

# HOUSE . . . . No. 1908

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 9, 1945.

The committee on Bills in the Third Reading, to whom was referred the bill to abolish the defence of imputing to a child the negligence of his parent or custodian from the fact of such parenthood or custodianship (Senate, No. 525), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 1908).

For the committee,

WILLIAM R. BARRY.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Five.

AN ACT PROVIDING THAT NEGLIGENCE OF THE PARENT OR CUSTODIAN OF AN INFANT SHALL NOT BE IMPUTED TO THE INFANT FROM THE FACT OF SUCH PARENTHOOD OR CUSTODIANSHIP.

*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. Chapter two hundred and thirty-one  
2 of the General Laws is hereby amended by inserting  
3 after section eighty-five C, inserted by section one of  
4 chapter four hundred and thirty-nine of the acts of  
5 nineteen hundred and thirty-seven, the following  
6 section:—

7 *Section 85D.* In all actions to recover damages  
8 for injury to the person or property of an infant, the  
9 negligence of the parent or other custodian of the  
10 infant shall not be imputed to the infant from the  
11 fact of such parenthood or custodianship.

1 SECTION 2. Section one hundred and forty-one  
2 of said chapter two hundred and thirty-one, as most  
3 recently amended by section two of chapter three  
4 hundred and fifty of the acts of nineteen hundred and  
5 forty-three, is hereby further amended by inserting  
6 after the words "eighty-five A" in the fourteenth line  
7 the following:—, eighty-five D,— so as to read as

8 follows:— *Section 141.* Sections one, two, three, 9 four, four A, five, six, seven, ten, eleven, twelve, 10 thirteen, thirteen A, fourteen, fifteen, sixteen, seven- 11 teen, eighteen, nineteen, twenty, twenty-one, twenty- 12 two, twenty-three, twenty-five, twenty-six, twenty- 13 seven, twenty-eight, twenty-nine, thirty, thirty-one, 14 thirty-two, thirty-three, thirty-four, thirty-five, thirty- 15 six, thirty-seven, thirty-eight, thirty-nine, forty, 16 forty-one, forty-two, forty-three, forty-four, forty-five, 17 forty-seven, forty-eight, forty-nine, fifty, fifty-one, 18 fifty-two, fifty-three, fifty-four, fifty-six, fifty-seven, 19 fifty-eight, fifty-eight A, fifty-nine B, sixty-one, 20 sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, 21 sixty-seven, sixty-eight, sixty-nine, seventy, seventy- 22 two, seventy-three, seventy-four, seventy-five, seventy 23 nine, eighty-five, eighty-five A, eighty-five D, eighty- 24 seven, eighty-eight, eighty-nine, ninety, ninety-one, 25 ninety-two, ninety-three, ninety-four, ninety-five, 26 ninety-seven, ninety-eight, ninety-nine, one hundred 27 and one, one hundred and two, one hundred and 28 three, one hundred and four, one hundred and five, 29 one hundred and six, one hundred and seven, one 30 hundred and eight, one hundred and nine, one hun- 31 dred and ten, one hundred and twenty-four, one 32 hundred and twenty-five, one hundred and twenty- 33 six, one hundred and thirty-two, one hundred and 34 thirty-three, one hundred and thirty-four, one hun- 35 dred and thirty-five, one hundred and thirty-six, one 36 hundred and thirty-seven, one hundred and thirty- 37 eight, one hundred and thirty-nine, one hundred and 38 forty, one hundred and forty A and one hundred and 39 forty-seven shall apply to civil actions before district 40 courts, and no other sections of this chapter shall so 41 apply, except to the municipal court of the city of 42 Boston under section one hundred and forty-three.

1 SECTION 3. This act shall not affect the laws  
2 applicable to any action to recover damages for the  
3 death of an infant.

1 SECTION 4. This act shall take effect September  
2 first in the current year and shall apply to causes of  
3 action arising after said date.