

**SENATE . . . . . No. 1028**

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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 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**

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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.

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**The Commonwealth of Massachusetts**

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**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