

**HOUSE . . . . . No. 317**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Susan Williams Gifford and Viriato Manuel deMacedo***

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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 reducing retainage on private construction projects.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>	<i>1/30/2013</i>
<i>Peter Opachinski</i>	<i>50 Old Sawmill Rd. Kingston, MA 02364</i>	

**HOUSE . . . . . No. 317**

By Representatives Gifford of Wareham and deMacedo of Plymouth, a petition (accompanied by bill, House, No. 317) of Susan Williams Gifford, Viriato Manuel deMacedo and Peter Opachinski for legislation to regulate the amount of funds that may be retained on private construction projects. Economic Development and Emerging Technologies.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2707 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act reducing retainage on private 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 Section 1. Notwithstanding the provisions of chapter 7, 30, 30B, or 149 or any other law,  
2 rule or regulation to the contrary, the total amount of retainage held on non-public construction  
3 projects shall not exceed 5% of the total amount of work performed.

4 Section 2. Within 45 days from the issuance of a certificate of completion or the issuance  
5 of an occupancy certificate, all amounts retained by an owner shall be paid to a General  
6 Contractor on a non-public construction project. Within 60 days from the issuance of a  
7 certificate of completion or the issuance of an occupancy certificate, all amounts retained by a  
8 General Contractor shall be paid to a subcontractor on a non-public construction project.

9 Section 3. In the event an owner or General Contractor holds more than 5% retainage for  
10 work performed, or a general contractor is not paid within 45 days after final completion or a  
11 subcontractor is not paid within 60 days of final completion on a non public construction project,  
12 the general contractor or subcontractor shall be entitled to avail itself of any and all remedies  
13 pursuant to chapter 93a.