

By Mr. Brett of Boston, petition of the Massachusetts State Council of Carpenters, Daniel E. Bosley and another for legislation to authorize the private enforcement of the prevailing wage law. Commerce and Labor.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE PRIVATE ENFORCEMENT OF THE PREVAILING WAGE LAW.

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. Chapter 149, Section 27C of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting at the end of said section the following paragraph: —

4 Notwithstanding the authority granted to the department and
5 the commissioner and notwithstanding any other law, any person
6 may bring an action for damages and equitable relief in the
7 superior court against whomever violates any provision of the four
8 preceding sections. Any person shall have standing to bring such
9 an action without regard to actual injury by reason of the alleged
10 violation. In any civil action under this paragraph, a prevailing
11 plaintiff shall be awarded costs and reasonable attorneys fees.
12 A finding by a court in a civil action under this paragraph that
13 a person has violated any provision of the four preceding sections
14 shall be treated in the same manner as if that person were
15 convicted as set forth in the preceding paragraph.

1 SECTION 2. Chapter 149, Section 27B of the General Laws,
2 as so appearing, is hereby amended by adding after the words
3 “authorized representative of the department”, in line 11, the
4 following words: — or any other person.

1 SECTION 3. Chapter 149, Section 27B is hereby further
2 amended by striking the last paragraph of said section on lines 21
3 through 23 and inserting in place thereof the following new
4 paragraph: —

5 The above mentioned copies of payroll records and statements
6 of compliance shall be available for inspection by any interested
7 party at any reasonable time.