

HOUSE No. 3621

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to establish delay penalties in highway construction projects..

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 81 of the General Laws, as appearing in the 2006 Official Edition, is hereby
2 amended by adding the following section: -

3 SECTION 33. The department may establish and impose a reasonable penalty for
4 unreasonable delays in right-of-way excavation, obstruction, patching, or restoration by the
5 contractor, subcontractor, or utility involved in the construction, repair or improvement of public
6 ways under the provisions of chapter eighty-one or chapter eighty-four. The delay penalty will be
7 specified in advance by the department and said penalty may be levied daily as long as the delay
8 continues. A delay penalty will not be imposed if the delay in project completion is due to
9 circumstances beyond the control of the contractor, subcontractor, or utility, including without
10 limitation, inclement weather, acts of God, or civil strife.