

HOUSE No. 865.

[Bill accompanying the petition of John J. Snow for legislation relative to the liability of casualty insurance companies in certain actions. Insurance. Feb. 4.]

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Three.

AN ACT

Relative to Casualty 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. In all actions in which a company
2 insuring against loss from common law or statu-
3 tory liability on account of bodily injuries as-
4 sumes, or under the terms of its policy is bound
5 to assume, the defence of such actions, said com-
6 pany shall be liable to the plaintiff to the extent
7 of the liability named in its policy, and the plain-
8 tiffs in such actions shall be subrogated to the
9 rights of the insured to the amount of the judg-
10 ment recovered.

1 SECTION 2. In actions brought to recover for
2 bodily injuries received by an employee against
3 an employer insured against loss from common
4 law or statutory liability on account of bodily in-
5 juries, the plaintiff shall be entitled to be subro-
6 gated, and shall, upon notice to the insured of the
7 pendency of such action, be subrogated to the
8 rights of the defendant under such insurance, and
9 for the maintenance thereof may employ such
10 remedies as the insured might be entitled to
11 employ.