

WRONGFUL LIEN AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Rebecca D. Lockhart

AN ACT RELATING TO LIENS; AMENDING AND CLARIFYING THE SCOPE OF THE WRONGFUL LIEN PROVISIONS; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

38-9-2, as repealed and reenacted by Chapter 125, Laws of Utah 1997

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 [this chapter] Sections 38-9-1, 38-9-3, 38-9-4, 38-9-5, 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 of the date the lien was recorded or filed.

(2) The provisions of this chapter shall not prevent a person from filing a lis pendens in accordance with Section 78-40-2 or seeking any other relief permitted by law.

(3) This chapter does not apply to a person entitled to a lien under Section 38-1-3 who files a lien pursuant to Title 38, Chapter 1, Mechanics' Liens.

Legislative Review Note

as of 1-27-99 4:35 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel