

By Mr. MacLeod of Chelsea, petition of John W. MacLeod relative to suits for damages for personal injuries or death resulting from the operation of motor vehicles on public ways. Judiciary (Joint).

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty.

An Act relative to Suits for Damages for Personal Injuries or Death, resulting from the Operation, on a Public Highway, of Motor Vehicles or Trailers owned and controlled by the Commonwealth, or Any Political Subdivision thereof.

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 forty of the General Laws is hereby
2 amended by adding at the end thereof the following
3 new section:—

4 *Section 54. (a)* If a person receives bodily injuries,
5 or if the life of a person is lost by reason of the opera-
6 tion, on a public highway, of a motor vehicle or trailer
7 owned and controlled by the commonwealth, or any
8 political subdivision thereof, said person or his execu-
9 tor or administrator may recover damages in an action
10 of tort against said commonwealth, or any political
11 subdivision thereof: provided, however, that said
12 suit shall be brought within one year after the date
13 of injury or death, and that the amount to be recovered
14 hereunder shall not exceed five thousand dollars.

15 (b) A person so injured shall, within fourteen days
16 thereafter, or in the event of his death his executor or
17 administrator shall, within fourteen days after his
18 appointment, give to the commonwealth, county, city
19 or town concerned, or to the metropolitan district
20 commission, or to any other political subdivision con-
21 cerned, notice of the time, place and cause of the said
22 injury or death. Such notice shall not be invalid or
23 insufficient solely by reason of any inaccuracy in
24 stating the time, place or cause of the injury or death,
25 if it is shown that there was no intention to mislead
26 and that the party entitled to notice was not in fact
27 misled thereby.

28 (c) Such notice shall be in writing, signed by the
29 person injured or some one in his behalf, or by the
30 executor or administrator of the person killed, and
31 may be given in the case of the commonwealth, to the
32 state secretary or the head of the department con-
33 cerned; in the case of the county, to one of the county
34 commissioners or the county treasurer; in the case
35 of a city, to the mayor, the city clerk or treasurer; in
36 the case of a town, to one of the selectmen or to the
37 town clerk or treasurer; in the case of the metropoli-
38 tan district commission, to the commissioner or to the
39 secretary; in the case of any other political subdivision
40 of the commonwealth, to the officer or board at the
41 head of such subdivision. If by reason of physical or
42 mental incapacity it is impossible for the person in-
43 jured to give the notice within the time required, he
44 may give it within ten days after such incapacity has
45 been removed. Any form of written communication
46 signed by the person so injured or by some person in
47 his behalf, or by his executor or administrator, or by
48 some person in behalf of such executor or administra-

49 tor, which contains the information that the person
50 was so injured or killed, giving the time, place and
51 cause of the injury or death, shall be considered a
52 sufficient notice.

53 (d) A defendant shall not avail himself in defense
54 of any omission to state in such notice the time, place
55 or cause of the injury or death, unless, within five
56 days after receipt of a notice, given within the time
57 required by law and by an authorized person referring
58 to the injuries sustained or death caused and claiming
59 damages therefor, the person receiving such notice,
60 or some person in his behalf, notifies in writing the
61 person injured, his executor or administrator, or the
62 person giving or serving such notice in his behalf, that
63 his notice is insufficient and requests forthwith a
64 written notice in compliance with law. If the person
65 authorized to give such notice, within five days after
66 the receipt of such request, gives a written notice
67 complying with the law as to the time, place and cause
68 of the injury or death, such notice shall have the effect
69 of the original notice, and shall be considered a part
70 thereof.

