

**HOUSE . . . . . No. 4744**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul W. Mark and Daniel M. Donahue***

*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:
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>
<i>RoseLee Vincent</i>	<i>16th Suffolk</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Peter Capano</i>	<i>11th Essex</i>

<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>James T. Welch</i>	<i>Hampden</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>

<i>Christopher Hendricks</i>	<i>11th Bristol</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>

**HOUSE . . . . . No. 4744**

By Messrs. Mark of Peru and Donahue of Worcester, a petition (subject to Joint Rule 12) of Paul W. Mark and others 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:*

1 Section 1.

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

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

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

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

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

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

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

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

26           SECTION 2.

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

32           SECTION 3.

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