

SENATE No. 2275

By Mr. Lewis, a petition of Arthur Joseph Lewis, Jr., for legislation relative to the settlement of certain third party actions. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

**AN ACT RELATIVE TO THE SETTLEMENT OF CERTAIN THIRD PARTY
ACTIONS.**

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 15 of chapter 152 of the General Laws, as most
2 recently amended by chapter 488 of the acts of 1980, is hereby
3 further amended by striking out the eighth and ninth sentences
4 and inserting in place thereof the following sentences: Except
5 in the case of a settlement by agreement by the parties to, and
6 during a trial of, such an action at law, no settlement by agree-
7 ment shall be made with such other person without the ap-
8 proval of the industrial accident board or of the court in which
9 the action has been commenced, after an opportunity has been
10 afforded both the insurer and the employee to be heard on the
11 merits of the settlement and on the amount, if any, to which
12 the insurer is entitled out of such settlement by way of reim-
13 bursement, which amount shall be determined at the time of
14 such approval. In the case of a settlement by agreement by
15 the parties to and during a trial of such an action at law, the
16 justice presiding at the trial shall have and exercise, relative
17 to the approval of such settlement by agreement and to the
18 protection of the rights and interests of the employee, the
19 powers granted in the preceding sentence.

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