

AMENDED IN SENATE MARCH 25, 2011

**SENATE BILL**

**No. 293**

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**Introduced by Senator Padilla**

February 14, 2011

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An act to amend Sections 8612 and 9560 of the Civil Code, relating to payment bonds.

LEGISLATIVE COUNSEL'S DIGEST

SB 293, as amended, Padilla. Payment bonds: laborers.

Existing law generally requires a claimant to give a preliminary notice to specified persons before asserting a claim against a payment bond in a private or public work of improvement and exempts a laborer, as defined, from this notice requirement. Other provisions of existing law also require a claimant to give a preliminary notice to enforce his or her claim against a payment bond, and allow the claimant, if he or she did not give a preliminary notice, to enforce his or her claim by giving written notice to the surety and bond principal.

This bill, *commencing July 1, 2012*, would specify that the latter ~~provision~~ *provisions*, requiring a preliminary notice to enforce a claim against a payment bond and setting forth the claim procedure when a preliminary notice has not been given, ~~does~~ *do* not apply to a laborer or to any other person who is exempt from the requirement of giving a preliminary notice before asserting a claim against a payment bond. The bill would specify that the provision is declaratory of existing law, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8612 of the Civil Code is amended to  
2 read:

3 8612. (a) In order to enforce a claim against a payment bond  
4 under this title, a claimant shall give the preliminary notice  
5 provided in Chapter 2 (commencing with Section 8200).

6 (b) If preliminary notice was not given as provided in Chapter  
7 2 (commencing with Section 8200), a claimant may enforce a  
8 claim by giving written notice to the surety and the bond principal  
9 within 15 days after recordation of a notice of completion. If no  
10 notice of completion has been recorded, the time for giving written  
11 notice to the surety and the bond principal is extended to 75 days  
12 after completion of the work of improvement.

13 ~~(c) This section shall not apply to a laborer or to any other~~  
14 ~~person who is exempt from the requirement of giving a preliminary~~  
15 ~~notice under Section 8200.~~

16 *(c) Pursuant to Section 8200, this section shall not apply to a*  
17 *laborer, as defined under Section 8024.*

18 *(d) This section shall become operative on July 1, 2012.*

19 SEC. 2. Section 9560 of the Civil Code is amended to read:

20 9560. (a) In order to enforce a claim against a payment bond,  
21 a claimant shall give the preliminary notice provided in Chapter  
22 3 (commencing with Section 9300).

23 (b) If preliminary notice was not given as provided in Chapter  
24 3 (commencing with Section 9300), a claimant may enforce a  
25 claim by giving written notice to the surety and bond principal  
26 within 15 days after recordation of a notice of completion. If no  
27 notice of completion has been recorded, the time for giving written  
28 notice to the surety and the bond principal is extended to 75 days  
29 after completion of the work of improvement.

30 ~~(c) This section shall not apply to a laborer or to any other~~  
31 ~~person who is exempt from the requirement of giving a preliminary~~  
32 ~~notice under Section 9300.~~

33 *(c) Pursuant to Section 9300, this section shall not apply to a*  
34 *laborer, as defined under Section 8024.*

35 *(d) This section shall become operative on July 1, 2012.*

1     ~~SEC. 3.—The amendment of Sections 8612 and 9560 of the Civil~~  
2     ~~Code made by this act does not constitute a change in, but is~~  
3     ~~declaratory of, existing law.~~

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