

Introduced: 3/8/63
Referred: Judiciary

1 IN THE HOUSE

BY MESSRS. LEONARD AND SANDERS

2 HOUSE BILL NO. 202

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the posting of a
7 performance bond for all construction
8 contracts exceeding \$1,000, unless the bond
9 is waived by the parties."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 45.45 is amended by adding new sections to
12 read:

13 ARTICLE 4. PERFORMANCE BONDS FOR
14 PRIVATE CONSTRUCTION CONTRACTS

15 Sec. 45.45.120. POSTING OF PERFORMANCE BOND TO PROTECT
16 MATERIALMAN, LABORER, OR CONTRACTOR. (a) All private
17 contracts that total more than \$1,000 for the construction,
18 alteration, or repair, either in whole or in part of a build-
19 ing, wharf, bridge, flume, fence, aqueduct, well, or land
20 clearing, grading, draining, excavating or landscaping of
21 the ground upon which it is constructed, and the installa-
22 tion of sewer and water lines shall provide for a performance
23 bond unless waived by both parties to the contract in writ-
24 ing.

25 (b) A person contracting to perform a construction job
26 described in (a) of this section shall post a performance
27 bond approved by both parties guaranteeing payment for work
28 done or materials furnished on the job by a materialman,
29 laborer, or contractor.

1 Sec. 45.45.130. FILING OF PERFORMANCE BOND. The per-
2 formance bond shall be filed in the office of the recorder
3 in the recording district in which the contract is to be
4 performed unless another recording district is agreed upon
5 by the parties.

6 Sec. 45.45.140. FORFEITURE. (a) The performance bond
7 provided for in secs. 120 - 130 of this chapter is for-
8 feited upon the failure of the person posting the bond to
9 pay a materialman, a laborer, or a contractor for work done
10 or materials furnished according to contractual agreements.

11 (b) The proceeds from the forfeited performance bond
12 shall be used to satisfy any liens arising for work done
13 or materials furnished by the materialman, laborer, or
14 contractor.