HOUSE DOCKET, NO. 1367 FILED ON: 1/20/2011

HOUSE . . . . . No. 2707

The Commonwealth of Massachusetts

PRESENTED BY:

Susan Williams Gifford and Thomas J. Calter

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 reducing retainage on private construction projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Susan Williams Gifford	*2nd Plymouth*
Thomas J. Calter	*12th Plymouth*
Viriato Manuel deMacedo	*1st Plymouth*
Peter J. Opachinski	*50 Old Sawmill Rd.* *Kingston, MA 02364*

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By Representatives Gifford of Wareham and Calter, a petition (accompanied by bill, House, No. 2707) of Susan Williams Gifford, Thomas J. Calter, Viriato Manuel deMacedo and Peter J. Opachinski for legislation to regulate the amount of funds that may be retained on private construction projects. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

An Act reducing retainage on private construction projects.

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

Section 1. Notwithstanding the provisions of chapter 7, 30, 30B, or 149 or any other law, rule or regulation to the contrary, the total amount of retainage held on non-public construction projects shall not exceed 5% of the total amount of work performed.

Section 2. Within 45 days from the issuance of a certificate of completion or the issuance of an occupancy certificate, all amounts retained by an owner shall be paid to a General Contractor on a non-public construction project. Within 60 days from the issuance of a certificate of completion or the issuance of an occupancy certificate, all amounts retained by a General Contractor shall be paid to a subcontractor on a non-public construction project.

Section 3. In the event an owner or General Contractor holds more than 5% retainage for work performed, or a general contractor is not paid within 45 days after final completion or a subcontractor is not paid within 60 days of final completion on a non public construction project, the general contractor or subcontractor shall be entitled to avail itself of any and all remedies pursuant to chapter 93a.