

HOUSE No. 3905

By Mr. Manning of Milton, petition of M. Joseph Manning for legislation to require the posting of surety bond before commencing suit on certain actions. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT REQUIRING THE POSTING OF SURETY BOND BEFORE COMMENCING SUIT ON CERTAIN ACTIONS.

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 231 of the Massachusetts General Laws as most
2 recently amended by chapter 233, section 1 of the acts of 1976,
3 adding sections 6D to 6G, inclusive, and further amended by
4 chapter 313, section 2 of the acts of 1976, is hereby further
5 amended by adding new section 6H: —

6 Prior to the commencement of any action to stop the award of
7 contract or construction of the work on any project already in
8 progress, awarded, or to be awarded, under the provisions of
9 Massachusetts General Laws Chapter 149, section 44A-L, inclu-
10 sive, or chapter 30, section 39M, upon the motion of the awarding
11 authority or any party in a civil action on which a finding, verdict,
12 decision, award, order or judgement would result in the temporary
13 cessation, slowdown or stoppage of the award or work in progress
14 on the construction project until final resolution of the civil action,
15 the court upon whose jurisdiction the course of action lies, shall
16 conduct a preliminary hearing to determine potential financial
17 harm, if any, in delaying the project and shall require the party or
18 parties commencing the action to file, as a condition precedent to
19 entering their suit, a surety bond sufficient to protect the defendant
20 from potential financial harm caused by such delay as determined
21 by evidence presented at the preliminary hearing.

HOUSE

...

...

...

...