HOUSE . . . . No.

The Commonwealth of Massachusetts

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PRESENTED BY:

Anne M. Gobi

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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:
Anne M. Gobi	5th Worcester

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 amended by

2 striking out in the last sentence the words "thirty-five" and replacing it with "three hundred."

3 SECTION 2. Section 8 of Chapter 89 of the General Laws, as so appearing, is hereby amended by adding

4 at the end of said section the following new paragraphs:—

5 Any person who violates the provisions of the paragraph and as a result causes serious bodily injury or

6 death to another operating a motor vehicle, a motorcycle or bicycle, or as a pedestrian, shall be financially

7 responsible to that injured person or persons, or their Estate, for out of pocket medical or funeral

8 expenses, actual lost wages, excess what might otherwise be covered by liability insurance, and to other

9 insurers who may be obligated to pay such medical expenses.

10 The injured person or their Estate shall have a right to file an action in the Superior Court of the judicial

11 district where they reside or their Estate exists, seeking Judgment against the at-fault operator and vehicle

12 owner, for unpaid medical and or funeral expenses, actual lost wages, and assignment to the at-fault

13 operator and owner, of any medical insurer liens incurred for medical services and treatments, excess the

14 at-fault operator and vehicle owner liability limits, for which the at-fault operator and owner are

15 responsible for.

16   In any such action commenced in the Superior Court in the judicial district in which the injured party

17   resides or Estate exist, the Court shall, upon the filing of an answer or upon default and upon motion of

18   the injured person or Estate, advance the action for a speedy trial.

19   The intent of this language is to hold the at-fault operator and owner financially responsible, above their

20   insured liability limits, for damages caused as a result of violation of this Section.

21   SECTION 3. Any motor vehicle liability insurer's duty to defend an insured shall cease, upon their

22   payment of their insured's policy limits, upon application to the Superior Court of jurisdiction, without

23   the injured party or their Estate having to Release the insurer's insured.

24   SECTION 4.   Section 13A (iii) of Chapter 265 of the General Laws, as so appearing, is hereby

25   amended by adding at the end of said section the following new paragraph:─ Any person in violation of

26   Section 8 of Chapter 89, resulting in serious bodily injury to any other road user, as defined herein.

27   SECTION 5.   Section 13A(c) of Chapter 265 of the General Laws, as so appearing, is hereby amended,

28   by adding to this sentence, "medical expenses incurred by the victim twice in excess of the offender's

29   liability insurance limits applicable, or which involves either total disability or the loss or substantial

30   impairment of some bodily function for a substantial period of time greater than thirty days.