

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1034

with Assembly Floor Amendments
(Proposed By Assemblyman DiGAETANO)

ADOPTED: JUNE 17, 1996

These amendments make various technical and substantive changes to the bill. The bill deletes a reference to the county treasurer in section 1, so that notices of the delivery of labor or materials will be filed on the county level with the county chief financial officer. The bill also deletes a reference to the filing of the notice with a contractor, to reflect that such notices are to be filed with local officials, such as a municipal clerk, a county chief financial officer, or a chairman of a commission, board or authority. The amendments also include a provision that permits a person filing a notice after the 20-day period to assert a lien for any labor or materials provided after the filing date of the notice, and permit the public entity with which the notice is filed to charge an inquiry fee for information contained in the notice to any person, including the contractor. The inquiry fee must be reasonable and must be set to the cost to the public entity of retrieving the information.

The amendments in section 2 of the bill are technical as well as substantive in nature. The substantive changes require that the delivery of a payment bond under that section will require payment by the contractor for work or materials provided by subcontractors or material suppliers in contract with the contractor, or subcontractors or material suppliers in contract with a subcontractor to the contractor, and change the wording of the model certification at the end of that section from "void" to "voidable."

Section 3 of the bill contains language that states that with respect to the payment bond, if a beneficiary of the bond fails to provide the required written notice, the beneficiary shall only have rights to the benefits of that section of law, from the date the notice is provided.

Finally, the amendments add a new section 7 to the bill, which amends the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), to permit any specification adopted by the governing body to include an item for the cost, which shall be paid by the contractor, of creating a file to maintain the notices of the delivery of labor or materials required by N.J.S.2A:44-128.