



General Assembly

January Session, 2003

Committee Bill No. 808

LCO No. 2904

Referred to Committee on General Law

Introduced by:

(GL)

**AN ACT CONCERNING TECHNICAL CORRECTIONS TO THE
FAIRNESS IN FINANCING IN THE CONSTRUCTION INDUSTRY ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-158i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 As used in sections 42-158i to 42-158n, inclusive, unless the context
4 otherwise requires:

5 (1) "Owner" means any individual, corporation, partnership, limited
6 partnership, limited liability company or other business entity that is
7 the owner of record or lessee of real property [upon which a
8 commercial or industrial building is to be or is being constructed,
9 renovated or rehabilitated pursuant to] and that enters into a
10 construction contract regarding such real property. [Commercial or
11 industrial building shall not be construed to include any building
12 intended for residential occupancy or use.]

13 (2) "Construction contract" or "contract" means any contract for the
14 construction, raising, removal or repair of any building or any

15 appurtenance of such building or in the improvement of any real
 16 property or in the site development or subdivision of any real property
 17 in this state on or after [October 1, 1999, of a commercial or industrial
 18 building, or for the renovation or rehabilitation of a commercial or
 19 industrial building for which a certificate of occupancy is required,
 20 including any improvements to real property that are associated with
 21 such construction, renovation or rehabilitation, or any subcontract for
 22 a project associated with the construction, renovation or rehabilitation
 23 of a commercial or industrial building] October 1, 2003, between an
 24 owner and a contractor, or between a contractor and a subcontractor or
 25 subcontractors, or between a subcontractor and any other
 26 subcontractor. [, but] "Construction contract" or "contract" does not
 27 include [any public works or other building contract entered into with
 28 this state, the United States, any other state, and any municipality or
 29 other political subdivision of this state or any other state] a contract for
 30 (A) a building intended for residential occupancy containing less than
 31 four units, (B) a contract for the construction, alteration or repair of any
 32 public building or public work of the state or of any subdivision
 33 thereof, regardless of the amount of the contract, or (C) a project
 34 subject to the provisions of 40 USC 270a, as from time to time
 35 amended.

36 (3) "Retainage" means a sum withheld from progress payments to
 37 the contractor or subcontractor in accordance with the terms of a
 38 construction contract, but does not include any sum withheld due to
 39 the contractor's or subcontractor's failure to comply with construction
 40 plans and specifications.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

Statement of Purpose:

To clarify the scope of the Fairness in Financing in the Construction Industry Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. COLAPIETRO, 31st Dist.