

**SENATE . . . . . No. 1010**

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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:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1010) of Bruce E. Tarr, Viriato M. deMacedo, Robert L. Hedlund, Donald F. Humason, Jr. and other members of the General Court for legislation to recognize the independence of franchise operators. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 150 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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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:*

1           SECTION 1. Section 148B of chapter 149 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by striking subsection (e) in its entirety and inserting in  
3 place thereof the following:-

4           (e) Notwithstanding the provisions of this section, an individual who is a party to a  
5 franchise agreement under which a person or entity licenses or authorizes the individual to sell  
6 products or services in accordance with prescribed methods and procedures and under service  
7 marks, trademarks, trade names and other intellectual property licensed under such agreement  
8 shall not be considered an employee of the person or entity that grants the license or

9 authorization. For purposes of this section, franchise shall have the meaning given to it by the  
10 Federal Trade Commission.

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