

SENATE No. 1772

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relating to damages paid by insurance companies under Chapter 93A..

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. Paragraph (3) of section 9 of chapter 93A of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by striking out the fourth sentence and
3 inserting in place thereof the following: - For the purpose of this chapter, the amount of actual
4 damages and the amount of actual damages to be multiplied shall be those found by the court to
5 be the foreseeable and proximate consequences of the respondent's violation of said section two,
6 and the existence or non-existence of insurance coverage shall not limit the liability of the
7 respondent for said actual damages or multiplied actual damages.

8 SECTION 2. The fifth paragraph of section 11 of said chapter 93A, as appearing in the
9 1998 Official Edition, is hereby amended by striking the second sentence and inserting in place
10 thereof the following:- For the purpose of this chapter, the amount of actual damages and the
11 amount of actual damages to be multiplied shall be those found by the court to be the foreseeable
12 and proximate consequences of the respondent's violation of said section two, and the existence
13 or non-existence of insurance coverage shall not limit the liability of the respondent for said
14 actual damages or multiplied actual damages.