

SENATE No. 1747

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act revising the charitable immunity cap.

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 85K of Chapter 231 of the General Laws, as appearing in the 2002
2 official edition, is hereby amended by striking out the first sentence and inserting in place thereof
3 the following sentence:-

4 It shall not constitute a defense to any cause of action based on tort brought against a
5 corporation, trustees of a trust, or members of an association that said corporation, trust or
6 association is or at the time the cause of action arose was a charity; provided, that if (a) the tort
7 was committed in the course of any activity carried on to accomplish directly the charitable
8 purposes of such corporation, trust or association, (b) such corporation, trust or association
9 derives more than fifty percent of its income from charitable gifts or donations, and (c) such
10 charitable corporation, trust or association had fewer than 25 employees at the time such cause of
11 action arose.