

MISSISSIPPI LEGISLATURE

2012 Regular Session

To: Judiciary A

By: Representatives Morgan, Boyd, Busby, Carpenter, Chism, Lott, Staples

House Bill 1301

(As Sent to Governor)

AN ACT TO AMEND SECTION 85-7-185, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A SUPPLIER OF LABOR OR MATERIALS TO RECEIVE A COPY OF THE BOND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 85-7-185, Mississippi Code of 1972, is amended as follows:

85-7-185. When any contractor or subcontractor entering into a formal contract with any person, firm or corporation, for the construction of any building or work or the doing of any repairs, shall enter into a bond with such person, firm or corporation guaranteeing the faithful performance of such contract and containing such provisions and penalties as the parties thereto may insert therein, such bond shall also be subject to the additional obligations that such contractor or subcontractor shall promptly make payments to all persons furnishing labor or material or rental or lease equipment under said contract; and in the event such bond does not contain any such provisions for the payment of the claims of persons furnishing labor or material or rental or lease equipment under said contract, such bond shall nevertheless inure to the benefit of such person furnishing labor or material under said contract, the same as if such stipulation had been incorporated in said bond, and any such person who has furnished labor or materials or rental or lease equipment used therein for which payment has not been made shall have the right to intervene and be made a party to any action instituted on such bond, and to have his rights adjudicated in such action and judgment

rendered thereon, subject, however, to the priority of the rights or claim for damages or otherwise, of the obligee. The bond herein provided for may be made by any surety company authorized to do business in the State of Mississippi. A subcontractor supplying labor or materials for the prosecution of work shall, upon request to the owner or contractor, be furnished with a true and correct copy of the bond.

SECTION 2. This act shall take effect and be in force from and after July 1, 2012.