HOUSE DOCKET, NO. 2526 FILED ON: 1/17/2013

HOUSE . . . . . No. 1368

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to damages.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	*16th Middlesex*
Ryan C. Fattman	*18th Worcester*

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HOUSE . . . . . No. 1368

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 1368) of Thomas A. Golden, Jr. and Ryan C. Fattman for legislation to further regulate tort actions brought against charities and employee organizations. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to damages.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1.

Section 85k of Chapter 231 of the Massachusetts General Laws shall be amended by striking the first paragraph in its entirety and inserting in place there of the following paragraph:-

"Section 85K. It shall not constitute a defense to any cause of action based on tort brought against a corporation, trustees of a trust, or members of an association that said corporation, trust, or association is or at the time the cause of action arose was a charity or employee organization as defined in section 1 of chapter 150E; provided, that if the tort was committed in the course of any activity carried on to accomplish directly the charitable or employee organization directed purposes of such corporation, trust, or association, liability in any such cause of action shall not exceed the sum of twenty thousand dollars exclusive of interest and costs. Notwithstanding any other provision of this section, the liability of charitable corporations or employee organization corporations, the trustees of charitable trusts or the trustees of employee organizations, and the members of charitable associations or the members of employee organizations shall not be subject to the limitations set forth in this section if the tort was committed in the course of activities primarily commercial in character even though carried on to obtain revenue to be used for charitable purposes or for employee organization purposes."