

HOUSE No. 1804

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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.