

By Mr. Bassett of Lynn, petition of Timothy A. Bassett for legislation to amend the workmen's compensation law. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT AMENDING THE WORKMEN'S COMPENSATION ACT.

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 152 of the General Laws is hereby amended by striking
2 out Section 24, as most recently amended by Section 5 of Chapter
3 174 of the Acts of 1955, and inserting in place thereof the following
4 section: —

5 *Section 24.* The liability of an employer to provide for the
6 payment of compensation to his employees prescribed by Section
7 25(a), shall be exclusive and in place of any other liability what-
8 soever, to such employee, his personal representatives, spouse,
9 parents, dependents or next of kin, or anyone otherwise entitled to
10 recover damages, at common law or otherwise for any and all
11 causes of action on account of, or in connection with, any such
12 injury or death; but it shall be optional with an employee at the
13 time of his contract of hire to accept compensation as provided by
14 this chapter or to retain his right of action at common law to
15 recover damages for personal injuries.

16 The employee's election to retain his right of action at common
17 law shall be made by giving his employer written notice that he
18 claimed such right, or if the contract of hire was made before the
19 employer became an insured person or self-insurer, if the employee
20 shall not have given the said notice within thirty days of the time
21 said employer became an insured person or self-insurer. An
22 employee who has given notice to his employer that he claimed his
23 right of action as aforesaid may waive such claim by a written
24 notice which shall take effect five days after it is delivered to the
25 employer or his agent. The notices required by this section shall be
26 given in such manner as the Division may approve.

