HOUSE DOCKET, NO. 192 FILED ON: 1/11/2011

HOUSE . . . . . No. 841

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak

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 establish delay penalties in highway construction projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John W. Scibak	*2nd Hampshire*

HOUSE DOCKET, NO. 192 FILED ON: 1/11/2011

HOUSE . . . . . No. 841

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 841) of John W. Scibak that the Department of Highways be authorized to impose certain penalties for delays in highway construction projects. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3621* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to establish delay penalties in highway 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:

Chapter 81 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following section: -

SECTION 33. The department may establish and impose a reasonable penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration by the contractor, subcontractor, or utility involved in the construction, repair or improvement of public ways under the provisions of chapter eighty-one or chapter eighty-four. The delay penalty will be specified in advance by the department and said penalty may be levied daily as long as the delay continues. A delay penalty will not be imposed if the delay in project completion is due to circumstances beyond the control of the contractor, subcontractor, or utility, including without limitation, inclement weather, acts of God, or civil strife.