

# HOUSE . . . . . No. 1621

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By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to the allocation of costs incurred in personal injury protection litigation. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.

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AN ACT RELATIVE TO PERSONAL INJURY LITIGATION.

*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 34M of Chapter 90 of the General Laws, as appearing in  
2 the 2000 Official Edition, is hereby amended by inserting after the  
3 fourth paragraph the following paragraph:—  
4 “If after the commencement of any such action, but before judg-  
5 ment, the insurer makes payment of the amount that is due and  
6 payable, the court may still assess costs and reasonable attorney’s  
7 fees for the bringing and prosecuting of the action, but only up until  
8 the time of such payment. Interest, running from the commencement  
9 of the action shall be assessed on all amounts adjudged to be due and  
10 payable in any such action, at the same rate as interest is assessed for  
11 breach of contract actions in the Commonwealth.