HOUSE . . . . . No. 3934

By Mr. Murphy of Brockton, petition of Bernard Cohen and Paul Maurice Murphy for a change in the law relative to compulsory motor vehicle liability insurance. Insurance.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 90 of the General Laws is hereby amended by inserting after section 34-N the following section: –

Section 34-O. No motor vehicle liability policy, as defined in section 34-A shall be issued or delivered to an individual in the Commonwealth unless it also provides for the payment of all sums to the amount or limit of at least twenty thousand dollars on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of at least forty thousand dollars on account of any one accident resulting in injury to or death of more than one person, which the insured or his legal representative shall be legally entitled to recover as damages from the owner or operator of an under-insured motor vehicle, because of bodily injuries, sickness or disease, including death, resulting therefrom, sustained by the insured, caused by accident and arising out of the ownership, operation, maintenance or use of such under-insured motor vehicle, unless the named insured rejects such coverage in writing; provided, that unless the named insured requests such coverage in writing, it need not be provided in or supplemental to a renewal policy where the named

insured has rejected the coverage in connection with a policy previously issued to him by the same insurer.

Such policy or endorsement or rider shall provide that determination as to whether the insured or his legal representative is legally entitled to recover such damages, and if so the amount thereof, shall be made by agreement between the insured or such representative and the insurer or, if they fail to agree, by arbitration.