

SENATE No. 874

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 revising the charitable immunity cap.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Mark C. Montigny

Second Bristol and Plymouth

Carmin L. Gentile

13th Middlesex

SENATE No. 874

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 874) of Mark C. Montigny for legislation to revise the charitable immunity cap. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 765 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act revising the charitable immunity cap.

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 85K of Chapter 231 of the General Laws, as appearing in the 2012
2 official edition, is hereby amended by striking out the first sentence and inserting in place thereof
3 the following sentence:-

4 It shall not constitute a defense to any cause of action based on tort brought against a
5 corporation, trustees of a trust, or members of an association that said corporation, trust or
6 association is or at the time the cause of action arose was a charity; provided, that if (a) the tort
7 was committed in the course of any activity carried on to accomplish directly the charitable
8 purposes of such corporation, trust or association, (b) such corporation, trust or association
9 derives more than fifty percent of its income from charitable gifts or donations, and (c) such

- 10 charitable corporation, trust or association had fewer than 25 employees at the time such cause of
- 11 action arose.