SENATE DOCKET, NO. 1054 FILED ON: 1/17/2013

SENATE . . . . . No. 765

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 revising the charitable immunity cap..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark C. Montigny	*Second Bristol and Plymouth*

SENATE DOCKET, NO. 1054 FILED ON: 1/17/2013

SENATE . . . . . No. 765

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 765) of Mark C. Montigny for legislation to revise the charitable immunity cap. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *825* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act revising the charitable immunity cap..

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 General Laws, as appearing in the 2010 official edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

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; provided, that if (a) the tort was committed in the course of any activity carried on to accomplish directly the charitable purposes of such corporation, trust or association, (b) such corporation, trust or association derives more than fifty percent of its income from charitable gifts or donations, and (c) such charitable corporation, trust or association had fewer than 25 employees at the time such cause of action arose.