

SENATE No. 168

To accompany the petition of John J. Mulcahy for legislation relative to the admissibility in evidence of written statements obtained from persons who have sustained personal injuries in accidents. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE ADMISSIBILITY IN EVIDENCE OF WRITTEN STATEMENTS OBTAINED FROM PERSONS WHO HAVE SUSTAINED PERSONAL INJURIES IN ACCIDENTS.

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 23A of chapter 233 of the General Laws,
2 as most recently amended by section 1 of chapter 424
3 of the acts of 1945, is hereby further amended by in-
4 serting after the word "unless", in line 10, the words:
5 — during the pendency of said action, — and by in-
6 serting after the word "attorney", in line 14 the
7 words: — or within such further time as a court may
8 allow on motion and notice, — so as to read as fol-
9 lows: — *Section 23A. Admissibility of Written State-*
10 *ments obtained from Persons sustaining Personal In-*
11 *juries.* — In any action to recover damages for personal
12 injuries or consequential damages, so called, resulting
13 therefrom, no statement in writing signed by any

14 party to the action, concerning the facts out of which
15 the cause of action arose, given by such party, or a
16 person in his behalf, to any other party to the action,
17 or to his agent or attorney, or to the insurer of such
18 other party, or to the agent or attorney of such in-
19 surer, shall be admissible in evidence in, or referred to
20 at, the trial of such action or in any proceeding con-
21 nected therewith unless during the pendency of said
22 action a copy of such statement is furnished to the
23 party making the same or to his attorney within ten
24 days after written request therefor was made by such
25 party or attorney to the adverse party or his attorney,
26 or within such further time as a court may allow on
27 motion and notice.