HOUSE DOCKET, NO. 1000 FILED ON: 1/19/2011

HOUSE . . . . . No. 1324

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

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:

An Act to certify the validity of a mechanic's lien and reduce the time limitation to file suit .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John D. Keenan	*7th Essex*

HOUSE DOCKET, NO. 1000 FILED ON: 1/19/2011

HOUSE . . . . . No. 1324

By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 1324) of John D. Keenan for legislation to certify the validity of a mechanic's lien and reduce the time limitation to file suit. The Judiciary.

The Commonwealth of Massachusetts

An Act to certify the validity of a mechanic's lien and reduce the time limitation to file suit .

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

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

AN ACT CERTIFYING THE VALIDITY OF A MECHANIC'S LIEN AND REDUCE THE TIME LIMITATION TO FILE SUIT

SECTION 1. Section 1 of chapter 254 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 22, the words "for the ninety days next".

SECTION 2. Section 2 of said chapter 254, as so appearing, is hereby amended by striking out, in lines 30 and 32, the word "ninety" and substituting in each instance, the word:

sixty

SECTION 3. Section 4 of said chapter 254 is hereby amended by striking out in lines 33 and 34, the word "ninety" and substituting, in each instance, the word:

sixty

Section 4 shall be further amended by adding the following after the address of the party filing or recording the notice:

I, contractor's or filer's name, hereby state under the pains and penalties of perjury that I have satisfactory documentation to support this lien and that is not a frivolous filing. I fully understand that should this be found to be a non-substantiated lien, I may be responsible for

20 court fees and fines as are assessed by the court or required by statute. Signed this ____ day of
21 _____, 20__. Contractor's or filer's signature.

22 SECTION 4. Section 8 of said chapter 254 is hereby amended by striking out, in line 3,
23 the word "ninety" and by striking out in lines 5 and 6 the words "one hundred and twenty" and in
24 line 8 the word "ninety" and substituting in each instance, the word:

25 sixty

26 Section 8 shall be further amended by adding the following to the notice:

27 I, contractor's or filer's name, hereby state under the pains and penalties of perjury that I
28 have satisfactory documentation to support this lien and that is not a frivolous filing. I fully
29 understand that should this be found to be a non-substantiated lien, I may be responsible for
30 court fees and fines as are assessed by the court or required by statute. Signed this ____ day of
31 _____, 20__. Contractor's or filer's signature.

32 SECTION 5. Section 11 of said chapter 254 is hereby amended by striking out, in line 2,
33 the word "ninety" and substituting in place thereof, the following word:

34 sixty

35 SECTION 6. Section 15 of said chapter 254 is hereby amended by adding the following
36 to the end of the section:

37 If the court finds that the filer of a lien, filed or recorded such without merit to his/her
38 claim, the court will fine the filer a minimum of $250.00. Such fine shall be used to repay all
39 court costs with any remainder of the fine being payable to the general fund.

40 SECTION 7. Section 15A of said chapter 254 is hereby amended by adding the
41 following to the end of the section:

42 If the court finds that the filer of any recorded document or complaint has filed/recorded
43 such without merit to his/her claim, the court shall fine the filer a minimum of $250.00. Such
44 fine shall be used to repay all court costs, including full reimbursement to the homeowner for a
45 verified complaint within this section, and any remainder of the fine will be payable to the
46 general fund.