

**HOUSE . . . . . No. 02287**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Garrett J. Bradley***

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*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 bill:

An Act to prohibit the use of certain liability waivers as against public policy.

\_\_\_\_\_  
PETITION OF:

NAME:

*Garrett J. Bradley*

DISTRICT/ADDRESS:

*3rd Plymouth*

# HOUSE . . . . . No. 02287

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2287) of Bradley relative to prohibiting the use of certain liability waivers as against public policy Joint Committee on Labor and Workforce Development.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to prohibit the use of certain liability waivers as against public policy.

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

- 1 Chapter 231 of the General Laws, as appearing the 2008 Official Edition, is hereby amended by
- 2 inserting after section 85AA the following section:-
- 3 Section 85BB. Any waiver, disclaimer, exclusion or limitation of liability in an employment
- 4 application or other document purporting to release any third party from liability for injuries or
- 5 death, whether in tort or contract, to an employee shall be void as against public policy, and no
- 6 employee or employment applicant shall be required to agree to such waiver, disclaimer,
- 7 exclusion or limitation of liability as a condition of his or her hiring or continued employment.
- 8 The term “employee” as used in this paragraph shall be as defined in section one of chapter 152,
- 9 and shall include dependents of such employee, also as so defined, except that it shall not
- 10 exclude an independent contractor, or any employee thereof, providing labor or materials to
- 11 another. Any employer who violates the provisions of this paragraph shall be liable for a penalty

12 equal to two times the average weekly wage in the commonwealth plus the attorney's fees and  
13 costs incurred by the employee in any action involving a determination of the rights of the  
14 employee under this section.