

# HOUSE . . . . . No. 3248

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By Mr. Scibak of South Hadley, petition of John W. Scibak and others for legislation to establish delay penalties in highway construction projects. State Administration and Regulatory Oversight.

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## The Commonwealth of Massachusetts

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PETITION OF:

John W. Scibak  
Stephen Kulik

Peter V. Kocot  
Stanley C. Rosenberg

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In the Year Two Thousand and Seven.

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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:*

1 Section 8 of chapter 81 of the General Laws, as appearing in  
2 the 2004 Official Edition, is hereby amended by adding the  
3 following paragraph:—  
4 The department may establish and impose a reasonable penalty  
5 for unreasonable delays in right-of-way excavation, obstruction,  
6 patching, or restoration by the contractor, subcontractor, or utility  
7 involved in the highway construction project. The delay penalty  
8 will be specified in advance by the department. A delay penalty  
9 will not be imposed if the delay in project completion is due to  
10 circumstances beyond the control of the contractor, subcontractor,  
11 or utility, including without limitation inclement weather, acts of  
12 God, or civil strife.