

HOUSE No. 01324

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

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 to certify the validity of a mechanic's lien and reduce the time limitation to file suit .

PETITION OF:

NAME:

John D. Keenan

DISTRICT/ADDRESS:

7th Essex

HOUSE No. 01324

By Mr. John D Keenan of Salem, petition (accompanied by bill, House, No. 01324) of John D Keenan for legislation to certify the validity of a mechanic's lien and reduce the time limitation to file suit . Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to certify the validity of a mechanic's lien and reduce the time limitation to file suit .

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

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

3 AN ACT CERTIFYING THE VALIDITY OF A MECHANIC’S LIEN AND REDUCE THE
4 TIME LIMITATION TO FILE SUIT

5 SECTION 1. Section 1 of chapter 254 of the General Laws, as appearing in the 2008 Official
6 Edition, is hereby amended by striking out, in line 22, the words “for the ninety days next”.

7 SECTION 2. Section 2 of said chapter 254, as so appearing, is hereby amended by striking out,
8 in lines 30 and 32, the word “ninety” and substituting in each instance, the word:

9 sixty

10 SECTION 3. Section 4 of said chapter 254 is hereby amended by striking out in lines 33 and 34,
11 the word “ninety” and substituting, in each instance, the word:

12 sixty

13

14 Section 4 shall be further amended by adding the following after the address of the party filing or
15 recording the notice:

16 I, contractor’s or filer’s name, hereby state under the pains and penalties of perjury that I have
17 satisfactory documentation to support this lien and that is not a frivolous filing. I fully
18 understand that should this be found to be a non-substantiated lien, I may be responsible for
19 court fees and fines as are assessed by the court or required by statute. Signed this ____ day of
20 _____, 20___. Contractor’s or filer’s signature.

21 SECTION 4. Section 8 of said chapter 254 is hereby amended by striking out, in line 3, the word
22 “ninety” and by striking out in lines 5 and 6 the words “one hundred and twenty” and in line 8
23 the word “ninety” and substituting in each instance, the word:

24 sixty

25 Section 8 shall be further amended by adding the following to the notice:

26 I, contractor’s or filer’s name, hereby state under the pains and penalties of perjury that I have
27 satisfactory documentation to support this lien and that is not a frivolous filing. I fully
28 understand that should this be found to be a non-substantiated lien, I may be responsible for
29 court fees and fines as are assessed by the court or required by statute. Signed this ____ day of
30 _____, 20___. Contractor’s or filer’s signature.

31 SECTION 5. Section 11 of said chapter 254 is hereby amended by striking out, in line 2, the
32 word “ninety” and substituting in place thereof, the following word:

33 sixty

34 SECTION 6. Section 15 of said chapter 254 is hereby amended by adding the following to the
35 end of the section:

36 If the court finds that the filer of a lien, filed or recorded such without merit to his/her claim, the
37 court will fine the filer a minimum of \$250.00. Such fine shall be used to repay all court costs
38 with any remainder of the fine being payable to the general fund.

39 SECTION 7. Section 15A of said chapter 254 is hereby amended by adding the following to the
40 end of the section:

41 If the court finds that the filer of any recorded document or complaint has filed/recorded such
42 without merit to his/her claim, the court shall fine the filer a minimum of \$250.00. Such fine
43 shall be used to repay all court costs, including full reimbursement to the homeowner for a
44 verified complaint within this section, and any remainder of the fine will be payable to the
45 general fund.