

HOUSE No. 02308

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

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 relative to strengthening the civil penalties of stop work orders under the workers' compensation statute.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Michael F. Kane</i>	<i>5th Hampden</i>

HOUSE No. 02308

By Mr. Sannicandro of Ashland, a petition (accompanied by bill, House, No. 2308) of Kane and Sannicandro relative to strengthening the civil penalties of stop work orders under the workers' compensation statute Joint Committee on Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to strengthening the civil penalties of stop work orders under the workers' compensation statute.

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. Subsection (1) of section 25C, of chapter 152 of the General Laws, as appearing in
2 the 2010 Official Edition, is hereby amended by replacing the last sentence and inserting in place
3 thereof the following:- Such order shall take effect immediately upon its service upon said
4 employer, unless such employer provides evidence, satisfactory to the commissioner or his
5 designee, of having secured any necessary insurance or self-insurance and pays a civil penalty
6 into the private employer trust fund in an amount equal to three times the amount the employer
7 would have paid in premium for coverage in the assigned risk pool, during any period the
8 employer illegally failed to secure insurance or self-insurance as required by section 25A of this

9 chapter. Said period shall include the first full day the employer failed to secure insurance or
10 self-insurance through the date of payment of the penalty herein provided and of production of
11 evidence of insurance or self insurance. If said period is determined to be seven business days or
12 less, the employer shall pay into the private employer trust fund two hundred fifty dollars for
13 each day the employer failed to secure insurance or self insurance.

14 SECTION 2. Subsection (2) of section 25C, of chapter 152 of the General Laws, as appearing in
15 the 2010 Official Edition, is hereby amended by replacing the fifth sentence of the first
16 paragraph and inserting in place thereof the following:- If the commissioner or his designee
17 finds at the hearing that the employer did or has not provided for all insurance or self-insurance
18 required by this chapter, the stop work order shall be effective immediately on the conclusion of
19 the hearing and shall remain in effect until such time as the employer provides evidence,
20 satisfactory to the commissioner or his designees, of having secured any necessary insurance or
21 self-insurance and pays a civil penalty into the private employer trust fund in the amount of those
22 penalties contained in subsection (1) of section 25C of this chapter.