

SENATE, NO. 1037

The Commonwealth of Massachusetts



IN THE YEAR OF TWO THOUSAND AND SEVEN

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