

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

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 relative to timely public payments for work not included in original construction contracts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to timely public payments for work not included in original construction contracts.

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. Section 39G of chapter 30 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the eighth paragraph the following
3 paragraph:

4 Every contract subject to section 44A of chapter 149 or subject to section 39M of chapter
5 30 or subject to chapter 149A, and every subcontract or trade contract as applicable, shall
6 provide a reasonable time period within which a written request submitted by a person seeking
7 an increase in the contract price shall be approved or rejected, whether in whole or in part. The
8 time period shall not exceed 30 days after the later of commencement of the performance of the
9 work on which the request is based or submission of the written request; provided, however, that
10 the time period, as applicable to approval or rejection by the person at each tier of contract below
11 the owner of the project, may be extended by 7 days more than the time period applicable to the
12 person at the tier of contract above the person. A request which is neither approved nor rejected
13 within such time period shall be deemed to be approved and may be submitted for payment

14 within the next application for a periodic progress payment, unless it is rejected before the date
15 payment if due. A rejection of a request, whether in whole or in part, shall be made in writing,
16 shall include an explanation of the factual and contractual basis for the rejection and shall be
17 certified as made in good faith. A rejection of a request shall be subject to the applicable dispute
18 resolution procedure. A provision in the contract which requires a party to delay commencement
19 of the procedure until a date later than 60 days after the rejection shall be void and
20 unenforceable.