

By Mr. Mariano of Quincy, petition of Ronald Mariano relative to liability for workers' compensation payments. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO PROFESSIONAL LIABILITY INSURANCE.

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 15 of chapter 152 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 replacing the next to last sentence with the following:— “Nothing in
4 this section, or in section 18 or 24 shall be construed to bar an action
5 at law for damages for personal injuries or wrongful death by an
6 employee against any person other than (1) the insured person
7 employing such employee and liable for the payment of the compen-
8 sation provided by this chapter for the employee’s personal injury or
9 wrongful death and said persons employees, and (2) an insured
10 employee leasing company and its client company, as defined in
11 Section 14A of this chapter, if each are in compliance with the
12 requirements of this chapter. At no time shall this section apply to
13 temporary staffing agencies.”

1 SECTION 2. Section 14A of Chapter 152 of the General Laws, is
2 hereby amended by replacing subsection 2 with the following:—
3 “The commissioner shall establish by regulation that the employee
4 leasing company shall be the policyholder of a workers’ compensa-
5 tion insurance policy providing coverage to employees leased to
6 client companies, and the manner and method of determining the
7 appropriate premiums of clients companies and employee leasing
8 companies. At no time shall this section apply to temporary staffing
9 agencies.”

