

# HOUSE . . . . . No. 1788

---

## The Commonwealth of Massachusetts

---

PRESENTED BY:

***Robert F. Fennell***

---

*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 the uniform operation of motor vehicles.

---

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert F. Fennell</i>	<i>10th Essex</i>	<i>1/20/2011</i>

# HOUSE . . . . . No. 1788

---

By Mr. Robert F. Fennell of Lynn, petition (accompanied by bill, House, No. 01788) of Robert F. Fennell relative to the uniform operation of motor vehicles. Joint Committee on Transportation.

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Eleven  
\_\_\_\_\_

An Act relative to the uniform operation of motor vehicles.

*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 90F of the General Laws is hereby amended by inserting at the end  
2 thereof the following new section:-

3           Section 17. Bona fide corporations

4           (a)     An individual or business entity that provides a motor vehicle and the services of  
5 a driver under a written contract that is subject to 49 CFR Part 376 to a motor carrier is not an  
6 employee of the motor carrier for the purposes of Chapters 149, 62B, 151, 151A and 152,  
7 provided that the individual or business entity:

8           (1)     Meets the requirements of Chapter 149, section 148B(a);

9           (2)     Meets the requirements of Chapter 151A, section 2: or

10          (3)     Operates by means of a bona fide corporation.

11          (b)     A corporation is deemed bona fide if it is shown that:

- 12           (1)     Articles of incorporation have been filed by the corporation;
- 13           (2)     The corporation is in good standing with the Secretary of the Commonwealth;
- 14           (3)     The corporation includes services rendered on a federal and applicable state  
15 income tax schedules as an independent business or profession;
- 16           (4)     The corporation reports its employees' income to the Internal Revenue Service  
17 and the Massachusetts Department of Revenue; and
- 18           (5)     The corporation complies with federal and state tax, unemployment insurance,  
19 workers' compensation insurance, and labor and employment law obligations with respect to its  
20 personnel.