

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

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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

DISTRICT/ADDRESS:

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

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

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3   **SECTION 1.**

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

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

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9   **SECTION 2. Definitions.**

10   As used in this act:

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

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

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