

SENATE No. 1028

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 relative to treble damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/31/2019</i>

SENATE No. 1028

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1028) of Bruce E. Tarr and Donald F. Humason, Jr. for legislation relative to treble damages. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to treble damages.

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 27 of chapter 149 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the last paragraph and inserting in place
3 thereof the following paragraph: -

4 ‘Any employee claiming to be aggrieved by a violation of this section may, at the
5 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
6 attorney general assents in writing, and within 3 years after the said violation, institute and
7 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,
8 a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other
9 benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation
10 be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other
11 benefits; and the employee shall also be awarded the costs of the litigation and reasonable
12 attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an
13 action if said violation is not willful, shall be awarded damages as determined by the court for

14 any loss of wages and other benefits; and the employee may also be awarded the costs of the
15 litigation and reasonable attorneys' fees.'

16 SECTION 2. Section 27F of said chapter 149, as so appearing, is hereby amended by
17 striking out the last paragraph and inserting in place thereof the following paragraph: -

18 'Any employee claiming to be aggrieved by a violation of this section may, at the
19 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
20 attorney general assents in writing, and within 3 years after the said violation, institute and
21 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,
22 a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other
23 benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation
24 be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other
25 benefits; and the employee shall also be awarded the costs of the litigation and reasonable
26 attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an
27 action if said violation is not willful, shall be awarded damages as determined by the court for
28 any loss of wages and other benefits; and the employee may also be awarded the costs of the
29 litigation and reasonable attorneys' fees.'

30 SECTION 3. Section 27G of said chapter 149, as so appearing, is hereby amended by
31 striking out the last paragraph and inserting in place thereof the following paragraph: -

32 'Any employee claiming to be aggrieved by a violation of this section may, at the
33 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
34 attorney general assents in writing, and within 3 years after the said violation, institute and
35 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,

36 a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other
37 benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation
38 be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other
39 benefits; and the employee shall also be awarded the costs of the litigation and reasonable
40 attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an
41 action, if said violation is not willful, shall be awarded damages as determined by the court for
42 any loss of wages and other benefits; and the employee may also be awarded the costs of the
43 litigation and reasonable attorneys' fees.'

44 SECTION 4. Section 27H of said chapter 149, as so appearing, is hereby amended by
45 striking out the last paragraph and inserting in place thereof the following paragraph: -

46 'Any employee claiming to be aggrieved by a violation of this section may, at the
47 expiration of 90 days after the filing of a complaint with the attorney general, or sooner if the
48 attorney general assents in writing, and within 3 years after the said violation, institute and
49 prosecute in his own name and on his own behalf, or for himself and for others similarly situated,
50 a civil action for injunctive relief, for any damages incurred, and for any loss of wages and other
51 benefits. Any employee so aggrieved and who prevails in such an action shall, if said violation
52 be willful, be awarded triple damages, as liquidated damages, for any loss of wages and other
53 benefits; and the employee shall also be awarded the costs of the litigation and reasonable
54 attorneys' fees; provided, further, that any employee so aggrieved and who prevails in such an
55 action, if said violation is not willful, shall be awarded damages as determined by the court for
56 any loss of wages and other benefits; and the employee may also be awarded the costs of the
57 litigation and reasonable attorneys' fees.'

58 SECTION 5. Section 150 of said chapter 149, as so appearing, is hereby amended by
59 striking out the last paragraph and inserting in place thereof the following paragraph: -

60 'Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A,
61 148B, 150C, 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days
62 after the filing of a complaint with the attorney general, or sooner if the attorney general assents
63 in writing, and within 3 years after the said violation, institute and prosecute in his own name
64 and on his own behalf, or for himself and for others similarly situated, a civil action for
65 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any
66 employee so aggrieved and who prevails in such an action shall, if said violation be willful, be
67 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the
68 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;
69 provided, further, that any employee so aggrieved and who prevails in such an action, if said
70 violation is not willful, shall be awarded damages as determined by the court for any loss of
71 wages and other benefits; and the employee may also be awarded the costs of the litigation and
72 reasonable attorneys' fees