

**79-1010. Same; surety bonds for certain contractors; conditions; amount; increase, when; release; withholding moneys by certain contractors to guarantee payment of taxes; enforcement of act.** Every contractor required to register any contract or contracts, as defined in this act, shall, before entering into the performance of such contract or contracts, execute and file with the secretary or the secretary's designee a good and valid bond in a surety company authorized to do business in this state, or with sufficient sureties to be approved by the secretary or the secretary's designee, conditioned that all taxes, including contributions due under the employment security law, which may accrue to the state of Kansas and all taxes which may accrue to the political subdivisions thereof on account of the execution and performance of such contract or contracts, will be paid when due, and the execution and filing of such bond shall be a condition precedent to commencing work on any contract in the state of Kansas. Such bond shall be conditioned as hereinabove provided with respect to all contracts to be performed during the current calendar year and shall be in a sum of not less than \$1,000. If at any time during the current calendar year the secretary or the secretary's designee shall determine the amount of the bond is not sufficient to cover the tax liabilities accruing to the state of Kansas or the political subdivisions thereof for the current calendar year, or, upon written request of the secretary of labor, the secretary or the secretary's designee shall require such bond to be increased in such sum as the secretary or the secretary's designee may determine to be proper. When any contractor shall have fully performed all contracts registered during the current calendar year, the bond may be released by the secretary or the secretary's designee.

Any contractor who is or becomes subject to the provisions of this act and every contractor required to register any contract or contracts, as defined in this act, who contracts with any subcontractor, who also is or becomes subject to the provisions of this act or is required to register any contract or contracts as defined in this act, shall withhold sufficient moneys on such contract to guarantee that all taxes, including contributions due under the employment security law, which may accrue to the state of Kansas and all taxes which may accrue to the political subdivisions thereof on account of the execution and performance of such contract or contracts, will be paid when due. Failure to comply with the provisions of this section shall render the contractor directly liable for such taxes, contribution, penalties and interest due from the subcontractor and the secretary or the secretary's designee shall have all of the remedies of collection against the contractor under the provisions of this act as though the services in question were performed directly for such contractor.

Every person failing to register as required by this act, or to execute the bond herein provided before beginning the performance of any contract, shall be denied the right to perform such contract until such person complies with such requirements, and the county attorney of any county in which the contract is to be performed, general counsel of the department of labor when requested by the secretary of labor, or the attorney for the secretary of revenue, when requested by the secretary or the secretary's designee is hereby authorized to proceed by injunction to prevent any activity in the performance of such contract until such registration is made and such bond is executed and filed, and any temporary injunction enjoining the execution of such contract shall be granted without notice by any judge now authorized by law to grant injunctions.

**History:** L. 1957, ch. 515, § 3; L. 1959, ch. 371, § 1; L. 1963, ch. 462, § 1; L. 1968, ch. 289, § 2; L. 1989, ch. 291, § 13; L. 2004, ch. 179, § 145; July 1.