

14-2-2 Failure of owner to obtain payment bond -- Liability.

- (1) An owner who fails to obtain a payment bond required under Section 14-2-1 is liable to each person who performed labor or service or supplied equipment or materials under the commercial contract for the reasonable value of the labor or service performed or the equipment or materials furnished up to but not exceeding the commercial contract price.
- (2) An action to recover on the liability described in Subsection (1) may not be commenced later than one year after the day on which:
 - (a) the last of the labor or service was performed; or
 - (b) the equipment or material was supplied by the person.
- (3) In an action for failure to obtain a bond, the court shall award reasonable attorney fees to the prevailing party. These attorney fees shall be taxed as costs in the action.

Amended by Chapter 330, 2012 General Session