

HOUSE No. 1558

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act granting discretion to the superior court to allocate certain settlement proceeds..

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
2 Edition, is hereby amended by inserting after the fourth paragraph the following paragraph: “If
3 after the commencement of any such action, but before judgment, the insurer makes payment of
4 the amount that is due and payable, the court may still assess costs and reasonable attorney’s fees
5 for the bringing and prosecuting of the action, but only up until the time of such payment.
6 Interest, running from the commencement of the action shall be assessed on all amounts
7 adjudged to be due and payable in any such action, at the same rate as interest is assessed for
8 breach of contract actions in the Commonwealth.