

**HOUSE . . . . . No. 3695**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Michael J. Rodrigues**

*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 limit losses of subcontractors in private construction .**

PETITION OF:

NAME:

Michael J. Rodrigues

DISTRICT/ADDRESS:

8th Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO LIMIT LOSSES OF SUBCONTRACTORS IN PRIVATE CONSTRUCTION .

*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 2006 Official Edition, is hereby  
2 amended by inserting after Section 29D the following section 29E:-

3 SECTION 29E. Any provision for or in connection with a contract or agreement for  
4 construction, alteration, repair or maintenance of a building, structure, or other improvement to  
5 real property, including moving, demolition and excavating connected therewith, purporting to  
6 require a subcontractor to continue performance if more than forty-five days have elapsed since  
7 the last day of the month in which such subcontractor furnished labor, materials, services, tools  
8 or equipment for which such subcontractor has not received payment, shall be void, except to the  
9 extent such subcontractor has received prior written notice of a good faith dispute regarding the  
10 quality or quantity of the labor, materials, services, tools or equipment so furnished. This Section  
11 shall not apply to contracts for public buildings or works.