

Amendment No. 1038

Assembly Amendment to Senate Bill No. 300 First Reprint	(BDR 54-1061)
Proposed by: Committee on Commerce and Labor	
Amendment Box: Replaces Amendment No. 832.	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 2, page 1, line 4, before “*who*” by inserting:

“*or any improvement*”.

Amend sec. 8, page 2, line 39, by deleting “sought;” and inserting:

“sought ~~;~~”, *unless the agreement otherwise allows or requires such a payment to be made;*”.

Amend sec. 8, page 3, lines 19 and 20, by deleting the brackets and strike-through.

Amend sec. 8, page 3, line 24, after “notice” by inserting “*of withholding*”.

Amend sec. 8, page 3, line 27, after “of the” by inserting:

“*condition or the*”.

Amend sec. 8, page 3, by deleting lines 35 through 39 and inserting:

“pursuant to subsection 3 ~~[may]~~ *or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:*

(a) Give the owner a written notice and thereby dispute in good faith and for reasonable cause the amount withheld, or the condition or reason for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of ~~[a condition described in the notice received pursuant to subsection 3.]~~ *the condition or reason for the withholding.* The notice of correction must be”.

Amend sec. 8, pages 3 and 4, by deleting line 45 on page 3 and line 1 on page 4, and inserting:

~~“[subsection.]~~ *paragraph*, the owner ~~[must:~~

~~—(a)]~~ *shall:*

(1) Pay the amount withheld by the owner for that condition or reason for the withholding on”.

Amend sec. 8, page 4, line 3, by deleting “(b)” and inserting “~~[(b)]~~ (2)”.

Amend sec. 8, page 4, line 6, after “forth the” by inserting “*condition or*”.

Amend sec. 8, page 4, line 10, by deleting “payment” and inserting:

“the payment to be”.

Amend sec. 8, page 4, by deleting line 12 and inserting:

~~“[conditions]~~ *the condition or reason for the withholding* to which the owner no”.

Amend sec. 8, page 4, line 14, by deleting “*provided*” and inserting “*allowed*”.

Amend sec. 8, page 4, by deleting lines 15 and 16 and inserting:

“owner shall not withhold from a payment to be made to a prime contractor more than the retention amount.”.

Amend sec. 9, page 4, by deleting lines 26 through 28 and inserting:

“(c) After receipt of a notice of withholding given pursuant to subsection 3 or 4 of NRS 624.609, the prime contractor gives the owner written notice pursuant to subsection 4 of NRS 624.609 and thereby disputes in good faith and for reasonable cause the amount withheld or the condition or reason for the withholding; or”.

Amend sec. 9, page 4, line 29, after *“that a”* by inserting *“written”*.

Amend sec. 9, page 4, line 33, by deleting *“unreasonable,”* and inserting:
“unreasonable or does not contain sufficient information to make a determination,”.

Amend sec. 9, page 4, line 35, by deleting *“unreasonable,”* and inserting:
“unreasonable or explain that additional information and time are necessary to make a determination,”.

Amend sec. 9, page 5, by deleting lines 40 and 41 and inserting:
“any ~~[profit and]~~ overhead the prime contractor ~~[incurred or]~~ and his lower-tiered subcontractors and suppliers incurred and profit the prime contractor and his lower-tiered subcontractors and suppliers earned”.

Amend sec. 9, page 6, line 15, after “contractor” by inserting:
“and his lower-tiered subcontractors and suppliers”.

Amend sec. 9, page 6, by deleting line 17 and inserting:
“~~[contract]~~ agreement without a reasonable ~~[cause,]~~ basis in law or fact, the trier of fact may”.

Amend sec. 9, page 6, line 34, by deleting *“~~[his]~~”* and inserting *“his”*.

Amend sec. 9, page 6, line 35, by deleting *“subcontractors,”* and inserting:
“subcontractors ~~[.]~~ or suppliers,”.

Amend sec. 9, page 6, by deleting lines 37 through 39 and inserting:

“prime contractor [~~subcontractor~~] or lower-tiered [~~subcontractor stopping his~~] subcontractors or suppliers stopping their work or the provision of materials or equipment or terminating [~~a contract for reasonable cause~~] an agreement for a reasonable basis in law or fact and in accordance with this section or”.

Amend sec. 10, page 7, line 36, by deleting “***or***” and inserting “***and***”.

Amend sec. 10, page 7, line 37, after “***subcontractors***” by inserting “***and suppliers***”.

Amend sec. 10, page 7, line 43, after “notice” by inserting “***of withholding***”.

Amend sec. 10, page 8, line 1, after “of the” by inserting:

“condition for which or the”.

Amend sec. 10, page 8, line 8, after “notice” by inserting “***of withholding***”.

Amend sec. 10, page 8, by deleting line 9 and inserting:

“subsection 3 may correct any condition or reason for the withholding described in the notice of withholding and”.

Amend sec. 10, page 8, line 12, by deleting “***condition.***” and inserting:

“condition or reason for the withholding.”.

Amend sec. 10, page 8, lines 13 and 16, after “condition” by inserting:

“or reason for the withholding”.

Amend sec. 10, page 8, line 19, by deleting “conditions;” and inserting:

“condition [~~;~~] or reason for the withholding;”.

Amend sec. 10, page 8, line 21, after “condition” by inserting:

“or reason for the withholding”.

Amend sec. 10, page 8, line 23, by deleting “condition,” and inserting:

“condition ~~[;]~~ *or reason for the withholding*.”

Amend sec. 10, page 8, by deleting line 24 and inserting:

“nevertheless pay to the *prime* contractor, along with *the* payment *to be* made”.

Amend sec. 10, page 8, line 26, by deleting “conditions” and inserting:

“~~[conditions]~~ *the condition or reason for the withholding*”.

Amend sec. 11, page 9, lines 40 and 41, by deleting:

“, 624.620 and 624.622” and inserting “*and 624.620*”.

Amend sec. 11, page 10, line 13, after “and the” by inserting “*condition or*”.

Amend sec. 12, page 11, line 8, by deleting “sought;” and inserting:

“sought ~~[;]~~, *unless the agreement otherwise allows or requires such a payment to be made;*”.

Amend sec. 12, page 11, by deleting line 25 and inserting:

“subcontractor and his lower-tiered subcontractors and suppliers ~~[;]~~”.

Amend sec. 12, page 11, line 45, before “must:” by inserting “*of withholding*”.

Amend sec. 12, page 12, line 3, after “of the” by inserting:

“*condition or the*”.

Amend sec. 12, page 12, line 13, by deleting “may” and inserting:

“~~[may]~~ *or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:*

(a) *Give the higher-tiered contractor a written notice and thereby*”.

Amend sec. 12, page 12, line 14, after “*or*” by inserting:

“*the conditions or*”.

Amend sec. 12, page 12, by deleting lines 15 and 16 and inserting:

“*withholding; or*

(b) Correct any condition or reason for the”.

Amend sec. 12, page 12, line 17, after “*notice*” by inserting “*of withholding*”.

Amend sec. 12, page 12, line 27, by deleting “subsection,” and inserting “[subsection,]
paragraph,”.

Amend sec. 12, page 12, lines 28 through 30, by deleting:

“~~must:~~ *shall:*

(a)” and inserting:

“~~must:~~

—(a)] *shall:*

(1)”.

Amend sec. 12, page 12, line 31, after “condition” by inserting:

“*or reason for the withholding*”.

Amend sec. 12, page 12, line 33, by deleting “(b)” and inserting “[~~(b)~~] (2)”.

Amend sec. 12, page 12, line 36, after “forth the” by inserting “*condition or*”.

Amend sec. 12, page 12, line 41, by deleting “payment” and inserting:

“the payment *to be*”.

Amend sec. 12, page 12, line 43, before “conditions” by inserting “*the*”.

Amend sec. 12, page 12, after line 44, by inserting:

“5. Except as otherwise allowed in subsections 2, 3 and 4, a higher-tiered contractor shall not withhold from a payment to be made to a lower-tiered subcontractor more than the retention amount.”.

Amend sec. 13, page 13, line 27, after “*that a*” by inserting “*written*”.

Amend sec. 13, page 14, line 3, after “resume” by inserting “**his**”.

Amend sec. 13, page 15, line 7, by deleting “**any**”.

Amend sec. 13, page 15, line 26, by deleting “~~may~~ **shall**” and inserting “may”.

Amend sec. 13, page 15, line 27, after “subcontractor” by inserting:

“and his lower-tiered subcontractors and suppliers”.

Amend sec. 13, page 15, line 29, after “without” by inserting “**a**”.

Amend sec. 13, page 15, line 30, by deleting “cause,” and inserting:

“~~cause,~~ basis in law or fact,”.

Amend sec. 13, page 16, line 5, by deleting “subcontractors,” and inserting:

“subcontractors ~~and~~ or suppliers,”.

Amend sec. 13, page 16, by deleting lines 8 and 9 and inserting:

“~~subcontractor or~~ lower-tiered subcontractor and his lower-tiered subcontractors and suppliers stopping ~~his~~ their work or the provision of materials or equipment or terminating ~~a subcontract for reasonable cause~~ an agreement for a reasonable basis in law or fact and”.

Amend sec. 14, page 17, line 27, after “and the” by inserting “**condition or**”.

Amend sec. 15, page 17, line 41, after “~~contractor~~” by inserting:

“higher of:

1. The”.

Amend sec. 15, page 17, by deleting lines 42 and 43 and inserting:

“between the parties; or

2. The rate equal to the prime rate at the largest bank in this”.

Amend sec. 15, page 18, line 3, by deleting “**I.**” and inserting “**(a)**”.

Amend sec. 15, page 18, line 4, by deleting “2.” and inserting “(b)”.