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AN ACT

RELATING TO PUBLIC WORKS PROJECTS; REQUIRING PAYMENT FOR
MATERIALS NOT DELIVERED TO OR STORED ON A JOB SITE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. PAYMENT FOR CONSTRUCTION MATERIALS STORED
OFF-SITE ON PUBLIC WORKS PROJECT.--

A. As used in this section:

(1) "contractor" means the prime contractor
on a public works project who contracts directly with the
using agency;

(2) "materialman" means any person who
furnishes materials or supplies to a subcontractor or an
original contractor;

(3) "owner" means an office, department,
institution, board, commission or other governing body or
officer thereof of this state or of any political subdivision
thereof that is responsible for authorizing payments to
contractors and subcontractors on a public works project;

(4) "public works project" means a project
of the state, including a project of a political subdivision
of the state, including any home rule municipality chartered
pursuant to the provisions of Article 10, Section 6 of the
constitution of New Mexico, a project of an institution or
department of the state or a project of a local public body

1 to construct, repair, alter, demolish, install or extend an
2 improvement on real property or to improve real property
3 owned, used or leased by the state, a political subdivision
4 of the state, an institution or department of the state or a
5 local public body, but excluding transportation projects of
6 the department of transportation; and

7 (5) "subcontractor" means a contractor who
8 contracts directly with the contractor.

9 B. Whenever a contractor, subcontractor or
10 materialman determines that it is necessary to take delivery
11 of or to store construction materials at a location other than
12 where the actual construction is taking place, the owner shall
13 pay the contractor, subcontractor or materialman the full
14 agreed-upon price for those construction materials when the
15 contractor, subcontractor or materialman provides the owner
16 with a bill of lading or other suitable document establishing
17 delivery of the construction materials at the construction
18 site or off-site storage location, the quantity of the
19 construction materials delivered and acceptance of the
20 construction materials by the contractor, subcontractor or
21 materialman, but the contractor, subcontractor or materialman
22 shall not be required to disclose the price paid for
23 construction materials delivered at or stored at a location
24 other than where the actual construction is taking place. _____