

HOUSE No. 1694

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

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>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

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.

[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

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.