

S.B. 230
CONSTRUCTION PAYMENT AMENDMENTS

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 6, Lines 153 through 159:*

153 (1) (a) Upon final completion of a construction project and in accordance with Section
154 38-1-40:
155 (i) an owner of a construction project or an original contractor ~~{+}~~ **may** ~~{+}~~ ~~{shall}~~ file a
156 notice
157 of completion with the database; ~~[and]~~ or
158 (ii) a lender that has provided financing for the construction project, a surety that has
159 provided bonding for the construction project, or a title company issuing a title insurance
159 policy on the construction project, ~~{+}~~ **may** ~~{+}~~ ~~{shall}~~ file a notice of completion.

2. *Page 8, Lines 216 through 219:*

216 (1) An owner, as defined in Section 14-2-1, or a contractor of a commercial
217 nonresidential construction project shall file a notice of intent to file a notice of completion
218 with the database in accordance with the provisions of Section 38-1-33 if:
219 (a) the completion of performance time **under the contract** is greater than 120 days;

3. *Page 8, Lines 223 through 225:*

223 (2) The notice of intent described in Subsection (1) shall be filed at least 45 days before
224 the day on which the owner or contractor of a commercial nonresidential construction project
225 files **or could have filed** a notice of completion under Section 38-1-33.

4. *Page 8, Lines 229 through 233:*

229 (a) that includes:
230 (i) the total amount remaining due under the contract ~~{-}~~
231 ~~{(ii)}~~ a purchase order or agreement relating to the person's labor, materials, and services;
232 and
233 ~~{(iii)}~~ (ii) a separate statement of all known amounts or categories of work in dispute; and

5. *Page 8, Lines 240 through 242:*

240 (b) A demand for adequate assurance as described in Subsection (4)(a) may include a
241 request for a statement from the owner, contractor, or subcontractor that the owner, contractor,

242 or subcontractor has sufficient funds **dedicated and** available to pay for all sums due or that will become
due

6. *Page 9, Line 261:*

261 payment of the **remaining contract balance claimed by the person seeking adequate assurance for**
completion of the construction project, including:

7. *Page 10, Lines 277 through 278:*

277 (7) A court shall award reasonable attorney fees to a prevailing party for an action {~~upon~~
278 ~~a payment bond~~} brought under this section.