

**HOUSE . . . . . No. 876**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to discourage uninsured motorists by limiting their bodily injury liability compensation ..

*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 6D of Chapter 231 of the General Laws of Massachusetts, as  
2 appearing in the 2006 Official Edition, is hereby amended by adding at the end of the current  
3 section the following sentences:

4           In any action of tort brought as a result of bodily injury, sickness or disease, arising out of  
5 the ownership, operation, maintenance or use of a motor vehicle within this commonwealth by  
6 the defendant, any plaintiff who is under obligation to meet the requirements of sections thirty-  
7 four A and thirty-four M of chapter ninety and who, at the time of the incident giving rise to such  
8 injury, sickness or disease, was not satisfying those requirements, may recover damages only for  
9 the reasonable and necessary expenses incurred in treating such injury, sickness or disease for  
10 necessary medical, surgical, x-ray and dental services, including prosthetic devices and necessary  
11 ambulance, hospital, professional nursing and funeral expenses, and may not recover damages  
12 for pain and suffering, including mental suffering associated with such injury, sickness or  
13 disease. Reasonable attorney fees are to be determined by a court of appropriate jurisdiction, not  
14 to exceed fifty (50) percent of the amount of the recovered damages.

15           SECTION 2. This act shall take effect six (6) months from the date of its enactment, or  
16 on January first of the year two thousand and ten, whichever date is later, but only if measures  
17 are taken, such as the passage of strong choice/no-fault legislation, that in the judgment of the  
18 Commissioner of Insurance has, or will have by the effective date of this act, the effect of  
19 allowing motorists to reduce the costs of the minimum compulsory bodily injury insurance in the  
20 highest-rated territories by a minimum of twenty (20) percent.