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[Senate, May 3, 2004 — Mr. Hart gives notice to amend House, No. 4431, relative to tips received by certain employees.]

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The Commonwealth of Massachusetts

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In the Year Two Thousand and Four.

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1 By inserting before section 1, the following 19 sections:—  
2 “SECTION 1. Section 27B of said chapter 149 of the General  
3 Laws, as appearing in the 2002 Official Edition, is hereby amended  
4 by striking out, in line 7, the words ‘to the commissioner’ and  
5 inserting in place thereof the following words:— promptly furnish to  
6 the attorney general, or his representative.

1 SECTION 2. Said section 27B of said chapter 149, as so appear-  
2 ing, is hereby further amended by inserting after the word  
3 ‘authority’, in line 17, the following word:— directly.

1 SECTION 3. Said section 27B of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out, in line 22, the words  
3 ‘commissioner of labor and industries’ and inserting in place thereof  
4 the following words:— awarding authority directly.

1 SECTION 4. Said section 27B of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out the words ‘interested  
3 party’, in line 28, and inserting in place thereof the following  
4 word:— person.

1 SECTION 5. Said section 27B of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out the word ‘commis-  
3 sioner’, in line 29, and inserting in place thereof the following  
4 words:— awarding authority.

1 SECTION 6. Said section 27B of said chapter 149, as so appear-  
2 ing, is hereby further amended by inserting after the word ‘inspec-  
3 tion’, in line 28, the following words:— and copying.

1 SECTION 7. Section 27C of chapter 149 of the General Laws, as  
2 appearing, in the 2002 Official Edition, is hereby amended by  
3 striking out, in line 27, the words ‘or 27H’ and inserting in place  
4 thereof the following words:— , 27H or 148B.

1 SECTION 8. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out, in line 34, the words  
3 ‘or 27H’ and inserting in place thereof the following words:— , 27H  
4 or 148B.

1 SECTION 9. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out, in line 44, the word  
3 ‘send’ and inserting in place thereof the following word:— publish.

1 SECTION 10. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out, in line 83, the words  
3 ‘or 27H’ and inserting in place thereof the following words:— , 27H  
4 or 148B.

1 SECTION 11. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out, in line 91, the word  
3 “such” and inserting in place thereof the word:— ‘a.’

1 SECTION 12. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out, in line 94, the word  
3 ‘such’ and inserting in place thereof the word:— ‘a.’

1 SECTION 13. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by inserting after the word ‘order’, in  
3 line 103 the following words:— or a final court order, whichever  
4 is later.

1 SECTION 14. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by inserting after the word ‘affirm’,  
3 in lines 113 and 114, the following words:— or if the aggrieved  
4 person demonstrates by a preponderance of evidence that the citation  
5 or order was erroneously issued.

1 SECTION 15. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by inserting after the word ‘com-  
3 plaint’, in line 131 the following words:— or seek indictment.

1 SECTION 16. Said section 27C of said chapter 149, as so appear-  
2 ing, is hereby further amended by inserting after the word 'amount',  
3 in line 136, the following words:— and any restitution order.

1 SECTION 17. Section 150 of said chapter 149, as so appearing, is  
2 hereby amended by inserting after the word 'complaint', in line 1,  
3 the following words:— or seek indictment.

1 SECTION 18. Said section 150 of said chapter 149, as so appear-  
2 ing, is hereby further amended by striking out, in lines 2 and 3, the  
3 words 'within three months after the date thereof.'

1 SECTION 19. Said section 150 of said chapter 149, as so appear-  
2 ing, is hereby further amended by inserting after the word 'section',  
3 in line 21, the following figure:— 52C,."; and by adding the  
4 following 4 sections:—

1 "SECTION 22. Section 15 of chapter 151 of the General Laws, as  
2 so appearing, is hereby amended by striking out, in lines 11 and 12,  
3 the words 'they shall have the right to make a transcript thereof' and  
4 inserting in place thereof the following words:— the employer shall  
5 furnish immediately to the attorney general, commissioner or repre-  
6 sentative, upon request, a copy of any of these records.

1 SECTION 23. Said section 15 of said chapter 151, as so appear-  
2 ing, is hereby further amended by adding the following sentence:—  
3 An employer shall allow an employee at reasonable times and places  
4 to inspect the records kept under this section and pertaining to that  
5 employee.

1 SECTION 24. Section 19 of said chapter 151, as so appearing, is  
2 hereby amended by striking out subsection (3) and inserting in place  
3 thereof the following subsection:—

4 (3) An employer or the officer or agent of a corporation who fails  
5 to keep the true and accurate records required under this chapter or  
6 to furnish a record to the attorney general, the commissioner, or an  
7 authorized representative of the attorney general or commissioner  
8 upon request, or who falsifies a record, or who fails to allow an  
9 employee to inspect a record under section 15, or who fails to  
10 comply with a requirement of the commissioner under the last sen-  
11 tence of section 16, or who hinders or delays the attorney general,

12 commissioner or representative in the performance of his duties, or  
13 who refuses to admit, or locks out, the attorney general, commis-  
14 sioner, or representative from a place of employment, other than a  
15 place of employment of a person engaged in domestic service in the  
16 home of the employer, which he is authorized to inspect, shall have  
17 violated this section and shall be punished or shall be subject to a  
18 civil citation or order as provided in section 27C of chapter 149, and  
19 each day of the failure to keep a record or to furnish to the attorney  
20 general, commissioner or representative a record or other informa-  
21 tion required for the proper enforcement of this chapter shall consti-  
22 tute a separate offense.

1 SECTION 25. Subsection (5) of said section 19 of said chap-  
2 ter 151, as so appearing, is hereby amended by adding the  
3 following sentence:— An employer who discharges or in any other  
4 manner penalizes or discriminates against an employee because the  
5 employee has made a complaint to the attorney general or any  
6 other person, or assists the attorney general in an investigation  
7 under this chapter, or has instituted, or caused to be instituted a  
8 proceeding under or related to this chapter, or has testified or is  
9 about to testify in the proceeding, or has taken any other action to  
10 seek rights under this chapter, shall have violated this section and  
11 shall be punished or shall be subject to a civil citation or order as  
12 provided in section 27C.