HOUSE DOCKET, NO. 2901 FILED ON: 1/21/2011

HOUSE . . . . . No. 1890

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 the residential contractors guaranty fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Louis L. Kafka	*8th Norfolk*

HOUSE DOCKET, NO. 2901 FILED ON: 1/21/2011

HOUSE . . . . . No. 1890

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 1890) of Louis L. Kafka relative to the residential contractors guaranty fund. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the residential contractors guaranty fund.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Section 5 of Chapter 142A of the General Laws, as appearing in the 2008 Official Edition, is herby amended, in line 9, by striking out the words "exhausted all customary and reasonable efforts to collect the judgment" and substituting in place thereof the words "obtained a judgment or arbitration award"

Section 2: Section 5 of Chapter 142A of the General Laws, as appearing in the 2008 Official Edition, is herby amended, in line 12, by striking out the sentences "The director shall promulgate such regulation as he may deem necessary to implement the fund under this chapter. Prior to the adoption, amendment or repeal of any regulation the director shall give notice and hold a public hearing in accordance with the requirements of chapter thirty A." and substituting in place thereof the sentences "In the case that the contractor has filed for bankruptcy, the owner must provide evidence confirming the bankruptcy status of the contractor from the U.S. Bankruptcy Court. In the case that the contractor is suspected of having fled the jurisdiction, the owner must provide evidence of attempted service of a writ or execution by a sheriff or constable

14 at the contractor's last known business address, and of the efforts to ascertain the whereabouts of
15 the contractor. In the case that the owner is unable to collect such judgment after execution, the
16 owner must provide evidence of writ of execution by sheriff or constable, and demand for
17 payment made but the judgment remains unsatisfied."

18 Section 3: Section 5 of Chapter 142A of the General Laws, as appearing in the 2008
19 Official Edition, is herby amended, in line 17, by striking out the words "and such regulations as
20 the director may promulgate as they relate to the fund"

21 Section 4: Section 7 of Chapter 142A of the General Laws, as appearing in the 2008
22 Official Edition, is herby amended, in line 2, by inserting after the word "three", the words "and
23 section five"

24 Section 5: Section 7 of Chapter 142A of the General Laws, as appearing in the 2008
25 Official Edition, is herby amended, in line 4, by striking out the words "exhausted all customary
26 and reasonable efforts to collect the judgment or award"