

By Mr. McIntyre of New Bedford, petition of Joseph B. McIntyre relative to damages paid by insurance companies under the consumer protection law. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATING TO DAMAGES PAID BY INSURANCE COMPANIES UNDER
CHAPTER 93A.

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. Paragraph (3) of section 9 of chapter 93A of the
2 General Laws, as appearing in the 1988 Official Edition, as
3 amended by chapter 580 of the Acts of 1989, is hereby amended
4 by striking the fourth sentence and inserting in place thereof the
5 following: —

6 For the purpose of this chapter, the amount of actual damages
7 and the amount of actual damages to be multiplied shall be those
8 found by the court to be the foreseeable and proximate
9 consequences of the respondent's violation of said section two,
10 and the existence or non-existence of insurance coverage shall not
11 limit the liability of the respondent for said actual damages or
12 multiplied actual damages.

1 SECTION 2. The fifth paragraph of section 11 of said
2 chapter 93A, as so appearing, as amended by chapter 580 of the
3 Acts of 1989, is hereby amended by striking the second sentence
4 and inserting the place thereof the following: —

5 For the purpose of this chapter, the amount of actual damages
6 and the amount of actual damages to be multiplied shall be those
7 found by the court to be the foreseeable and proximate
8 consequences of the respondent's violation of said section two,
9 and the existence or non-existence of insurance coverage shall not
10 limit the liability of the respondent for said actual damages or
11 multiplied actual damages.

