

HOUSE No. 3583

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

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 regarding treble damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martha M. Walz	8th Suffolk
Bruce E. Tarr	First Essex and Middlesex
John D. Keenan	7th Essex
Scott P. Brown	Norfolk, Bristol and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Bradley H. Jones, Jr.	20th Middlesex
Thomas P. Conroy	13th Middlesex
Susan C. Tucker	Second Essex and Middlesex
Mary E. Grant	6th Essex
Alice Hanlon Peisch	14th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING TREBLE DAMAGES.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 27 of chapter 149 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out the last paragraph and inserting in place thereof the
3 following paragraph:

4 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90
5 days after the filing of a complaint with the attorney general, or sooner if the attorney general
6 assents in writing, and within 3 years after the said violation, institute and prosecute in his own
7 name and on his own behalf, or for himself and for others similarly situated, a civil action for
8 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any
9 employee so aggrieved and who prevails in such an action shall if said violation be willful, be
10 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the
11 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;
12 provided, further, that any employee so aggrieved and who prevails in such an action if said
13 violation is not willful, shall be awarded damages as determined by the court for any loss of
14 wages and other benefits; and the employee may also be awarded the costs of the litigation and
15 reasonable attorneys' fees

16 SECTION 2. Section 27F of said chapter 149, as so appearing, is hereby amended by striking
17 out the last paragraph and inserting in place thereof the following paragraph:

18 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90
19 days after the filing of a complaint with the attorney general, or sooner if the attorney general

20 assents in writing, and within 3 years after the said violation, institute and prosecute in his own
21 name and on his own behalf, or for himself and for others similarly situated, a civil action for
22 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any
23 employee so aggrieved and who prevails in such an action shall if said violation be willful, be
24 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the
25 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;
26 provided, further, that any employee so aggrieved and who prevails in such an action if said
27 violation is not willful, shall be awarded damages as determined by the court for any loss of
28 wages and other benefits; and the employee may also be awarded the costs of the litigation and
29 reasonable attorneys' fees

30 SECTION 3. Section 27G of said chapter 149, as so appearing, is hereby amended by striking
31 out the last paragraph and inserting in place thereof the following paragraph:

32 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90
33 days after the filing of a complaint with the attorney general, or sooner if the attorney general
34 assents in writing, and within 3 years after the said violation, institute and prosecute in his own
35 name and on his own behalf, or for himself and for others similarly situated, a civil action for
36 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any
37 employee so aggrieved and who prevails in such an action shall if said violation be willful, be
38 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the
39 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;
40 provided, further, that any employee so aggrieved and who prevails in such an action if said
41 violation is not willful, shall be awarded damages as determined by the court for any loss of
42 wages and other benefits; and the employee may also be awarded the costs of the litigation and
43 reasonable attorneys' fees

44 SECTION 4. Section 27H of said chapter 149, as so appearing, is hereby amended by striking
45 out the last paragraph and inserting in place thereof the following paragraph:

46 Any employee claiming to be aggrieved by a violation of this section may, at the expiration of 90
47 days after the filing of a complaint with the attorney general, or sooner if the attorney general
48 assents in writing, and within 3 years after the said violation, institute and prosecute in his own
49 name and on his own behalf, or for himself and for others similarly situated, a civil action for
50 injunctive relief, for any damages incurred, and for any loss of wages and other benefits. Any
51 employee so aggrieved and who prevails in such an action shall if said violation be willful, be
52 awarded triple damages, as liquidated damages, for any loss of wages and other benefits; and the
53 employee shall also be awarded the costs of the litigation and reasonable attorneys' fees;
54 provided, further, that any employee so aggrieved and who prevails in such an action if said
55 violation is not willful, shall be awarded damages as determined by the court for any loss of
56 wages and other benefits; and the employee may also be awarded the costs of the litigation and
57 reasonable attorneys' fees

58 SECTION 5. Section 150 of said chapter 149, as amended by section 2 of chapter 99 of the acts
59 of 2005, is hereby further amended by striking out the last paragraph and inserting in place
60 thereof the following paragraph:

61 Any employee claiming to be aggrieved by a violation of sections 33E, 148, 148A, 148B, 150C,
62 152, 152A or 159C or section 19 of chapter 151 may, at the expiration of 90 days after the filing
63 of a complaint with the attorney general, or sooner if the attorney general assents in writing, and
64 within 3 years after the said violation, institute and prosecute in his own name and on his own
65 behalf, or for himself and for others similarly situated, a civil action for injunctive relief, for any
66 damages incurred, and for any loss of wages and other benefits. Any employee so aggrieved and
67 who prevails in such an action shall if said violation be willful, be awarded triple damages, as
68 liquidated damages, for any loss of wages and other benefits; and the employee shall also be
69 awarded the costs of the litigation and reasonable attorneys' fees; provided, further, that any
70 employee so aggrieved and who prevails in such an action if said violation is not willful, shall be
71 awarded damages as determined by the court for any loss of wages and other benefits; and the
72 employee may also be awarded the costs of the litigation and reasonable attorneys' fees.
73