

By Mr. Carey of Easthampton, petition of Joseph A. DiGiovanni, Jr., for legislation to clarify the law relative to security for payment of labor, materials, and charges on certain public works programs. State Administration.

The Commonwealth of Massachusetts

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

AN ACT CLARIFYING THE LAW RELATING TO SECURITY FOR PAYMENT OF LABOR, MATERIALS, CHARGES, ETC., ON CERTAIN PUBLIC WORKS.

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

1 Section 29 of Chapter 149 of the General Laws is hereby amend-
2 ed by striking out the third paragraph and inserting in place thereof
3 the following paragraph:

4 Any claimant having a contractual relationship with a subcon-
5 tractor performing labor or both performing labor and furnishing
6 materials who can demonstrate that the subcontractor for whom
7 he performs such work or furnishes such materials is in direct
8 contractual privity with the general contractor, shall have a right to
9 enforce any such claim as provided in subparagraphs (a) and (b) of
10 paragraph (2) on condition that such claimant gives written notice
11 to the contractor principal within sixty-five days after the day on
12 which the claimant last performed the labor or furnished the labor,
13 materials, equipment, appliances or transportation included in the
14 paragraphs (1) coverage, stating with substantial accuracy the
15 amount claimed, the name of the party for whom such labor was
16 performed or such labor, materials, equipment, appliances or
17 transportation were furnished; provided that any such claimant
18 shall have the right to enforce any part of a claim covering specially
19 fabricated material included in the paragraph (2) coverage if such
20 claimant has given the contractor principal written notice of the
21 placement of the order and the amount thereof not later than

22 twenty days after receiving the final approval in writing for the use
23 of the material. The notices provided for in this paragraph (3) shall
24 be served by mailing the same by registered or certified mail
25 postage prepaid in an envelope addressed to the contractor princi-
26 pal at any place which the contractor principal maintains an office
27 or conducts his business, or at the contractor principal's residence,
28 or in any manner in which civil process may be served.