HOUSE DOCKET, NO. 1928 FILED ON: 1/20/2011

HOUSE . . . . . No. 1788

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

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 passage of the accompanying:

An Act relative to the uniform operation of motor vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert F. Fennell	*10th Essex*

HOUSE DOCKET, NO. 1928 FILED ON: 1/20/2011

HOUSE . . . . . No. 1788

By Mr. Robert F. Fennell of Lynn, petition (accompanied by bill, House, No. 01788) of Robert F. Fennell relative to the uniform operation of motor vehicles. Joint Committee on Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the uniform operation of motor vehicles.

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. Chapter 90F of the General Laws is hereby amended by inserting at the end thereof the following new section:-

Section 17. Bona fide corporations

(a) An individual or business entity that provides a motor vehicle and the services of a driver under a written contract that is subject to 49 CFR Part 376 to a motor carrier is not an employee of the motor carrier for the purposes of Chapters 149, 62B, 151, 151A and 152, provided that the individual or business entity:

(1) Meets the requirements of Chapter 149, section 148B(a);

(2) Meets the requirements of Chapter 151A, section 2: or

(3) Operates by means of a bona fide corporation.

(b) A corporation is deemed bona fide if it is shown that:

(1) Articles of incorporation have been filed by the corporation;

(2) The corporation is in good standing with the Secretary of the Commonwealth;

(3) The corporation includes services rendered on a federal and applicable state income tax schedules as an independent business or profession;

(4) The corporation reports its employees' income to the Internal Revenue Service and the Massachusetts Department of Revenue; and

18 (5) The corporation complies with federal and state tax, unemployment insurance,
19 workers' compensation insurance, and labor and employment law obligations with respect to its
20 personnel.