

**HOUSE . . . . . No. 4228**

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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 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 SECTION 1. Chapter 149 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by inserting after Section 29D the following section:-

3 SECTION 29F. 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 45 days have elapsed since the last  
7 day of the month in which such subcontractor furnished labor, materials, services, tools or  
8 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.