

Requested by Representative SMITH G

**PROPOSED AMENDMENTS TO
HOUSE BILL 4010**

1 On page 2 of the printed bill, line 13, delete “disagreement” and insert
2 “a good-faith dispute”.

3 Delete lines 39 through 45 and insert:

4 “(9)(a) A contracting agency that requires additional work from a con-
5 tractor or subcontractor that is outside the scope set forth in a public im-
6 provement contract or contract for public works shall issue to the contractor
7 or subcontractor a change order to the public improvement contract or con-
8 tract for public works for the full dollar amount of the additional work that
9 is not in dispute. The contracting agency shall issue the change order not
10 later than 30 days after the contractor or subcontractor requests the change
11 order and the contracting agency accepts the additional work that the con-
12 tractor or subcontractor completes. If the contracting agency fails to issue
13 a change order as provided in this paragraph, the contracting agency shall
14 pay interest at the rate specified in subsection (2) of this section on the un-
15 paid dollar amount of the additional work that is not in dispute and that the
16 contracting agency has accepted. The contracting agency is liable for the
17 interest until the date on which the contracting agency issues the change
18 order.”.

19 On page 3, delete lines 1 through 4.

20 Delete lines 21 and 22 and insert:

21 “(d) If a contracting agency fails to issue a change order as provided in

1 paragraph (a) of this subsection after a contractor or first-tier subcontractor
2 requests a change order from the contracting agency as provided in para-
3 graph (c) of this subsection, the contracting agency shall pay interest at the
4 rate provided in subsection (2) of this section to the subcontractor that
5 completes work the contracting agency accepts until the contracting agency
6 issues the change order, notwithstanding a lack of contract privity between
7 the contracting agency and the subcontractor.”.

8 On page 4, delete lines 43 through 45 and insert:

9 “(7)(a) An owner that requires additional work from a contractor or sub-
10 contractor that is outside the scope set forth in a construction contract shall
11 issue a change order for the full dollar amount of the additional work that
12 is not in dispute to the construction contract not later than 30 days after the
13 contractor or subcontractor requests the change order and the owner accepts
14 the additional work that the contractor or subcontractor completes. If an
15 owner fails to issue a change order as provided in this paragraph, the owner
16 shall pay interest at the rate specified in subsection (6) of this section on the
17 unpaid dollar amount of the additional work that is not in dispute and that
18 the owner has accepted. The owner is liable for the interest until the date
19 on which the owner issues the change order.”.

20 On page 5, delete lines 1 through 5.

21 Delete lines 20 and 21 and insert:

22 “(d) If an owner fails to issue a change order as provided in paragraph
23 (a) of this subsection after a contractor or first-tier subcontractor requests
24 a change order from the owner as provided in paragraph (c) of this sub-
25 section, the owner shall pay interest at the rate provided in subsection (6)
26 of this section to the subcontractor that completes work the owner accepts
27 until the owner issues the change order, notwithstanding a lack of contract
28 privity between the owner and the subcontractor.”.

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