HOUSE DOCKET, NO. FILED ON: 1/13/2009

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

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The Commonwealth of Massachusetts

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PRESENTED BY:

**David L. Flynn**

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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 passage of the accompanying bill:

An Act to Promote Fairness in Private Construction Contracts.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| David L. Flynn | 8th Plymouth |

[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**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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:*

 *Amend chapter 149 of the 2004 Official Edition by inserting the following section 29 E after 29D.*

**SECTION 1.**

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

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

**SECTION 2.  Definitions.**

As used in this act:

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

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