SENATE DOCKET, NO. 2921 FILED ON: 4/22/2020

SENATE . . . . . No. 2700

The Commonwealth of Massachusetts

PRESENTED BY:

Paul R. Feeney

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 to provide liability protections for contractors, sub-contractors and unions during the COVID-19 Pandemic.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Paul R. Feeney	*Bristol and Norfolk*	
Linda Dean Campbell	*15th Essex*	*4/28/2020*
Patrick M. O'Connor	*Plymouth and Norfolk*	*4/28/2020*
James K. Hawkins	*2nd Bristol*	*4/28/2020*
Christine P. Barber	*34th Middlesex*	*4/30/2020*
Brendan P. Crighton	*Third Essex*	*4/30/2020*
Sal N. DiDomenico	*Middlesex and Suffolk*	*4/30/2020*
Nika C. Elugardo	*15th Suffolk*	*5/9/2020*

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By Mr. Feeney, a petition (accompanied by bill, Senate, No. 2700) (subject to Joint Rule 12) of Paul R. Feeney, Linda Dean Campbell, Patrick M. O'Connor, James K. Hawkins and other members of the General Court for legislation to provide liability protections for contractors, sub-contractors and unions during the COVID-19 Pandemic. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to provide liability protections for contractors, sub-contractors and unions during the COVID-19 Pandemic.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, during the effective period of the COVID-19 pandemic and continuing six (6) months thereafter, a construction contractor or sub-contractor shall be immune from suit and civil liability for any damages allegedly related to construction delays caused by: 1) unforeseeable shortages in available workforce resulting from the COVID-19 pandemic; 2) unavoidable schedule changes resulting from federal, state or local government orders, or other measures to protect the public from COVID-19; and, 3) contractor/sub-contractor compliance with federal, state and local government orders, or measures to protect the public (and its workforce) from COVID-19, including but not limited:

1) The Federal and State Declarations of Emergency-related orders to prevent COVID-19 transmission;

2) The Massachusetts' Stay at Home order, and related order to close businesses, issued on March 24, 2020, to prevent COVID-19 transmission;

3) Various municipal orders to cease construction within municipal boundaries to prevent transmission of COVID-19;

4) The Federal Center for Disease Control (CDC) guidelines with respect to self-quarantining of individuals and/or workforce following exposure to COVID-19 seeking to prevent further transmission of the disease;

5) The CDC guidelines concerning maintenance of social distancing and personal protective equipment (PPE) seeking to prevent COVID-19 transmission;

6) The Massachusetts' order effective March 23, 2020 closing schools across the state to prevent transmission of COVID-19 and Expanded Family Medical Leave Act provisions relative to care for school age children in light of school closings;

7) Issuance by Massachusetts of Enforcement of the COVID-19 Safety Guidelines and Procedures for Construction Sites, effective April 2, 2020.

SECTION 2. It shall be unlawful to file a civil action for damages against any employee organization or union for advising their bargaining unit members of their right to refuse to work because of an abnormally dangerous condition at the place of employment, as provided by Section 7 of the National Labor Relations Act (NLRA) and Section 502 of the Labor Management Relations Act (LMRA).

SECTION 3. This act shall take effect upon its passage and shall apply to claims based on acts or omissions that occur or have occurred during the effective period of the COVID-19 emergency, as declared on March 10, 2020.