

By Mr. Casey of Winchester, petition of Daniel Parsignault relative to the liability of the Commonwealth for injuries or property damages on public roadways. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE LIABILITY OF THE COMMONWEALTH FOR PROPERTY DAMAGE.

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 18 of Chapter 81 of the Massachusetts General Laws
2 1992 Official Edition is hereby amended by striking section 18
3 and inserting in place thereof the following section: —

4 Section 18. The commonwealth shall be liable for injuries or
5 property damage sustained by persons while traveling on state
6 highways, if the same are caused by defects within the limits of
7 the constructed traveled roadway, in the manner and subject to the
8 limitations, conditions and restrictions specified in sections fif-
9 teen, eighteen and nineteen of chapter eighty-four, except that the
10 commonwealth shall not be liable for injury or property damage
11 sustained because of the want of a railing in or upon any state
12 highway, or for injury or property damage sustained upon the
13 sidewalk of a state highway or during the construction, recon-
14 struction or repair of such highway. The amount which may be
15 recovered for any such injury or property damage shall not exceed
16 one-fifth of one percent of the valuation of the town in which the
17 injury or property damage was received, nor shall it exceed four
18 thousand dollars. Notice of the injury or property damage as
19 required by law shall be given to a member of the department.

