

HOUSE No. 1822

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act amending the workers' compensation act..

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 24 of chapter 152 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting at the end thereof the following sentence:-
3 Notwithstanding the foregoing, when an employee’s personal injury is the proximate cause of the
4 employee’s death and the employee has no spouse or dependents entitled to receive death
5 benefits, and the employee has not given notice to the employer that they are preserving their
6 right of action at common law as provided by this section, the employee's next of kin shall not be
7 held to have waived any right created by statute or at common law, including but not limited to,
8 claims for damages due to wrongful death.

9 SECTION 2. Section 68 of said chapter 152, as so appearing, is hereby amended by
10 inserting after the word “thereto”, in line 7, the following words:- ,except as provided by section
11 24 of this chapter.

12 SECTION 3. Section 2 of chapter 229 of the General Laws, as so appearing, is hereby
13 amended by inserting after the word “section”, in line 23, the following words:- except as
14 provided by section 24 of chapter 152,

15 SECTION 4. This act shall be effective to all causes of action which accrued on or after
16 January 1, 2008, and to all applicable causes of action now pending in any court in the
17 commonwealth.