

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**McGee, Thomas (SEN)**

*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 relative to projects funded by the school building authority.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
McGee, Thomas (SEN)	Third Essex and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00336 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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AN ACT RELATIVE TO PROJECTS FUNDED BY THE SCHOOL BUILDING AUTHORITY.

*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 9 of Chapter 70B, as appearing in the 2006 Official Edition, is hereby  
2 amended by adding at the end of subsection (a), the following:- (5) the applicant shall not enter into a  
3 contract for design services unless the designer has obtained professional liability insurance covering  
4 negligent errors, omissions and acts of the designer or of an person or business entity for whose  
5 performance the designer is legally liable arising out of the performance of the contract.  
6 Notwithstanding the provisions of Chapter 7 Section 38H paragraph (f), the total amount of such  
7 insurance shall at a minimum equal fifty per cent of the project's estimated cost of construction, or such  
8 larger amounts as the board may require, for the applicable limitations. A designer required by the  
9 authority to obtain all or a portion of such insurance coverage at his own expense shall furnish a  
10 certificate of certificates of insurance coverage to the applicant prior to the award of the contract.

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