

SENATE No. 306

To accompany the petition of Max Ulin that the liability of railroad corporations be established for damages in case of collisions at grade crossings involving motor cars of such corporations. Joint Judiciary.

The Commonwealth of Massachusetts

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

An Act establishing the Liability of Railroad Corporations for Damages in Case of Collisions at Grade involving Motor Cars of Such Corporations.

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. Section two hundred and thirty-
2 two of chapter one hundred and sixty of the
3 General Laws is hereby amended by striking out,
4 in the second line, the words "or cars" and in-
5 serting in place thereof the words:—, cars or
6 motor cars,— and by inserting after the word
7 "section", in the fourth line, the words:— or to
8 give signals by such means or in such manner
9 as may be required by the department,— so as
10 to read as follows:— *Section 232.* If a person is
11 injured in his person or property by collision with
12 the engines, cars or motor cars of a railroad

13 corporation at a crossing such as is described in
14 section one hundred and thirty-eight, and it ap-
15 pears that the corporation neglected to give the
16 signals required by said section, or to give signals
17 by such means or in such manner as may be
18 required by the department, and that such
19 neglect contributed to the injury, the corporation
20 shall be liable for all damages caused by the
21 collision, or to a fine recoverable by indictment
22 as provided in section three of chapter two hun-
23 dred and twenty-nine, or, if the life of a person
24 so injured is lost, to damages recoverable in tort,
25 as provided in said section three, unless it is
26 shown that, in addition to a mere want of or-
27 dinary care, the person injured or the person
28 who had charge of his person or property was,
29 at the time of the collision, guilty of gross or
30 wilful negligence, or was acting in violation of
31 the law, and that such gross or wilful negligence
32 or unlawful act contributed to the injury.

1 SECTION 2. As soon as may be after the
2 effective date of this act, the department of pub-
3 lic utilities shall proceed under the provisions
4 of section sixteen of chapter one hundred and
5 fifty-nine of the General Laws to fix and prescribe
6 by its order the just, reasonable, safe, adequate
7 and proper regulations and practices thereafter
8 to be in force and to be observed, and the equip-
9 ment, appliances and service thereafter to be
10 used, by railroad corporations relative to motor
11 cars of such corporations.

