

By Mr. Valley of Boston, petition of Thomas J. Valley for legislation to impose liability on owners of vessels damaging publicly owned buildings. Criminal Justice.

The Commonwealth of Massachusetts

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

AN ACT IMPOSING LIABILITY ON OWNERS OF VESSELS DAMAGING PUBLICLY OWNED BUILDINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 85 of the General Laws is hereby amended by striking
2 out section 28, as appearing in the tercentary edition, and inserting
3 in place thereof the following section: —

4 *Section 28. Liability for damage to bridge.*

5 a. Legislative intent.

6 The legislature finds and declares that damage to bridges struck
7 by vessels disrupts transportation and communication within the
8 commonwealth, drains public funds, and hence endangers public
9 health, safety, and the general welfare.

10 b. Definitions.

11 "Bridge" means a structure erected across navigable waters and
12 includes causeways, approaches, fenders, and other appurtenan-
13 ces.

14 "Vessel" means watercraft of every description used or capable
15 of use as a means of transportation on the water.

16 c. If, for any reason, a vessel damages a bridge owned by the
17 commonwealth or its subdivisions, the court shall hold the vessel
18 and/or its owners and operators liable in tort to the owner of the
19 bridge for said damage.

20 d. Contributory negligence does not bar recovery by the com-
21 monwealth or subdivisions in control of a bridge damaged by a
22 vessel. The court, however, shall reduce the damages in proportion

23 to the extent that the negligence attributable to the commonwealth
24 or subdivision contributed to the damage of the bridge. Section 85
25 of chapter 231 of the General Laws, as most recently amended by
26 chapter 1123 of the acts of 1973, does not apply to actions brought
27 under this section.

28 e. The provisions of this section shall be construed as an addi-
29 tional remedy for the commonwealth and its subdivisions and shall
30 not limit in any way other remedies provided by law.

31 If any provision or clause of the action or application thereof to
32 any person or circumstances is held invalid, such invalidity shall
33 not affect other provisions or applications of this chapter which
34 can be given effect without the invalid provisions or application,
35 and to this end the provision of this section are declared to be
36 severable.