

# HOUSE . . . . . No. 1694

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Tackey Chan***

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*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.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/15/2015</i>
<i>Raymond McGrath</i>	<i>National Association of Government Employees 159 Burgin Parkway Quincy, MA 02169</i>	<i>12/22/2014</i>

# HOUSE . . . . . No. 1694

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By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 1694) of Tackey Chan and Raymond McGrath relative to strengthening the civil penalties of stop work orders under the workers' compensation statute. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1760 OF 2013-2014.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

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

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

into the private employer trust fund in an amount equal to three times the amount the employer

would have paid in premium for coverage in the assigned risk pool, during any period the employer illegally failed to secure insurance or self-insurance as required by section 25A of this

chapter. Said period shall include the first full day the employer failed to secure insurance or

self-insurance through the date of payment of the penalty herein provided and of production of

evidence of insurance or self insurance. If said period is determined to be seven business days or

less, the employer shall pay into the private employer trust fund two hundred fifty dollars for

each day the employer failed to secure insurance or self insurance.

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

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.