred in treating such injury, sickness or
11 disease for necessary medical, surgical, x-ray and dental services, including
12 prosthetic devices and necessary ambulance, hospital, professional nursing and
13 funeral expenses, and may not recover damages for pain and suffering, including
14 mental suffering associated with such injury, sickness or disease. Reasonable
15 attorney fees are to be determined by a court of appropriate jurisdiction, not to
16 exceed fifty (50) percent of the amount of the recovered damages.
- 17 SECTION 2. This act shall take effect six (6) months from the date of its
18 enactment, or on January first of the year two thousand and ten, whichever date is

19 later, but only if measures are taken, such as the passage of strong choice/no-fault
20 legislation, that in the judgment of the Commissioner of Insurance has, or will have
21 by the effective date of this act, the effect of allowing motorists to reduce the costs
22 of the minimum compulsory bodily injury insurance in the highest-rated territories
23 by a minimum of twenty (20) percent.