

HOUSE No. 4157

The Commonwealth of Massachusetts

PRESENTED BY:

Brian W. Murray

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 to limit liability for property owners relative to personal injuries sustained at quarries.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/11/2021</i>

HOUSE No. 4157

By Mr. Murray of Milford, a petition (accompanied by bill, House, No. 4157) of Brian W. Murray relative to property owner liability for personal injuries sustained at quarries. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to limit liability for property owners relative to personal injuries sustained at quarries.

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 85BB, as
2 inserted by section 90 of chapter 253 of the acts of 2020, the following section:

3 Section 85CC. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “Owner of land”, a person holding an interest in land, operating a building located on
6 land or leasing land from the land’s owner.

7 “Quarry”, an excavation or pit open to the air, where stone or minerals are, or have been,
8 extracted from the earth for commercial purposes and which poses an inherent risk of serious
9 bodily injury or death.

10 (b) In any action for damages in which a party has proven a claim based upon injury to
11 person or property, in which such injury would not have occurred but for the existence of a

12 quarry on the property on which the injury occurred, an owner of land on which said quarry is
13 located shall not be liable in damages for such injury in excess of \$100,000. This section shall
14 not apply if the owner of land acts in a way that: (1) creates a foreseeable risk of serious bodily
15 injury that is not otherwise inherent in the existence of a quarry on said property, and (2)
16 substantially causes the injury.