

SENATE No. 1806

The Commonwealth of Massachusetts

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In the Year Two Thousand Nine
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An Act Relative to a Lien for Architects, Engineers, Land Surveyors, and Site Professionals ..

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: The General Laws are amended by striking out Chapter 254 and hereby
2 inserting in place thereof the following chapter: Chapter 254

3 Section 1. Labor, Professional Services performed; definitions, limitation on
4 lien; filing

5 (a) As used in this chapter the following words shall, unless the context clearly requires
6 otherwise, have the following meanings:—

7 (i) “Design professional” means a licensed architect, registered professional
8 engineer, registered land surveyor, and licensed site professional.

9 (ii) “Professional services” means those services performed by licensed
10 architects, registered professional engineers, registered land surveyors and licensed site
11 professionals and includes design, planning, construction administration and surveying

12 services.

13 (b) A person to whom a debt is due for personal labor or professional services performed
14 in the design, planning, construction administration, surveying, erection, alteration, repair or

15 removal of a building or structure upon land or improvement or alteration to real
16 property, by

17 virtue of an agreement with, or by consent of, the owner of such building or structure, or
18 of a

19 person having authority from or rightfully acting for such owner in procuring or
20 furnishing such

21 professional services or labor, shall, under the provisions of this chapter, other than
22 section four,

23 have a lien upon such building or structure and upon such interest in such real property,
24 land,

25 building, structure, or improvement owned by the party authorizing or consenting to said
26 work or

27 professional services, for not more than thirty days' work or services actually performed
28 for the

29 ninety days next prior to his filing a statement as provided in section eight.

30 A person or his assignee, agent, authorized representative or third party beneficiary, to
31 whom amounts are due or for whose benefit amounts are computed and due for, or on the basis

32 of, the personal labor or professional services of such person, may file a lien to secure the
33 payment of such unpaid amounts including interest and agreed penalties for failure to pay the
34 same.

35 Section 2. Written contract; notice; time for filing; form

36 A person entering into a written contract with the owner of any interest in real
37 property, or with any person acting for, on behalf of, or with the consent of such owner
38 for the

39 whole or part of the design, planning, construction administration, surveying, erection,
40 alteration,

41 repair or removal of a building, structure, or other improvement to real property, or for

42 furnishing material or rental equipment, appliances, or tools therefor, shall have a lien
43 upon such

44 real property, land, building, structure or improvement owned by the party with whom or
45 on

46 behalf of whom the contract was entered into, as appears of record on the date when
47 notice of

48 said contract is filed or recorded in the registry of deeds for the county or district where
49 such

50 land lies, to secure the payment of all labor, including construction management and
51 general

52 contractor services, professional services and material or rental equipment, appliances, or
53 tools

54 which shall be furnished by virtue of said contract. Said notice may be filed or recorded
55 in the

56 registry of deeds in the county or registry district where the land lies by any person
57 entitled

58 under this section to enforce a lien, and shall be in substantially the following form:

59 Notice is hereby given that by virtue of a written contract dated ____, between ____, owner,
60 and