

HOUSE BILL No. 4509

March 17, 2005, Introduced by Rep. Acciavatti and referred to the Committee on Government Operations.

A bill to amend 1980 PA 524, entitled

"An act to provide for the terms of certain construction contracts with certain public agencies; to regulate the payment and retainage of payments on construction contracts with certain public agencies; and to provide for the resolution of certain disputes,"

by amending section 5 (MCL 125.1565).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~Except as provided in subsection (2), this~~ **THIS**
2 act shall apply only to a construction contract entered into after
3 the effective date of this act.

4 ~~——— (2) For a construction contract entered into before the~~
5 ~~effective date of this act, the provisions of this act may be~~
6 ~~implemented by a public agency, through a contract amendment, upon~~
7 ~~the written request of the contractor, with such consideration as~~
8 ~~the public agency considers adequate.~~

1 (2) FOR A CONTRACT INVOLVING A GOVERNMENTAL UNIT AND
2 CONFORMING TO THE PROVISIONS OF SECTION 7(4), (5), AND (6) OF 1963
3 PA 213, MCL 129.207, THE PARTIES ENFORCING THE CONTRACT ARE ALLOWED
4 TO UTILIZE THE ADDITIONAL REMEDY PROVIDED FOR UNDER SECTION 7(6) OF
5 1963 PA 213, MCL 129.207. AS USED IN THIS SUBSECTION, "GOVERNMENTAL
6 UNIT" MEANS THAT TERM AS DEFINED IN SECTION 6 OF 1963 PA 213, MCL
7 129.206.

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No.____ or House Bill No. 4510(request no.
10 00199'05) of the 93rd Legislature is enacted into law.