

HOUSE No. 288

The Commonwealth of Massachusetts

PRESENTED BY:

Ann-Margaret Ferrante

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 adoption of the accompanying bill:

An Act relative to partial payment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/18/2023</i>

HOUSE No. 288

By Representative Ferrante of Gloucester, a petition (accompanied by bill, House, No. 288) of Ann-Margaret Ferrante for legislation to further regulate residential contracting agreements. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 360 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to partial payment.

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. Section 2 of chapter 142A of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out clause (6), and inserting in place thereof the
3 following:-

4 (6) a time schedule of payments to be made under said contract and the amount of each
5 payment stated in dollars, including all finance charges. Any deposit required under the contract
6 to be paid in advance of the commencement of work under said contract shall not exceed the
7 greater of one-third of the total contract price or the actual cost of any materials or equipment of
8 a special order or custom made nature, which must be ordered in advance of the commencement
9 of work, in order to assure that the project will proceed on schedule. No final payment shall be
10 demanded until the contract is completed to the satisfaction of the parties thereto; provided,

11 however, the provisions of this clause (6), except for the first sentence, shall not apply to
12 contractors furnishing a performance and payment bond, lien or completion bond, or a bond
13 equivalent approved by the director of consumer affairs and business regulation covering a
14 minimum of two million dollars;

15 SECTION 2. Said section 2 of chapter 142A, as so appearing, is hereby further amended
16 by adding at the end thereof the following:-

17 Any violation of this section shall constitute an unfair method of competition or unfair or
18 deceptive act or practice in violation of chapter 93A.