

HOUSE No. 1620

By Mr. Magnani of Framingham, petition of David P. Magnani relative to the liability of the Commonwealth for damages to motor vehicles as a result of defects in state highways. Transportation.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT THE COMMONWEALTH BE LIABLE FOR DAMAGES TO MOTOR VEHICLES AS A RESULT OF DEFECTS IN STATE HIGHWAYS.

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 81 of the General Laws is hereby amended by inserting
2 after section 18 the following section: —
3 Section 18A. The commonwealth shall be liable for damage to
4 motor vehicles sustained by persons while traveling on state
5 highways, if the same are caused by defects within the limits of
6 the constructed traveled roadway, in the manner and subject to
7 the limitations, conditions and restrictions specified in sections
8 fifteen, eighteen and nineteen of chapter eighty-four, except that
9 the commonwealth shall not be liable for damages sustained
10 because of the want of a railing on or upon any state highway,
11 or for damage sustained during the construction, reconstruction
12 or repair of such highway. The amount which may be recovered
13 for any such damage shall not exceed one-fifth of one percent of
14 the valuation of the town in which the injury was received, nor
15 shall it exceed four thousand dollars. Notice of the damage as
16 required by law shall be given to a member of the department.

