HOUSE DOCKET, NO. 2830 FILED ON: 1/18/2013

HOUSE . . . . . No. 1216

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 punitive damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	*3rd Plymouth*
James M. Cantwell	*4th Plymouth*

HOUSE DOCKET, NO. 2830 FILED ON: 1/18/2013

HOUSE . . . . . No. 1216

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1216) of Garrett J. Bradley and James M. Cantwell relative to punitive damages. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to punitive damages.

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

SECTION 1. Chapter 229 of the General Laws is hereby amended by inserting after section 2C the following section:-

Section 2D. A person who (1) by his negligence causes substantial bodily injury, as defined in section 13J of chapter 265, to a person, or (2) operates a common carrier of passengers and by his negligence causes substantial bodily injury to a passenger, or (3) is responsible for a breach of warranty arising under Article 2 of chapter 106 which results in substantial bodily injury to a person, shall be liable for punitive damages in an amount of not less than five thousand dollars in such case as the person's substantial bodily injury was caused by the malicious, willful, wanton or reckless conduct of the defendant or by the gross negligence of the defendant; except that (1) the liability of an employer to a person in his employment shall not be governed by this section, (2) a person operating a railroad shall not be liable for negligence in causing substantial bodily injury to a person while walking or being upon such railroad contrary to law or to the reasonable rules and regulations of the carrier and (3) a person operating a street railway or electric railroad shall not be liable for negligence for causing substantial bodily injury to a person while walking or being upon that part of the street railway or electric railroad not within the limits of a highway. A person shall be liable for the negligence or the willful, wanton or reckless act of his agents or servants while engaged in his business to the same extent and subject to the same limits as he would be liable under this section for his own act. An action to recover damages under this section shall be commenced within three years from the date of the substantial bodily injury, or within three years from the date when the person who sustained such injury knew, or in the exercise of reasonable diligence, should have known of the factual basis for a cause of action, or within such time thereafter as is provided by section four, four B, nine or ten of chapter 260.