

SENATE No. 51

By Mr. Lees, a petition (accompanied by bill, Senate, No. 51) of Brian P. Lees, Henri S. Rauschenbach, Michael R. Knapik, Bruce E. Tarr and other members of the General Court for legislation relative to the reduction of fines in certain workers compensation judgments. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT RELATIVE TO WORKERS' COMPENSATION.

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 (2) of section 25C of chapter 152 of
2 the General Laws, as appearing in the 1996 Official Edition, is
3 hereby amended by inserting after the first paragraph the
4 following paragraph:—

5 Following any hearing in which the Commissioner or his
6 designee has concluded that an employer has not provided for all
7 insurance or self insurance required by this chapter, the commis-
8 sioner may, at his discretion, reduce the amount of said fines to an
9 amount not lower than \$250 if the investigation or hearing deter-
10 mines one or more of the following factors: (a) imposition of the
11 total fine would have a severe negative impact on the cash flow or
12 financial stability of said business; or (b) weekends and holidays
13 interrupted the ability to secure coverage in a more timely
14 fashion; or (c) the business was unable to secure voluntary
15 coverage, thus delaying their application to the Massachusetts
16 Workers' Compensation Assigned Work Pool for coverage; or
17 (d) the amount of annual premium for worker's compensation
18 coverage is less than the amount of fines imposed by the depart-
19 ment under the stop work order.

1 SECTION 2. Section 75A of said chapter 152 is hereby
2 amended by inserting after the word "available," in line 6, the
3 following words:— and provided further, that such person has not

4 been employed by any other employer for a period exceeding six
5 months since the date such compensable injury occurred.

1 SECTION 3. Subsection (4) of section 1 of said chapter 152 is
2 hereby amended by inserting after the third paragraph the
3 following paragraph:—

4 The provisions of this chapter shall remain elective as to
5 corporate officers, regardless of their duties.