

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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 the payment of labor and materials.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT relative to the payment of labor and materials.

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 29 of Chapter 149 of the General Laws as appearing in the 2006 Official Edition is
2 hereby amended by striking out the second paragraph and inserting in place thereof the following new
3 paragraph:-

4 In order to obtain the benefit of such bond for any amount claimed due under the original
5 contract as adjusted by approved change orders and unpaid at any time, any claimant having a
6 contractual relationship with the contractor principal furnishing the bond, who has not been paid
7 in full for any amount claimed due under the original contract as adjusted by approved change
8 orders for the labor, materials, equipment, appliances or transportation included in the paragraph
9 (1) coverage within sixty-five days after the due date for same, shall have the right to enforce any
10 such claim (a) by filing a petition in equity within one year after the day on which such claimant
11 last performed the labor or furnished the labor, materials, equipment, appliances or transportation
12 included in the claim and (b) by prosecuting the claim thereafter by trial in the superior court to
13 final adjudication and execution for the sums justly due the claimant as provided in this section.

14