

**HOUSE . . . . . No. 2138**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Garrett J. Bradley***  
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*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 adoption of the accompanying bill:

An Act relative to discretion to the allocation of certain settlement proceeds.

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PETITION OF:

NAME:

*Garrett J. Bradley*

DISTRICT/ADDRESS:

*3rd Plymouth*

**HOUSE . . . . . No. 2138**

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2138) of Garrett J. Bradley relative to the allocation of certain settlement proceeds by the Superior Court. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1558 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to discretion to the allocation of 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.