

WRONGFUL LIEN AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill repeals provisions relating to wrongful liens.

Highlighted Provisions:

This bill:

- ▶ repeals provisions relating to a county recorder's authority to reject recording a lien that the recorder determines to be a wrongful lien and provisions relating to a lien claimant's petition to district court for a determination that a rejected lien may be recorded; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

38-9-2, as last amended by Laws of Utah 2012, Chapter 278

REPEALS:

38-9-3, as last amended by Laws of Utah 2010, Chapter 381

38-9-6, as enacted by Laws of Utah 1997, Chapter 125

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **38-9-2** is amended to read:

38-9-2. Scope.

(1) (a) The provisions of Sections 38-9-1~~[, 38-9-3,]~~ and 38-9-4~~[, and 38-9-6]~~ apply to any recording or filing or any rejected recording or filing of a lien pursuant to this chapter on or after May 5, 1997.

(b) The provisions of Sections 38-9-1 and 38-9-7 apply to all liens of record regardless

33 of the date the lien was recorded or filed.

34 (c) Notwithstanding Subsections (1)(a) and (b), the provisions of this chapter
35 applicable to the filing of a notice of interest do not apply to a notice of interest filed before
36 May 5, 2008.

37 (2) The provisions of this chapter shall not prevent a person from filing a lis pendens in
38 accordance with Section 78B-6-1303 or seeking any other relief permitted by law.

39 (3) This chapter does not apply to a person entitled to a preconstruction or construction
40 lien under Section 38-1a-301 who files a lien pursuant to Title 38, Chapter 1a, Preconstruction
41 and Construction.

42 Section 2. **Repealer.**

43 This bill repeals:

44 Section **38-9-3, County recorder may reject wrongful lien within scope of**
45 **employment -- Good faith requirement.**

46 Section **38-9-6, Petition to file lien -- Notice to record interest holders -- Summary**
47 **relief -- Contested petition.**

Legislative Review Note
as of 6-27-12 7:28 AM

Office of Legislative Research and General Counsel