SENATE HIGHWAYS
EXHIBIT NO. 6
DATE 4-4-13
BILL NO. HB 494

Amendments to House Bill No. 494
3rd Reading Copy

Requested by Senator Matthew Rosendale

For the Senate Highways and Transportation Committee

Prepared by Dave Bohyer
April 4, 2013 (4:44pm)

1. Title, line 5.
Strike: "INSPECT" through "CONTRACTS"
Insert: "PERFORM AN INSPECTION"

2. Title, line 6.
Strike: "COMPLETION"
Insert: "A CONTRACTOR'S REQUEST FOR AN INSPECTION"
Strike: "AND"

3. Title, line 8 through line 9.
Strike: ", AFTER" on line 8 through "LAPSE" on line 9
Insert: "; AND AMENDING SECTION 60-2-115, MCA"

4. Page 1, line 13 through page 2, line 4.
Strike: sections 1 and 2 in their entirety
Insert: "**Section 1.** Section 60-2-115, MCA, is amended to read:

"**60-2-115. Contract let by commission -- time for final payment of contract price -- interest.** (1) ~~The commission~~ Subject to subsections (2) through (4), the department shall comply with the 30-day time period for payment of contracts as provided in 18-2-306 for all contracts let by the commission in accordance with this part.

(2) For the final payment on a contract, the department shall, within 30 days after a request by the contractor for final acceptance, perform an inspection of the project and notify the contractor of whether the department has granted or refused final acceptance.

(3) If the department notifies the contractor that the department has granted final acceptance, the department shall make the final payment of the contract price specified in the contract to the other party to the contract within 90 days after the notice.

(4)(a) If the department notifies the contractor that the department has refused final acceptance, the department shall include with the notice a list of all deficiencies that must be cured before the department will grant final acceptance.

(b) After the contractor has cured all of the deficiencies, the contractor shall request final acceptance by the department. Within 30 days after the contractor's request, the department

OVER >

shall perform an inspection of all of the cured deficiencies.

(c) If the department notifies the contractor of its final acceptance, the department shall make the final payment a provided in subsection (3).

(d) If the department notifies the contractor that the department has refused final acceptance, the department shall:

(i) notify the contractor of any remaining deficiencies; and

(ii) grant final acceptance, subject to any remedy provided under the provisions of Title 28, chapter 2.

(5) When the department grants final acceptance, the department shall immediately consider the contract complete and close the contract.

(6) For the purposes of this section, the following definitions apply:

(a) "Final acceptance" means the department's acceptance of the construction, maintenance, or public works project upon certification by the architect, project engineer, or other representative of the department of final completion of the project.

(b) "Final completion" means that the project has been completed in accordance with the terms and conditions of the contract documents and all warranties have expired."

{*Internal References to 60-2-115: None. OK/DDB*}"

Renumber: subsequent section

- END -