SENATE DOCKET, NO. 1720 FILED ON: 1/18/2013

SENATE . . . . . No. 150

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 recognizing the independence of franchise operators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*

SENATE DOCKET, NO. 1720 FILED ON: 1/18/2013

SENATE . . . . . No. 150

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 150) of Bruce E. Tarr for legislation to recognize the independence of franchise operators. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act recognizing the independence of franchise operators.

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

SECTION 1. Section 148B of chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking subsection (e) in its entirety and inserting in place thereof the following:-

(e) Notwithstanding the provisions of this section, an individual who is a party to a franchise agreement under which a person or entity licenses or authorizes the individual to sell products or services in accordance with prescribed methods and procedures and under service marks, trademarks, trade names and other intellectual property licensed under such agreement shall not be considered an employee of the person or entity that grants the license or authorization. For purposes of this section, franchise shall have the meaning given to it by the Federal Trade Commission.

(f) Nothing in this section shall limit the availability of other remedies at law or in equity.