

HOUSE No. 2287

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

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 to prohibit the use of certain liability waivers as against public policy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>	<i>1/20/2011</i>

HOUSE No. 2287

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2287) of Garrett J. Bradley relative to prohibiting the use of certain liability waivers as against public policy. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to prohibit the use of certain liability waivers as against public policy.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 231 of the General Laws, as appearing the 2008 Official Edition, is hereby
2 amended by inserting after section 85AA the following section:-

3 Section 85BB. Any waiver, disclaimer, exclusion or limitation of liability in an
4 employment application or other document purporting to release any third party from liability for
5 injuries or death, whether in tort or contract, to an employee shall be void as against public
6 policy, and no employee or employment applicant shall be required to agree to such waiver,
7 disclaimer, exclusion or limitation of liability as a condition of his or her hiring or continued
8 employment. The term “employee” as used in this paragraph shall be as defined in section one
9 of chapter 152, and shall include dependents of such employee, also as so defined, except that it
10 shall not exclude an independent contractor, or any employee thereof, providing labor or
11 materials to another. Any employer who violates the provisions of this paragraph shall be liable
12 for a penalty equal to two times the average weekly wage in the commonwealth plus the

- 13 attorney's fees and costs incurred by the employee in any action involving a determination of the
- 14 rights of the employee under this section.