

ASSEMBLY BILL NO. 393—ASSEMBLYMAN GOLDWATER

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to public works projects.
(BDR 28-996)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public works; prohibiting a public body from withholding payment from contractors in excess of retainage in certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 338 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 2 and NRS*
4 *338.515 and 338.525, a public body and its officers or agents*
5 *awarding a contract for a public work shall not withhold payment*
6 *from the contractor in excess of retainage.*

7 2. *The prohibition set forth in subsection 1 does not apply*
8 *with respect to any and all liquidated damages that the contractor*
9 *is contractually obligated to pay in the event that the contractor*
10 *breaches the contract.*

11 **Sec. 2.** NRS 338.400 is hereby amended to read as follows:

12 338.400 As used in NRS 338.400 to 338.645, inclusive, *and*
13 *section 1 of this act*, unless the context otherwise requires, the
14 words and terms defined in NRS 338.405 to 338.450, inclusive,
15 have the meanings ascribed to them in those sections.

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* A B 3 9 3 R 2 *