

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1053

Short Title: Action on Construction Payment Bond. (Public)

Sponsors: Representatives Baddour, McMahan, Gibson, and Cox (Primary Sponsors).

Referred to: Judiciary II.

April 10, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO SHORTEN THE TIME PERIOD IN WHICH A CLAIMANT MAY
3 BRING AN ACTION ON A PAYMENT BOND WHEN THE CLAIMANT HAS A
4 DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR IN
5 CONNECTION WITH A CONSTRUCTION CONTRACT BUT NO
6 CONTRACTUAL RELATIONSHIP WITH THE CONTRACTOR.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 44A-27(b) reads as rewritten:

9 "(b) Any claimant who has a direct contractual relationship with any subcontractor
10 but has no contractual relationship, express or implied, with the contractor may bring an
11 action on the payment bond only if he has given written notice to the contractor within
12 ~~180-120~~ days from the date on which the claimant performed the last of the labor or
13 furnished the last of the materials for which he claims payment, stating with substantial
14 accuracy the amount claimed and the name of the person for whom the work was
15 performed or to whom the material was furnished."

16 **SECTION 2.** This act becomes effective October 1, 2001, and applies to
17 actions on payment bonds filed on or after that date.