

**HOUSE . . . . . No. 1394**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Daniel M. Donahue***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to civil liability for snow removal.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/16/2019</i>

**HOUSE . . . . . No. 1394**

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By Mr. Donahue of Worcester, a petition (accompanied by bill, House, No. 1394) of Daniel M. Donahue relative to civil liability for snow removal. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 771 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to civil liability for snow removal.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 231 of the General Laws is hereby amended by inserting after section 85AA the  
2 following section:-

3 Section 85BB. No individual who is employed to remove an accumulation of snow or ice  
4 from the property of another, and who in fact undertakes the removal of snow or ice from a  
5 property and completes the removal in accordance with any agreement between the individual  
6 and the property owner, shall be liable for any civil damages for injuries to persons or property  
7 arising out of his or her acts or omissions relating solely to the removal of such snow or ice,  
8 where: (1) 36 hours have passed between the removal of snow or ice and the incident giving rise  
9 to the claim for civil damages, during which the temperature has been below 32 degrees  
10 Fahrenheit for at least 12 hrs, or (2) snow, sleet or freezing rain has accumulated by 2 inches or

- 11 more between the removal of snow or ice and the incident giving rise to the claim for civil
- 12 damages; unless such acts or omissions constitute willful, wanton or reckless conduct.