

By Mr. Collaro of Worcester (by request), petition of Harold J. Carroll relative to claims filed by police officers or fire fighters on account of personal injury. Public Service.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-One.

AN ACT REQUIRING ELECTION OF REMEDIES.

*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 111F of chapter 41 of the General Laws,  
2 as most recently amended by chapter 646, section 2, of the acts of  
3 1977, is hereby further amended by inserting after the first para-  
4 graph the following paragraphs: —

5 If a police officer or firefighter of a city or town files any claim  
6 for, or accepts payment of, compensation from the city or town on  
7 account of personal injury sustained in the performance of his duty  
8 under this chapter, such action shall constitute a release to the city  
9 or town of all claims or demands at law, if any, arising from the  
10 injury. Such release includes, but is not limited to, claims for  
11 contribution against such city or town. A police officer or firefigh-  
12 ter and their beneficiaries shall be held to have waived their rights  
13 of action at common law or under the law of any other jurisdiction  
14 in respect to an injury therein occurring, to recover damages for  
15 personal injuries if the police officer or firefighter shall not have  
16 given his employer, at the time of his contract of hire, written notice  
17 that he claimed such a right. A police officer or firefighter who has  
18 given notice to his employer that he claimed his right of action as  
19 aforesaid may waive such claim by a written notice, which shall  
20 take effect five days after it is delivered to the employer or his agent.  
21 The notices required by this section shall be given in such a manner  
22 as the police and fire departments may approve.

23 Even if reservation of the aforesaid right of action is claimed in  
24 conformance with this section, a police officer's or firefighter's

25 claim for or receipt of compensation on account of an injury  
26 sustained in the performance of his duty shall prohibit any right of  
27 action at common law, or under the law of any other jurisdiction in  
28 respect to an injury therein occurring to recover damages for such  
29 personal injuries.

1 SECTION 2. The second paragraph of section 111F of Chapter  
2 41 of the General Laws, as most recently amended by chapter 646  
3 of the acts of 1977, is hereby further amended by inserting after the  
4 word "person", in line 4, the words: — other than the city or town.

1 SECTION 3. Section 111F of chapter 41 of the General Laws,  
2 as most recently amended by chapter 646, section 2, of the acts of  
3 1977, is hereby further amended by adding the following para-  
4 graph: —

5 Notwithstanding any contrary provisions of any general or spe-  
6 cial law, the provisions of section 111F of chapter 41 of the General  
7 Laws as hereby amended shall apply to causes of action pending at  
8 the effective date of this amendment or commenced thereafter,  
9 regardless of the time when the injury was incurred or compensa-  
10 tion was awarded under section 111F as so amended.

1 SECTION 4. Whereas, the deferred operation of this amend-  
2 ment would tend to defeat its purpose, it is hereby declared to be an  
3 emergency law, necessary for the public convenience.