

By Mr. Creedon of Brockton, petition of Michael C. Creedon relative to increasing the recovery of damages for certain injuries. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT INCREASING THE RECOVERY OF DAMAGES.

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 15 of Chapter 84 of the General Laws as most recently
2 amended by Chapter 512, Section 18 of the Acts of 1978 is hereby
3 amended to read as follows:

4 *Section 15.* If a person sustains bodily injury or damage in his
5 property by reason of a defect or a want of repair or a want of a
6 sufficient railing in or upon a way, and such injury or damage
7 might have been prevented, or such defect or want of repair or want
8 of railing might have been remedied by reasonable care and dili-
9 gence on the part of the county, city, town or person by law obliged
10 to repair the same, he may, if such county, city, town or person had
11 or, by the exercise of proper care and diligence, might have had
12 reasonable notices of the defect or want of repair or want of a
13 sufficient railing, recover damages thereof from such county, city,
14 town or person; but he shall not recover more than one hundred
15 thousand dollars; nor shall a county, city or town be liable for an
16 injury or damage sustained upon a way laid out and established in
17 the manner prescribed by statute until after an entry has been made
18 for the purpose of constructing the way, or during the construction
19 and repairing thereof, provided that the way shall have been
20 closed, or other sufficient means taken to caution the public
21 against entering thereon. No action shall be maintained under this
22 section by a person the combined weight of whose carriage or
23 vehicle and load exceeds six tons.

