



General Assembly

**Substitute Bill No. 808**

*January Session, 2003*

**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 Section 42-158i of the general statutes is repealed and the  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 four or  
31 less 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, subject to the provisions of sections 49-41 to 49-43, inclusive, or  
34 (C) a project subject to the provisions of 40 USC 270a, as from time to  
35 time 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> |

**GL**      *Joint Favorable Subst.*