

AMENDMENTS TO HOUSE BILL NO. 566

Sponsor: SENATOR MENSCH

Printer's No. 1928

1 Amend Bill, page 4, lines 5 through 25, by striking out all
2 of said lines and inserting

3 (e) Suspension of performance.--

4 (1) If payment is not received by a contractor in
5 accordance with this section, the contractor shall have the
6 right to suspend performance of any work, without penalty,
7 until payment is received according to the terms of the
8 construction contract. Any procedure in a construction
9 contract that exceeds the procedure in paragraph (2) shall be
10 unenforceable.

11 (2) Suspension of performance in a construction contract
12 may occur in accordance with paragraph (1) or if:

13 (i) payment has not been made to the contractor in
14 accordance with the schedule established under subsection
15 (c);

16 (ii) at least 30 calendar days have passed since the
17 end of the billing period for which payment has not been
18 received according to the terms of the construction
19 contract, the contractor shall provide written notice to
20 the owner or the owner's authorized agent, via electronic
21 mail or postal service, stating that payment has not been
22 made; and

23 (iii) at least 30 calendar days have passed since
24 the written notice in subparagraph (ii) has been sent,
25 the contractor shall provide at least 10 calendar days'
26 written notice, via certified mail, of the contractor's
27 intent to suspend performance to the owner or the owner's
28 authorized agent.

29 Amend Bill, page 6, lines 10 through 30; page 7, line 1; by
30 striking out all of said lines on said pages and inserting

31 (e) Suspension of performance.--

32 (1) If payment is not received by a subcontractor in
33 accordance with this section, the subcontractor shall have
34 the right to suspend performance of any work, without
35 penalty, until payment is received according to the terms of
36 the construction contract. Any procedure in a construction

1 contract that exceeds the procedure in paragraph (2) shall be
2 unenforceable.

3 (2) Suspension of performance in a construction contract
4 may occur in accordance with paragraph (1) or if:

5 (i) payment has not been made to the subcontractor
6 in accordance with the schedule established under
7 subsection (c);

8 (ii) at least 30 calendar days have passed since the
9 end of the billing period for which payment has not been
10 received according to the terms of the construction
11 contract, the subcontractor shall provide written notice
12 to the contractor or contractor's authorized agent, via
13 electronic mail or postal service, stating that payment
14 has not been made; and

15 (iii) at least 30 calendar days have passed since
16 the written notice in subparagraph (ii) has been sent,
17 the subcontractor shall provide at least 10 calendar
18 days' written notice, via certified mail, of the
19 subcontractor's intent to suspend performance to the
20 owner or the owner's authorized agent.