**6040-S AMS FORT S4712.1 - NOT FOR FLOOR USE**

**SSB 6040** - S AMD **537**

By Senator Fortunato

**NOT ADOPTED 02/13/2024**

On page 1, line 6, after "(1)" strike "(a) When" and insert "((~~When~~)) (a) Except as provided in (b) of this subsection, when"

On page 1, beginning on line 18, after "program" strike all material through "work" on line 20

On page 1, after line 20, insert the following:

"(ii) If a contractor has not yet received payment from the state or municipality for work on a public work, a subcontractor that is a small business certified with the office of minority and women's business enterprises under chapter 39.19 RCW, or is recognized as a women or minority-owned business enterprise in a state of Washington port, county, or municipal small business or women or minority-owned business enterprise program, must opt into prompt payment from the contractor for work satisfactorily completed or material delivered. Payment under this subsection must be reduced at a rate of two percent. If a subcontractor under this subsection does not opt into payment as described under this subsection, payment must be provided as outlined in (a) of this subsection."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

EFFECT: Requires subcontractors to opt into prompt payment should the general contractor not yet have received payment. If the contractor has not yet received payment and a subcontractor opts in, payment is reduced by two percent. If a subcontractor does not opt in, payment is provided no later than 10 days following prime contractor receipt of payment.