

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

ACT 293 OF 1997
HOUSE BILL 1434

4
5 By: Representative Faris
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE 22-9-403 PERTAINING TO
10 CONTRACTOR S BONDS FOR PUBLIC WORKS; AND FOR OTHER
11 PURPOSES."

Subtitle

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14 "TO AMEND ARKANSAS CODE 22-9-403
15 PERTAINING TO CONTRACTOR S BONDS FOR
16 PUBLIC WORKS."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 22-9-403 is amended to read as follows:

21 "22-9-403. Statutory liability as integral part of bond -
22 Limitation of action.

23 (a) The liability imposed by § 22-9-401 on any bond furnished by a
24 public works contractor shall be deemed an integral part of the bond,
25 whether or not the liability is explicitly set out or assumed therein.

26 (b) (1) No action shall be brought on a bond after six (6)
27 months from the date final payment is made on the contract, nor shall an
28 action be brought outside the State of Arkansas.

29 (2) However, with respect to public works contracts where final
30 approval for payment is given by Arkansas State Building Services, all
31 persons, firms, associations and corporations having valid claims
32 against the bond may bring an action on the bond against the corporate
33 surety, provided that no action shall be brought on the bond after
34 twelve (12) months from the date on which the Arkansas State Building
35 Services approves final payment on the state contract, nor shall any
36 action be brought outside the State of Arkansas in accordance with

1 Arkansas Code Annotated § 18-44-503."

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3 SECTION 2. All provisions of this act of a general and permanent
4 nature are amendatory to the Arkansas Code of 1987 Annotated and the
5 Arkansas Code Revision Commission shall incorporate the same in the
6 Code.

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8 SECTION 3. If any provision of this act or the application
9 thereof to any person or circumstance is held invalid, such invalidity
10 shall not affect other provisions or applications of the act which can
11 be given effect without the invalid provision or application, and to
12 this end the provisions of this act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act
15 are hereby repealed.

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17 APPROVED: 2-27-97

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