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SENATE BILL NO. 71

AMENDMENT

Submitted by the Associated General Contractors, Las Vegas Chapter

Section 1. NRS 608.150 is hereby amended as follows:

608.150 1. Every original contractor making or taking any contract in this state for the erection, construction, alteration or repair of any building or structure, or other work, shall assume and is liable for the indebtedness for labor incurred by any subcontractor or any contractors acting under, by or for the original contractor in performing any labor, construction or other work included in the subject of the original contract, for labor, and for the requirements imposed by chapters 616A to 617, inclusive, of NRS.

2. Every original contractor making or taking any contract may, with regard to a subcontractor or contractor acting under, by or for the original contractor in performing any labor, construction or other work included in the subject of the original contract[~~;~~],

~~{(a) withhold sufficient money on the contract; or}~~

~~{(b) R} require of the subcontractor or contractor a sufficient surety bond,~~

~~to guarantee the payment of the indebtedness incurred by the subcontractor or contractor for labor and for the requirements imposed by chapters 616A to 617, inclusive, of NRS.~~

3. The surety bond shall remain in effect for a period of at least one year following the date on which the subcontractor or contractor acting under, by or for the original contractor ceases to perform any labor, construction or other work included in the subject of the original contract.

4. In the event any subcontractor or any contractor acting under, by or for the original contractor fails to provide a surety bond within 15 days after a request is made by the original contractor pursuant to this section, the original contractor may obtain a surety bond sufficient to guarantee the payment of the indebtedness incurred by the subcontractor or contractor for labor and for the requirements imposed by chapters 616A to 617, inclusive, of NRS and withhold from payments due the subcontractor or contractor acting under, by or for the original contractor the cost of said surety bond.

~~[3]~~ 5. It is unlawful for any contractor or any other person to fail to comply with the provisions of [subsection 4.] this section, or to attempt to evade the responsibility imposed thereby, or to do any other act or thing tending to render nugatory the provisions of this section.

~~[3]~~ ~~[4]~~ 6. The district attorney of any county wherein the defendant may reside or be found shall institute civil proceedings against any such original contractor failing to comply with the provisions of this section in a civil action for the amount of all wages and damage that may be owing or have accrued as a result of the failure of any subcontractor acting under the original contractor, and any property of the original contractor, not exempt by law, is subject to the attachment and execution for the payment of any judgment that may be recovered in any action under the provisions of this section.

6. Nothing in this section shall preclude each person and entity entitled to enforce the provisions of NRS 608.150 from bringing an action against the subcontractor or contractor who incurred the indebtedness for labor or failed to perform the requirements imposed by chapters 616A to 617, inclusive, of NRS.

7. Any original contractor who intends to require surety bonds pursuant to this section on a project that is competitively bid must, as part of the original contractor's bid request, notice whether a surety bond described in this section will be required by the subcontractors or contractors bidding the project, and the amount of the bond required or the method that the subcontractors or contractors must use in calculating the amount of the bond required. If an original contractor fails to provide the information described in this subsection at the time the original contractor requests bids, then an original contractor may not require a subcontractor or contractor to purchase such a bond unless the original contractor agrees to pay the subcontractor or contractor as part of the contract price the cost of such bond.

Section 2. NRS 11.209 is hereby amended as follows:

1. No action against a principal contractor for the recovery of wages or benefits due an employee of a subcontractor or contributions or premiums required to be made or paid on his account may be commenced more than:

(a) [Two] One year[s], if the principal contractor is located in Nevada; or

(b) [Three] Two years, if the principal contractor is located outside this state, after the date the employee should have received those wages or benefits from or those contribution or premiums should have been made or paid by the subcontractor.

2. No action against a [principal] contractor or subcontractor for the recovery of wages or benefits due an employee of

[a] that contractor or subcontractor or contributions or premiums required to be made or paid on his account may be commenced more than:

(a) Three years, if the [principal] contractor or subcontractor is located in Nevada; or

(b) Four years, if the [principal] contractor or subcontractor is located outside this state, after the date the employee should have received those wages or benefits from the contractor or subcontractor or those contributions or premiums should have been made or paid by the contractor or subcontractor.