

HOUSE No. 6148

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 25, 1971.

The committee on Bills in the Third Reading, to whom was referred the Bill abolishing the common law rule requiring a guest-occupant of a motor vehicle to prove gross negligence in order to recover damages from his host (Senate, No. 1531), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 6148).

For the committee,

THEODORE J. ALEIXO, JR.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE RECOVERY OF DAMAGES AGAINST THE OPERATOR OF A MOTOR VEHICLE BY A GUEST ON PROOF OF ORDINARY NEGLIGENCE.

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 231 of the General Laws is hereby
2 amended by inserting after section 85J, inserted by chapter 450
3 of the acts of 1971, the following section: —

4 *Section 85K.* In an action of tort for personal injuries,
5 property damage or consequential damages caused by or arising
6 from the operation of a motor vehicle in which the plaintiff was
7 a passenger in the exercise of due care, the plaintiff may recover
8 in an action against the operator upon proof that said operator
9 was guilty of ordinary negligence resulting in said injuries or
10 damages.

1 SECTION 2. This act shall take effect on January first,
2 nineteen hundred and seventy-two, and shall apply only to causes
3 of action arising after said date.