

shall be in the amount not less than fifty per centum (50%) of the total amount payable by the terms of the contract.

(b) Nothing in this section shall be construed to limit the authority of the State of Maryland or other public body hereinabove mentioned to require a performance bond or other security in addition to those, or in cases other than the cases specified in sub-section (a) of this section.

(c) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under this section and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on the payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final judgment and execution for the sum or sums justly due him; provided, however, that any person having direct contractual relationship with a subcontractor of the contractor, OR WITH ANY SUB-SUBCONTRACTOR OF THE CONTRACTOR but no contractual relationship express or implied with the contractor furnishing said payment bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within ninety (90) days from the date on which such person did, or performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence.

(d) Every suit instituted under this section shall be brought in the appropriate court in the political subdivision in which the contract was to be performed and executed and not elsewhere, but no such suit shall be commenced after the term of one year after the date of final acceptance of the work performed under the contract. The obligee named in the bond shall not be liable for the payment of any cost or expenses of any such suit.

(e) In the case of contracts of the State of Maryland, or any board, commission, or agency thereof, the aforesaid bonds shall be payable to the State of Maryland and shall be approved by the Attorney General as to form. In the case of all other contracts subject to this section, the bonds shall be payable to the public body concerned, and shall be approved by its attorney as to form.

(f) Bonds payable to the State of Maryland shall be filed in the office of the State Comptroller. All other bonds shall be filed in the office of the public body concerned.

(g) The State Comptroller or officer in charge of the office wherein the aforesaid bonds are required to be filed is authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor, or materials, for such work and payment therefor has not been made or that he is