

**SENATE . . . . . No. 1613**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Michael J. Rodrigues***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to limit losses of subcontractors in private construction..**

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Michael J. Rodrigues*

**SENATE . . . . . No. 1613**

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 1613) of Michael J. Rodrigues for legislation to limit losses of subcontractors in private construction. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4228 OF 2009-2010.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

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.