

# HOUSE . . . . . No. 1540

By Mr. Keenan of Boston, petition of Guy R. Peznola, Jr., and William Francis Keenan relative to the assessment of counsel fees in hearings before the Board of Appeal on Motor Vehicle Liability Policies and Bonds. Insurance.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT PERTAINING TO ASSESSMENT OF COUNSEL FEES IN HEARINGS BEFORE THE BOARD OF APPEAL ON MOTOR VEHICLE INSURANCE.

*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. Whenever a hearing is held before the board of  
2 appeal on motor vehicle liability policies and bonds concerning  
3 the cancellation of insurance and the assured is required to  
4 retain counsel, if upon the decision of the said board, the peti-  
5 tioning assured prevails, the said board shall assess costs for  
6 counsel fees against the insurance company in such sum or sums  
7 as said board may determine.

1 SECTION 2. In the event of an adverse decision against the  
2 petitioning assured, and said assured subsequently appeals to  
3 the superior court wherein the petitioner prevails against the  
4 insurance company, the superior court shall assess the costs of  
5 counsel fees against said insurance company in such sum or  
6 sums as the court may determine.

THE CONSTITUTION OF THE UNITED STATES

Article I

Section 1

Clause 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Representatives and direct Taxes shall be apportioned among the several States which may be admitted into or excluded from this Union according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Year or more, and excluding Indians not taxed, three fifths of all other Persons.

The Electors in each State shall have the Qualifications requisite for Electors in the most numerous Branch of the State Legislature.

No State shall have a greater Number of Electors than the Number of Senators to which it is entitled.

The Electors shall meet in Person in each State, and vote by Ballot.

Each State shall have at least one Representative, and the Electors in each State shall have the Qualifications requisite for Electors in the most numerous Branch of the State Legislature.

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