

**SENATE . . . . . No. 874**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Mark C. Montigny***

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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 revising the charitable immunity cap.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Mark C. Montigny*

*Second Bristol and Plymouth*

*Carmin L. Gentile*

*13th Middlesex*

**SENATE . . . . . No. 874**

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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.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 765 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 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.