

# HOUSE . . . . . No. 1804

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act to Promote Fairness in Private Construction Contracts..

*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.

2           (a) Sections 1 through 7, and amendments thereto, shall be known as the Massachusetts  
3 fairness in private construction contract act.

4           (b) The rights and duties prescribed by this act shall not be waivable or varied under the  
5 terms of a contract. The terms of any contract waiving the rights and duties prescribed by this act  
6 shall be void and unenforceable.

7           SECTION 2. Definitions.

8           As used in this act:

9           (a) “Construction” means the whole or the part of the erection, alteration, repair or  
10 removal of a building, structure or other improvement to real property, whether underground or  
11 above ground, or the furnishing of material or rental equipment, appliances or tools therefor.

12           (b) “Contract” means a written agreement concerning construction made and entered  
13 into by and between an owner and a contractor, a contractor and a subcontractor or a  
14 subcontractor and another subcontractor, including all plans, specifications and addenda relating  
15 thereto.