

SB074_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-074 be amended as follows:

1 Amend reengrossed bill, page 2, line 3, strike "portion" and substitute
2 "portion; and **add** (2) and (3)".

3 Page 2, line 11, strike "CREATED PURSUANT TO THIS ARTICLE 26" and
4 strike "RECOVER".

5 Page 2, line 12, strike "amount claimed" and substitute "~~amount claimed~~
6 VERIFIED STATEMENT OF CLAIM".

7 Page 2, after line 15, insert:

8 "(2) AN AWARD BY A COURT HAVING JURISDICTION OF AN AMOUNT
9 THAT IS LESS THAN THE AMOUNT IN A PERSON'S VERIFIED STATEMENT OF
10 CLAIM DOES NOT RENDER THAT AMOUNT EXCESSIVE FOR PURPOSES OF
11 SUBSECTION (1) OF THIS SECTION IF THE PERSON HAD A GOOD FAITH BASIS
12 TO BELIEVE THE AMOUNT IN THE VERIFIED STATEMENT OF CLAIM WAS DUE
13 AT THE TIME OF FILING.

14 (3) FOR PURPOSES OF THIS SECTION, "AMOUNT DUE" MEANS THE
15 AMOUNT OF MONEY A PERSON REASONABLY BELIEVES, IN GOOD FAITH,
16 REPRESENTS THE VALUE OF THE LABOR, MATERIALS, SUSTENANCE, OTHER
17 SUPPLIES, LABORERS, RENTAL MACHINERY, TOOLS, OR EQUIPMENT,
18 FURNISHED OR SUPPLIED TO A CONTRACTOR, AS DEFINED IN SECTION
19 38-26-101, OR THEIR SUBCONTRACTOR, WHETHER OR NOT THE AMOUNT IS
20 UNLIQUIDATED OR DISPUTED, AS SET FORTH IN SECTION 38-26-107 (1)".

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