

# HOUSE . . . . No. 1737

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By Mr. Boot of Lynn (by request), petition of Edward R. Butterworth relative to the admissibility in evidence of medical testimony concerning persons who sustained injuries in accidents. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Nine.

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AN ACT RELATIVE TO THE ADMISSIBILITY IN EVIDENCE OF  
MEDICAL TESTIMONY CONCERNING PERSONS WHO SUS-  
TAINED INJURIES IN ACCIDENTS.

*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 233 of the General Laws is hereby amended  
2 by inserting after section 23A, inserted by section 1  
3 of chapter 424 of the acts of 1945, the following  
4 section:—

5 *Section 23B.* A true and complete copy of the  
6 report of each physician who makes an examination  
7 of a person injured in an accident shall be furnished  
8 by the person by or on behalf of whom the same was  
9 made to the adverse party or his attorney, or to the  
10 insurer of such party, within ten days after written  
11 request therefor has been made by such party or his  
12 attorney or insurer to the other party or his attorney  
13 or insurer. If such copy is not furnished as herein  
14 provided, no statement contained in such report shall

15 be admissible in evidence in, or referred to at, the trial  
16 of any action brought to recover damages for bodily  
17 injuries, including death, or consequential damages,  
18 resulting from such accident and the physician making  
19 such examination shall not be permitted to testify in  
20 any such action. The failure to furnish such copy  
21 shall be admissible in evidence and a proper subject  
22 for comment at the trial.