

**HOUSE . . . . . No. 1804**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**David L. Flynn**

*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 passage of the accompanying bill:

**An Act to Promote Fairness in Private Construction Contracts.**

PETITION OF:

NAME:

David L. Flynn

Marc R. Pacheco

DISTRICT/ADDRESS:

8th Plymouth

First Plymouth and Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1789 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT TO PROMOTE FAIRNESS IN PRIVATE 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.**

2    (a) Sections 1 through 7, and amendments thereto, shall be known as the Massachusetts fairness in private  
3    construction contract act.

4    (b) The rights and duties prescribed by this act shall not be waivable or varied under the terms of a contract. The  
5    terms of any contract waiving the rights and duties prescribed by this act shall be void and unenforceable.

6    **SECTION 2. Definitions.**

7    As used in this act:

8    (a) “Construction” means the whole or the part of the erection, alteration, repair or removal of a building, structure  
9    or other improvement to real property, whether underground or above ground, or the furnishing of material or rental  
10   equipment, appliances or tools therefor.

11   (b) “Contract” means a written agreement concerning construction made and entered into by and between an owner  
12   and a contractor, a contractor and a subcontractor or a subcontractor and another subcontractor, including all plans,  
13   specifications and addenda relating thereto.