

SENATE No. 1050

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:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 1050

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1050) of Bruce E. Tarr for legislation to recognize the independence of franchise operators. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1010 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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.