
SENATE BILL NO. 71—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 10, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Authorizes contractor to withhold money or require surety bond to guarantee payment of certain indebtedness of subcontractors and other contractors. (BDR 53-402)

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 contractors; authorizing a contractor to withhold money or require a surety bond to guarantee the payment of certain indebtedness of subcontractors and other contractors; 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.** NRS 608.150 is hereby amended to read as follows:
2 608.150 1. Every original contractor making or taking any
3 contract in this state for the erection, construction, alteration or
4 repair of any building or structure, or other work, shall assume and
5 is liable for the indebtedness for labor incurred by any subcontractor
6 or any contractors acting under, by or for the original contractor in
7 performing any labor, construction or other work included in the
8 subject of the original contract, for labor, and for the requirements
9 imposed by chapters 616A to 617, inclusive, of NRS.
10 2. *Every original contractor making or taking any contract*
11 *may, with regard to a subcontractor or contractor acting under, by*
12 *or for the original contractor in performing any labor,*
13 *construction or other work included in the subject of the original*
14 *contract:*
15 (a) *Withhold sufficient money on the contract; or*



1 ***(b) Require of the subcontractor or contractor a sufficient***
2 ***surety bond,***
3 ***to guarantee the payment of the indebtedness incurred by the***
4 ***subcontractor or contractor for labor and for the requirements***
5 ***imposed by chapters 616A to 617, inclusive, of NRS.***

6 **3.** It is unlawful for any contractor or any other person to fail to
7 comply with the provisions of ~~subsection 1,~~ **this section,** or to
8 attempt to evade the responsibility imposed thereby, or to do any
9 other act or thing tending to render nugatory the provisions of this
10 section.

11 ~~3,~~ **4.** The district attorney of any county wherein the
12 defendant may reside or be found shall institute civil proceedings
13 against any such original contractor failing to comply with the
14 provisions of this section in a civil action for the amount of all
15 wages and damage that may be owing or have accrued as a result of
16 the failure of any subcontractor acting under the original contractor,
17 and any property of the original contractor, not exempt by law, is
18 subject to attachment and execution for the payment of any
19 judgment that may be recovered in any action under the provisions
20 of this section.

