

HOUSE No. 254

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to the protection of employers from frivolous litigation. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Robert S. Hargraves
Mary S. Rogeness	Karyn E. Polito
George N. Peterson, Jr.	Susan Williams Gifford
John A. Lepper	Richard J. Ross
Viriato Manuel deMacedo	Jeffrey Davis Perry
Paul K. Frost	Donald F. Humason, Jr.
Elizabeth A. Poirier	Todd M. Smola

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO 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 Chapter 149 of the General Laws, as appearing in the 2004 Offi-
2 cial Edition, is hereby amended by inserting after section 52C the
3 following new section:—
4 Section 52C½. An employer or duly authorized agent of said
5 employer who provides or otherwise discloses information about a
6 former employee's job performance or work record to a prospective
7 employer or duly authorized agent is presumed to be acting in good
8 faith and, unless lack of good faith is demonstrated by clear and con-
9 vincing evidence, is immune from civil liability for such disclosure
10 or its consequences. Clear and convincing evidence of lack of good
11 faith shall be evidence that clearly shows the knowing disclosure,
12 with malicious intent, of false or deliberately misleading
13 information.