

HOUSE No. 3220

By Mr. White of Worcester, petition of Thomas P. White and another relative to providing that waiver or cancellation of a payment bond provided for in specifications inviting bids for construction work be considered an unfair and deceptive act in commerce. State Administration.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT WAIVER OR CANCELLATION OF A PAYMENT BOND PROVIDED FOR IN SPECIFICATIONS INVITING BIDS FOR CONSTRUCTION WORK IS AN UNFAIR AND DECEPTIVE ACT IN COMMERCE.

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

- 1 Amend chapter 149 by inserting the following section 29B after
- 2 section 29A:
- 3 Any agreement between an owner and a contractor to waive or
- 4 cancel a payment bond which the specifications inviting bids for
- 5 construction work state will be furnished for that construction
- 6 work will be a false and deceptive act in commerce as set forth in
- 7 section two of chapter ninety-three A as to all persons who fur-
- 8 nished labor or labor and materials or materials for the construc-
- 9 tion work in reliance upon the specification provisions for the
- 10 furnishing of the payment bond. No provision in the specifications
- 11 reserving the right to waive or cancel the requirement for furnishing
- 12 a payment bond shall be valid as a defense against a claimant who
- 13 relied upon the provision requiring the furnishing of the payment
- 14 bond unless that reservation appears in the specifications imme-
- 15 diately following the provision requiring the furnishing of the pay-
- 16 ment bond.

