

**79-1012. Same; actions against contractors; procedure.** An action against any contractor coming within the provisions of this act may be brought by the attorney for the secretary of revenue or the general counsel of the department of labor in Shawnee county or in any county in which any work under any such contract is performed. The summons shall be directed to the secretary of state, and shall require the defendant to answer by a certain day, not less than 40 days nor more than 60 days from such date. The summons shall be forthwith forwarded by the clerk of the court to the secretary of state, who shall immediately forward a copy thereof to the contractor at the address given by such contractor and thereupon the secretary of state shall make return of the summons to the court whence it issued, showing the date of its receipt by the secretary, the date of forwarding such copy and the name and address of the person to whom the secretary forwarded such copy. Such return shall be under the secretary's hand and seal of office, and shall have the same force and effect as a due and sufficient return made by the sheriff on process directed to the sheriff.

The secretary of state shall keep a suitable record book, in which the secretary shall docket every action commenced against any such contractor. This record shall show the court in which the suit is brought, the title of the case, the time when commenced, and the date and manner of service.

**History:** L. 1957, ch. 515, § 5; L. 1989, ch. 291, § 15; L. 2004, ch. 179, § 146; July 1.