

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1855

TO AMEND THE LAW CONCERNING THE BONDING PROCEDURE FOR PAYMENT OR PERFORMANCE
BONDS ISSUED UNDER CONTRACTS FOR THE CONSTRUCTION, ERECTION, ALTERATION,
DEMOLITION, OR REPAIR OF ANY BUILDING, STRUCTURE, OR IMPROVEMENT.

Amendment No. 1 to House Bill 1855

Amend House Bill No. 1855 as originally introduced:

Page 2, delete line 28, and substitute the following:

"stated in § 22-9-203 fifty thousand dollars (\$50,000) providing for the"

AND

Page 4, delete line 31, and substitute the following:

"(b) If a payment bond is filed as provided under §"

AND

Page 4, delete line 35, and substitute the following:

"or material or equipment supplied to the contractor providing the payment bond under the real estate construction contract"

AND

Page 5, delete line 25, and substitute the following:

"(a) The contractor shall file the payment bond with"

AND

Page 5, delete line 30, and substitute the following:

"(b) If the contractor fails to file the payment bond"

AND

Page 5, delete line 35, and substitute the following:

(1) Files the payment bond; and"

AND



Page 5, line 36, delete "bond or" and substitute "bond"

AND

Page 6, delete line 1, and substitute the following:
"to the person letting the construction contract, public"

AND

Page 6, delete lines 18 through 21, and substitute the following:
"years from whichever of the following occurs first, the date a principal contractor on the performance bond:

(1) Receives final payment under the construction contract, public construction contract, or real estate construction contract; or"

AND

Immediately following SECTION 7, add an additional section to read as follows:

"SECTION 8. Arkansas Code § 22-9-403 is amended to read as follows:

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

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

~~(b)(1) No action shall be brought on a bond after one (1) year from the date final payment is made on the contract, nor shall an action be brought outside the State of Arkansas.~~

~~(2) However, with respect to public works contracts where final approval for payment is given by the Building Authority Division or by an institution of higher education exempt from construction review and approval by the division, all persons, firms, associations, and corporations having valid claims against the bond may bring an action on the bond against the corporate surety, provided that no action shall be brought on the bond after twelve (12) months from the date on which the division or the public institution of higher education approves final payment on the state contract, nor shall any action be brought outside the State of Arkansas in accordance with § 18-44-503."~~

The Amendment was read _____

By: Representative Cozart
DTP/DTP - 04-13-2021 09:50:55
DTP238

Chief Clerk