

HOUSE No. 1917

Substituted by the House, on motion of Mr. Willis of Saugus, for a bill with the same title (House, No. 1828, amended). May 13.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Seven.

An Act relative to the Recovery of Damages for Injuries to Employees of Persons Insured under the Workmen's Compensation Laws caused under Circumstances Creating a Legal Liability in Some Person Other than the Insured.

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

1 Chapter one hundred and fifty-two of the General
2 Laws is hereby amended by striking out section fif-
3 teen, as appearing in the Tercentenary Edition, and
4 inserting in place thereof the following: —

5 *Section 15.* Where the injury for which compensa-
6 tion is payable was caused under circumstances
7 creating a legal liability in some person other than
8 the insured to pay damages in respect thereof, the
9 employee may *make claim or* proceed at law against
10 that person to recover damages and against the in-
11 surer for compensation under this chapter. If the
12 employee *makes such claim or* proceeds at law against
13 such other person, he shall notify the insurer in writ-

14 ing *within ten days* of such action, and if compen-
15 sation be also paid under this chapter the insurer
16 shall have a lien on the amount recovered in such
17 action at law *or on any settlement made* up to the
18 amount of compensation paid by it and shall also
19 have a lien for any future payments by it of compen-
20 sation for the injury. If compensation be paid under
21 this chapter and the employee does *not within thirty*
22 *days after the first payment of compensation for personal*
23 *injury or death arising out of and in the course of the*
24 *employment make a claim or proceed at law against*
25 such other person, the insurer may enforce, in the
26 name of the employee or in its own name and for its
27 own benefit, the liability of such other person; and
28 in case the insurer recovers a sum greater than that
29 paid by it to the employee, four fifths of the excess
30 shall be paid to the employee. If compensation be
31 paid under this chapter, no settlement by agreement
32 with such other person shall be made by the employee
33 or by the insurer *in any event* without the approval
34 of the industrial accident board.