

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 2.2-4341 of the Code of Virginia, relating to Virginia Public*
3 *Procurement Act; action against contractor's payment bond.*

4 [S 1424]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 2.2-4341 of the Code of Virginia is amended and reenacted as follows:**

8 § 2.2-4341. Actions on payment bonds; waiver of right to sue.

9 ~~A. Subject to the provisions of subsection B, any~~ *Any claimant who has a direct contractual*
10 *relationship with the contractor and* who has performed labor or furnished material in accordance with
11 the contract documents in furtherance of the work provided in any contract for which a payment bond
12 has been given, and who has not been paid in full before the expiration of 90 days after the day on
13 which the claimant performed the last of the labor or furnished the last of the materials for which he
14 claims payment, may bring an action on the payment bond to recover any amount due him for the labor
15 or material. The obligee named in the bond need not be named a party to the action.

16 B. Any claimant who has a direct contractual relationship with any subcontractor but who has no
17 contractual relationship, express or implied, with the contractor, may bring an action on the contractor's
18 payment bond only if he has given written notice to the contractor within ~~180~~ 90 days from the day on
19 which the claimant performed the last of the labor or furnished the last of the materials for which he
20 claims payment, stating with substantial accuracy the amount claimed and the name of the person for
21 whom the work was performed or to whom the material was furnished. Notice to the contractor shall be
22 served by registered or certified mail, postage prepaid, in an envelope addressed to such contractor at
23 any place where his office is regularly maintained for the transaction of business. Claims for sums
24 withheld as retainages with respect to labor performed or materials furnished, shall not be subject to the
25 time limitations stated in this subsection.

26 C. Any action on a payment bond shall be brought within one year after the day on which the
27 person bringing such action last performed labor or last furnished or supplied materials.

28 D. Any waiver of the right to sue on the payment bond required by this section shall be void unless
29 it is in writing, signed by the person whose right is waived, and executed after such person has
30 performed labor or furnished material in accordance with the contract documents.

ENROLLED

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