

HOUSE No. 3440

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 13, 1962.

The committee on Bills in the Third Reading, to whom was referred the Bill relative to the liability of insurance companies under liability policies for personal injury, death or property damage for which the insured is responsible (House, No. 232), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 3440).

For the committee,

JOHN F. X. DAVOREN.

The Commonwealth of Massachusetts

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

AN ACT FURTHER REGULATING CERTAIN DEFENSES AVAILABLE TO INSURANCE COMPANIES UNDER LIABILITY POLICIES FOR PERSONAL INJURY, DEATH OR PROPERTY DAMAGE.

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. Section 112 of chapter 175 of the General Laws,
2 as appearing in the Tercentenary Edition, is hereby amended
3 by adding at the end the following sentence: — Each such policy
4 shall contain a provision that the company will not avail itself
5 of the defense of nonco-operation of the assured, after a cause of
6 action has accrued for such bodily injury or death or damage to
7 property unless the company shall have made reasonable efforts
8 to obtain the co-operation of the assured and has satisfactory
9 evidence to that effect.

1 SECTION 2. The provisions of this act shall not apply to
2 policies of insurance which are in effect on the effective date of
3 this act.