

# HOUSE . . . . . No. 2308

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Tom Sannicandro***

*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 strengthening the civil penalties of stop work orders under the workers' compensation statute.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/20/2011</i>
<i>Michael F. Kane</i>	<i>5th Hampden</i>	<i>2/4/2011</i>

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By Mr. Sannicandro of Ashland, a petition (accompanied by bill, House, No. 2308) of Tom Sannicandro and Michael F. Kane relative to strengthening the civil penalties of stop work orders under the workers' compensation statute. Labor and Workforce Development.

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## The Commonwealth of Massachusetts

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

An Act relative to strengthening the civil penalties of stop work orders under the workers' compensation statute.

*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. Subsection (1) of section 25C, of chapter 152 of the General Laws, as  
2   appearing in

3           the 2010 Official Edition, is hereby amended by replacing the last sentence and inserting  
4   in place

5           thereof the following:- Such order shall take effect immediately upon its service upon  
6   said

7           employer, unless such employer provides evidence, satisfactory to the commissioner or  
8   his

9           designee, of having secured any necessary insurance or self-insurance and pays a civil  
10   penalty

11 into the private employer trust fund in an amount equal to three times the amount the  
12 employer  
13 would have paid in premium for coverage in the assigned risk pool, during any period the  
14 employer illegally failed to secure insurance or self-insurance as required by section 25A  
15 of this  
16 chapter. Said period shall include the first full day the employer failed to secure insurance  
17 or  
18 self-insurance through the date of payment of the penalty herein provided and of  
19 production of  
20 evidence of insurance or self insurance. If said period is determined to be seven business  
21 days or  
22 less, the employer shall pay into the private employer trust fund two hundred fifty dollars  
23 for  
24 each day the employer failed to secure insurance or self insurance.

25 SECTION 2. Subsection (2) of section 25C, of chapter 152 of the General Laws, as  
26 appearing in  
27 the 2010 Official Edition, is hereby amended by replacing the fifth sentence of the first  
28 paragraph and inserting in place thereof the following:- If the commissioner or his  
29 designee

30 finds at the hearing that the employer did or has not provided for all insurance or self-  
31 insurance

32 required by this chapter, the stop work order shall be effective immediately on the  
33 conclusion of

34 the hearing and shall remain in effect until such time as the employer provides evidence,

35 satisfactory to the commissioner or his designees, of having secured any necessary  
36 insurance or

37 self-insurance and pays a civil penalty into the private employer trust fund in the amount  
38 of those

39 penalties contained in subsection (1) of section 25C of this chapter.