



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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March 2, 2011

Madam Speaker:

The Business and Labor Committee recommends **H.B. 260**, MECHANICS' LIENS REVISIONS, by Representative D. Clark, be replaced and reports a favorable recommendation on **1st Sub. H.B. 260**, MECHANICS' LIENS REVISIONS with the following amendments:

1. *Page 2, Line 45:*

45 ~~{ 38-9-2, as last amended by Laws of Utah 2008, Chapters 3 and 223 }~~

2. *Page 3, Lines 75 through 79:*

75 agent as prescribed by Section {+} 38-1-32 {+} ~~{ 38-1-32.5 }~~, except that this section does not apply {-}

76 ~~—(a)}~~ to a person performing labor for wages ~~{; or}~~ .

77 ~~{(b) if a notice of commencement is not filed as prescribed in Section [38-1-31]~~

78 ~~38-1-31.5 for the project or improvement for which labor, service, equipment, or material is~~

79 ~~furnished.}~~

3. *Page 5, Line 119:*

119 (b) ~~{A}~~ Notwithstanding the time a lien relates back to and takes effect as of under Subsection (2), a recorded mortgage or trust deed on the project property to secure a construction

4. *Page 6, Lines 169 through 173:*

169 (c) provide a central repository for [notices of commencement,] {-}

170 ~~—(i) preliminary notices[,] and notices of completion filed in connection with all~~

171 ~~[privately owned construction] private projects [as well as] in the state; and~~

172 ~~—(ii) notices of commencement, preliminary notices, and notices of completion for all~~

173 ~~[state and local] government [owned construction] projects [throughout Utah] in the~~

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~~state}~~ all notices filed with the database under Section 38-1-30.5, 38-1-31.5, 38-1-32, 38-1-32.5, 38-1-33, or 38-1-40 ;

5. Page 6, Line 176 through Page 7, Line 181:

176 (i) the filing and reviewing of ~~{~~
177 ~~—[(i)] (A) notices of commencement on a government project;~~
178 ~~—[(ii)] (B) preliminary notices;~~
179 ~~—[(iii)] (C) [a notice] notices of intent to file notice of final completion;~~
180 ~~—[(iv)] (D) [a notice] notices for remaining amounts due to complete the contract;~~
and
181 ~~—[(v)] (E) notices of completion }~~ notices described in Subsection (2)(c) ; and

6. Page 8, Lines 223 through 231:

223 (i) ~~{ a notice of commencement on a government project;~~
224 ~~—(ii) a preliminary notice;~~
225 ~~—(iii) a notice of intent to file notice of final completion;~~
226 ~~—(iv) a notice for remaining amounts due to complete the contract;~~
227 ~~—(v) a notice of completion }~~ all notices described in Subsection (2)(c) ;
228 ~~{(vi)}~~ (ii) a request for notice;
229 ~~{(vii)}~~ (iii) providing a required notice by an alternate ~~{method of~~
delivery} filing ;
230 ~~{(viii)}~~ (iv) a duplicate receipt of a filing; and
231 ~~{(ix)}~~ (v) account setup for a person who wishes to be billed periodically
for filings with the

7. Page 18, Lines 531 through 535:

531 ~~{(d) A preliminary notice filed for labor, service, equipment, or material~~
furnished to
532 real property for a private project under an original contract is not valid for labor,
service;
533 equipment, or material furnished to the same real property for another private

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project under a
534 separate original contract.}
535 {+} (d) {+} {-(e)} (i) (A) [If a] A person who [is required to file a
preliminary notice under this

8. Page 18, Line 545:

545 {-(f)} (e) A preliminary notice that is timely filed with the database with
respect to a private

9. Page 18, Line 548:

548 {-(g)} (f) If a preliminary notice filed with the database includes the tax
parcel identification

10. Page 19, Line 556:

556 {-(h)} (g) A preliminary notice for a private project shall include:

11. Page 25, Lines 743 through 756:

743 {~~Section 13. Section 38-9-2 is amended to read:~~
744 ~~38-9-2. Scope:~~
745 ~~(1)(a) The provisions of Sections 38-9-1, 38-9-3, 38-9-4, and 38-9-6 apply to any~~
746 ~~recording or filing or any rejected recording or filing of a lien pursuant to this~~
~~chapter on or~~
747 ~~after May 5, 1997.~~
748 ~~(b) The provisions of Sections 38-9-1 and 38-9-7 apply to all liens of record~~
~~regardless~~
749 ~~of the date the lien was recorded or filed.~~
750 ~~(c) Notwithstanding Subsections (1)(a) and (b), the provisions of this chapter~~
751 ~~applicable to the filing of a notice of interest do not apply to a notice of interest filed~~
~~before~~
752 ~~May 5, 2008.~~
753 ~~(2) The provisions of this chapter shall not prevent a person from filing a lis~~

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pendens in
754 ~~accordance with Section 78B-6-1303 or seeking any other relief permitted by law.~~
755 ~~—[(3) This chapter does not apply to a person entitled to a lien under Section~~
~~38-1-3 who~~
756 ~~files a lien pursuant to Title 38, Chapter 1, Mechanics' Liens.] }~~

Respectfully,

James A. Dunnigan
Committee Chair

Voting: 8-6-0

7 HB0260.HC1.WPD 3/3/11 8:35 am /BRH RHR/AMN

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