

HOUSE No. 1560

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

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 prohibit the use of certain liability waivers as against public policy.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1625 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROHIBIT THE USE OF CERTAIN LIABILITY WAIVERS AS AGAINST PUBLIC POLICY.

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 amount that
4 is due and payable, the court may still assess costs and reasonable attorney's fees for the bringing and
5 prosecuting of the action, but only up until the time of such payment. Interest, running from the
6 commencement of the action shall be assessed on all amounts adjudged to be due and payable in any
7 such action, at the same rate as interest is assessed for breach of contract actions in the Commonwealth.