

CONSTRUCTION, IMPROVEMENT, AND MAINTENANCE OF HIGHWAYS (EXCERPT)
Act 59 of 1915

247.463 Estimates and certificates of completed work; payments on contracts, prerequisites, portion withheld.

Sec. 63. As the work of improvement progresses, the county road commissioners, or the state highway commissioner, shall cause written estimates to be made, and certificates of work done and materials furnished, according to specifications, and of the value of the work accomplished by the several contractors. These estimates and certificates shall be made and signed by a competent engineer. At the request of any contractor doing work, such estimate shall be made at least once in each month. The county road commissioners, or the state highway commissioner, shall make no payment on any contract without such written estimates and certificates that the work is done according to specifications where the total contract price shall be 500 dollars or over. Before the final completion of the work and its final acceptance, they shall not pay more than 80 per cent of the amount of such estimates and certificates: Provided, That upon satisfactory showing of the paying of outstanding indebtedness as hereinafter provided the amount retained on such estimates may be proportionately reduced in the discretion of the state highway commissioner or the board of county road commissioners as the work progresses. Before payment is made on any estimate or certificate aforesaid, the contractor shall file an affidavit showing, either that all labor and material so far used in the improvement has been paid for by him, or an itemized statement giving the several amounts and names of persons to whom anything is owing for labor and material used in the particular improvement contracted for by him, or he shall file releases from all persons unpaid for either labor or material used in such improvement. In case it appears from such affidavits that any labor or material is not paid for, the county road commissioners, or the state highway commissioner, shall deduct from any payment to be made by them such indebtedness for material and labor. The county road commissioners, or the state highway commissioner, out of money so retained by them, may pay any such indebtedness; and they shall pay such indebtedness out of such money on the request of any contractor. They shall not be obliged to pay on the request of a creditor until such creditor shall have put his claim into final judgment.

History: 1915, Act 59, Eff. Aug. 24, 1915;—CL 1915, 4733;—Am. 1917, Act 125, Imd. Eff. Apr. 25, 1917;—Am. 1921, Act 22, Imd. Eff. Mar. 31, 1921;—CL 1929, 4378;—CL 1948, 247.463.