

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, 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 bill:

An Act protecting employers from frivolous litigation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

AN ACT PROTECTING EMPLOYERS FROM FRIVOLOUS LITIGATION.

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 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by inserting after section 52C the following new section:—

3 Section 52C½. An employer or duly authorized agent of said employer who provides or
4 otherwise discloses information about a former employee's job performance or work record to a
5 prospective employer or duly authorized agent is presumed to be acting in good faith and, unless
6 lack of good faith is demonstrated by clear and convincing evidence, is immune from civil
7 liability for such disclosure or its consequences. Clear and convincing evidence of lack of good
8 faith shall be evidence that clearly shows the knowing disclosure, with malicious intent, of false
9 or deliberately misleading information.