

HOUSE No. 3754

By Mr. Murphy of Brockton, petition of Bernard Cohen, Paul Maurice Murphy and Roger Sumner Babb relative to increasing the minimum and maximum damages recoverable in actions for death. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT INCREASING THE MINIMUM AND MAXIMUM DAMAGES RECOVERABLE IN ACTIONS FOR DEATH.

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. Section 2 of chapter 229 of the General Laws
2 is hereby amended by striking out the first sentence, as amend-
3 ed by section 1 of chapter 683 of the acts of 1965, and
4 inserting in place thereof the following sentence: — A person
5 who (1) by his negligence or by breach of a contract express or
6 implied causes the death of a person in the exercise of due
7 care, or (2) by wilful, wanton or reckless act causes the death
8 of a person under such circumstances that the deceased could
9 have recovered damages for personal injuries if his death had
10 not resulted, or (3) operates a common carrier of passengers
11 and by his negligence causes the death of a passenger, or (4)
12 operates a common carrier of passengers and by his wilful,
13 wanton or reckless act causes the death of a passenger under
14 such circumstances that the deceased could have recovered
15 damages for personal injuries if his death had not resulted, shall
16 be liable in damages in the sum of not less than ten thousand
17 nor more than one hundred thousand dollars, to be assessed
18 with reference to the degree of his culpability and distributed
19 as provided in section one; except that (1) the liability of an
20 employer to a person in his employment shall not be governed

21 by this section, (2) a person operating a railroad shall not be
22 liable for negligence in causing the death of a person while
23 walking or being upon such railroad contrary to law or to the
24 reasonable rules and regulations of the carrier, and (3) a person
25 operating a street railway or electric railroad shall not be liable
26 for negligence for causing the death of a person while walking
27 or being upon that part of the street railway or electric railroad
28 not within the limits of a highway.

1 SECTION 2. This act shall take effect on January first,
2 nineteen hundred and seventy-one, and shall apply only to
3 actions for death resulting from injuries sustained or accidents
4 occurrion or after said date.