

**SENATE . . . . . No. 1850**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act concerning the public duty rule..

*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 10 of chapter 258 of the General Laws, as appearing in the 2004  
2 Official Edition, is hereby amended by adding after subparagraph (j) the following new  
3 subparagraph: -

4           (k) Notwithstanding the provisions contained in sections (e) through (j), inclusive, where  
5 the threat of harm created by the negligent act or failure to act of a public employer or employee  
6 was of a reasonably foreseeable nature, and a claim is brought by a party who could not  
7 reasonably have protected himself or herself from that threat of harm, a special relationship and  
8 duty of care shall exist between the public employer or employee and that party. Where this  
9 special relationship and duty of care exists or is owed, the public employer shall be liable for any  
10 harm caused by the negligent act or failure to act of the public employer or employee.