

HOUSE No. 867

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act To Correct Uninsured Motorist Coverage Anomaly For Listed Operators..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 113 of Chapter 175 of the General Laws is hereby amended to strike the second and third
2 sentences in paragraph 5 and to substitute therefore, the following:

3 An insured who is not a named insured on any policy providing uninsured motorist
4 coverage may recover only from the policy of a resident relative or of anyone living in his or her
5 household upon whose policy he or she is listed as a regular operator providing the highest limits
6 of such coverage whether or not such vehicle was involved in the accident; provided, however, if
7 there are two or more such policies which provide such coverage at the same limits a pro rata
8 contribution will be made. Any injured occupants who are not named insureds on a policy and
9 who are not insured on a resident relative’s policy or are not listed as a regular operator on a
10 policy of someone living in his or her household may obtain underinsured motorist coverage
11 from the named insured’s policy covering the vehicle they occupy when injured.