

HOUSE No. 4168

By Mr. Creedon of Brockton, petition of Michael C. Creedon relative to notice of injury to counties, cities, towns or persons obligated to keep certain ways under repair. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT RELATIVE TO NOTICE OF INJURY.

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 84 as most recently amended by Chapter
2 1085 of the Acts of 1974 is hereby amended by striking out in lines 1
3 the words: — “within thirty days thereafter,” — and in line 5 the
4 word: “two” — and inserting in place thereof the word: — “three”
5 — so said section shall read as follows:

6 *Section 18.* A person so injured shall give to the county, city,
7 town or person by law obliged to keep said way in repair, notice of
8 the name and place of residence of the person injured, and the time,
9 place and cause of said injury or damage; and if the said county,
10 city, town or person does not pay the amount thereof, he may
11 recover the same in an action of tort if brought within three years
12 after the date of such injury or damage. Such notice shall not be
13 invalid or insufficient solely by reason of any inaccuracy in stating
14 the name or place of residence of the person injured, or the time,
15 place or cause of the injury. If it is shown that there was no
16 intention to mislead and that the party entitled to notice was not in
17 fact misled thereby, the words “place of resident of the person
18 injured”, as used in this and the two following sections, shall
19 include the street and number, if any, of his residence as well as the

20 name of the city or town thereof. Failure to give such notice for
21 such injury or damage sustained by reason of snow or ice shall not
22 be a defense under this section unless the defendant proves that he
23 was prejudiced thereby.

24 *EXPLANATION*

25 This bill increases the statute of limitations, in cases of defects in
26 a way, from two to three years. It also provides that the failure of
27 the injured person to give notice of the injury to the county,