

**HOUSE . . . . . No. 1453**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act protecting employers from frivolous litigation..

*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: Chapter 149 of the General Laws, as appearing in the 2006 Official Edition,  
2 is hereby amended by inserting after section 52C the following new section:—

3 Section 52C½. An employer or duly authorized agent of said employer who provides or  
4 otherwise discloses information about a former employee’s job performance or work record to a  
5 prospective employer or duly authorized agent is presumed to be acting in good faith and, unless  
6 lack of good faith is demonstrated by clear and convincing evidence, is immune from civil  
7 liability for such disclosure or its consequences. Clear and convincing evidence of lack of good  
8 faith shall be evidence that clearly shows the knowing disclosure, with malicious intent, of false  
9 or deliberately misleading information.