

CHAPTER 108

PROPERTY

HOUSE BILL 07-1282

BY REPRESENTATIVE(S) Gagliardi, and Merrifield;
also SENATOR(S) Boyd.

AN ACT

**CONCERNING THE PUBLICATION OF NOTICE OF A FINAL SETTLEMENT FOR WORK PERFORMED UNDER
A PUBLIC WORKS CONTRACT.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 38-26-107 (1), Colorado Revised Statutes, is amended to read:

38-26-107. Supplier may file statement - notice - withholding funds. (1) Any person, ~~copartnership, association of persons, company, or corporation~~ AS DEFINED IN SECTION 2-4-401 (8), C.R.S., that has furnished labor, materials, sustenance, or other supplies used or consumed by ~~such~~ A contractor or his or her subcontractor in or about the performance of the work contracted to be done or that supplies laborers, rental machinery, tools, or equipment to the extent used in the prosecution of the work whose claim therefor has not been paid by the contractor or the subcontractor MAY, at any time up to and including the time of final settlement for the work contracted to be done, ~~which final settlement shall be duly advertised at least ten days prior thereto by publication of notice thereof at least twice in a public newspaper of general circulation published in the counties wherein the work was contracted for and wherein such work was performed,~~ may file with the board, officer, person, or other contracting body by whom the contract was awarded a verified statement of the amount due and unpaid on account of ~~such~~ THE claim. IF THE AMOUNT OF THE CONTRACT AWARDED TO THE CONTRACTOR EXCEEDS FIFTY THOUSAND DOLLARS, THE BOARD, OFFICER, PERSON, OR OTHER CONTRACTING BODY BY WHOM THE CONTRACT WAS AWARDED SHALL, NO LATER THAN TEN DAYS BEFORE THE FINAL SETTLEMENT IS MADE, PUBLISH A NOTICE OF THE FINAL SETTLEMENT AT LEAST TWICE IN A NEWSPAPER OF GENERAL CIRCULATION IN ANY COUNTY WHERE THE WORK WAS CONTRACTED FOR OR PERFORMED. IT IS UNLAWFUL FOR ANY PERSON TO DIVIDE A PUBLIC WORKS CONTRACT INTO TWO OR MORE SEPARATE CONTRACTS FOR THE SOLE PURPOSE OF EVADING OR ATTEMPTING TO EVADE THE REQUIREMENTS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

OF THIS SUBSECTION (1).

SECTION 2. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 8, 2007, if adjournment sine die is on May 9, 2007); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to final settlements paid on and after the applicable effective date of this act.

Approved: April 9, 2007