

HOUSE No. 2720

By Mr. Manning of Waltham, petition of Donald J. Manning and Paul C. Menton for restricting the avoidance by the insurer of coverage of a motor vehicle liability insurance policy. Insurance.

The Commonwealth of Massachusetts

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

AN ACT RESTRICTING THE AVOIDANCE OF COVERAGE OF A MOTOR
VEHICLE LIABILITY POLICY BY THE INSURER.

*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 175 of the General Laws is hereby further amended
2 by inserting after section 112, the following section:—
3 *Section 112A.* No statement made by the insured or on his
4 behalf in securing a motor liability policy insuring against li-
5 ability for loss or damage on account of bodily injury or death,
6 or for loss or damage resulting therefrom, or on account of
7 damage to property, nor any violation of the terms of such
8 policy either prior or subsequent to issue thereof, nor any on
9 default of the insured shall operate to defeat or avoid the
10 policy so as to bar recovery within the limits of such policy by
11 a judgment creditor of the insured, unless the insurer shall prove
12 material prejudice by acts or omissions of the insured. Both
13 parties shall have a right to a trial by jury on the issue of ma-
14 terial prejudice.

