

# HOUSE . . . . . No. 333

By Mr. Aguiar of Swansea, petition of Antone S. Aguiar, Jr., relative to the minimum amount of medical aid and other expenses recoverable for injury in a tort action under the provisions for compulsory personal injury protection in the motor vehicle liability insurance law. Insurance.

## **The Commonwealth of Massachusetts**

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

AN ACT RELATIVE TO THE MINIMUM AMOUNT OF REASONABLE AND NECESSARY MEDICAL AND OTHER EXPENSES INCURRED BY A PLAINTIFF WHICH IS REQUIRED TO RECOVER DAMAGES FOR INJURY IN A TORT ACTION UNDER THE PROVISIONS FOR COMPULSORY PERSONAL INJURY PROTECTION IN THE MOTOR VEHICLE LIABILITY INSURANCE LAW.

*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 231 of the General Laws is hereby amended by  
2 striking out section 6D, as appearing in section 5 of chapter  
3 670 of the acts of 1970, and inserting in place thereof the  
4 following section: —

5 *Section 6D.* In any action of tort brought as a result of  
6 bodily injury, sickness or disease, arising out of the ownership,  
7 operation, maintenance or use of a motor vehicle within this  
8 commonwealth by the defendant, a plaintiff may recover  
9 damages for pain and suffering, including mental suffering  
10 associated with such injury, sickness or disease, only if the  
11 reasonable and necessary expenses incurred in treating such  
12 injury, sickness or disease for necessary medical, surgical, x-ray  
13 and dental services, including prosthetic devices, and necessary  
14 ambulance, hospital, professional nursing and funeral expenses

15 are determined to be in excess of one hundred dollars unless  
 16 such injury, sickness or disease (1) causes death, or (2) consists  
 17 in whole or in part of loss of a body member, or (3) consists  
 18 in whole or in part of permanent and serious disfigurement, or  
 19 (4) results in such loss of sight or hearing as is described in  
 20 paragraphs (a), (b), (c), (d), (e), (f) and (g) of section thirty-six  
 21 of chapter one hundred and fifty-two or (5) consists of a  
 22 fracture.