

HOUSE No.

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:	DISTRICT/ADDRESS:
Eugene L. O'Flaherty	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.