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By Mr. Quinn of Boston, petition of the Associated Subcontractors of Massachusetts that provision be made for payment protection to subcontractors on public construction work. State Administration.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Sixty-Two.

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AN ACT PROVIDING PAYMENT PROTECTION TO SUBCONTRACTORS ON  
CONSTRUCTION WORK.

1 *Whereas*, the deferred operation of this act would tend to  
2 defeat its purpose which is to alleviate forthwith economic hard-  
3 ships now being suffered by certain elements of the construction  
4 industry by reason of inability to secure payments for work per-  
5 formed, it is hereby declared to be an emergency law, necessary  
6 for the immediate preservation of the public convenience.

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

1 Chapter 254 of the General Laws is amended by striking out  
2 section 31 thereof, as inserted by chapter 530 of the acts of 1961,  
3 and by inserting in place thereof the following section:—

4 *Section 31.* Every person furnishing labor or labor and ma-  
5 terials to a general contractor or to a subcontractor on any con-  
6 struction work on which the general contractor has not furnished  
7 a payment bond in the penal sum of fifty per cent of the contract  
8 sum securing payment for all labor and materials furnished in  
9 connection with such construction work, shall have a lien im-  
10 mediately upon furnishing such labor or labor and materials  
11 (a) on all sums which are due or which later become due the  
12 general contractor from the person contracting for the construc-  
13 tion work on account of the work of such general contractor and  
14 (b) in the case of labor or labor and materials furnished to a sub-  
15 contractor, on all sums which are due or which later become due  
16 the subcontractor from the general contractor on account of the  
17 work of such subcontractor. Such a lien shall be enforceable

18 (a) only to the extent of the amount claimed in a statement of  
19 claim sworn to or made under the penalties of perjury setting  
20 forth the amount claimed and the person owing said amount  
21 and identifying the construction work, duly filed with the city or  
22 town clerk of the city or town in which the construction work is  
23 located, a copy of which shall be mailed to the person owing such  
24 sums at the time of filing and (b) only to the extent that such  
25 sums are due at the time of such filing and mailing and as such  
26 sums may thereafter become due. A lien on any such sums  
27 arising out of the recording or filing of a document or notice in  
28 accordance with the other provisions of this chapter or in accord-  
29 ance with any other applicable provisions of the general laws and  
30 recorded or filed prior to the filing of the statement of claim pro-  
31 vided for in this section shall have priority over any lien secured  
32 pursuant to this section. Proceedings to enforce a lien secured  
33 under this section shall be begun by a bill in equity filed in the  
34 superior court within one year after such person last performed  
35 labor or labor and materials on said construction work, and the  
36 petitioner shall bring his bill in his own behalf. All other parties  
37 in interest may appear and have their rights determined in such  
38 bill, and, at any time before final decree, upon the suggestion of  
39 any party in interest that any other person is or may be inter-  
40 ested in the suit, or of its own motion, the court may issue a  
41 subpoena to such person, or a precept directing him to appear  
42 in said cause on or before a day certain or be forever barred from  
43 any rights thereunder. The court may in its discretion provide  
44 for notice to absent parties in interest. The other provisions of  
45 this chapter shall not apply to any such petition in equity or the  
46 proceedings to be taken thereunder. The provisions of this  
47 section shall not apply to any contract with the commonwealth  
48 or with any political subdivision thereof or any other public  
49 instrumentality.