

**Effective 5/4/2022**

**38-1a-301 Those entitled to lien -- What may be attached.**

- (1) Except as provided in Section 38-11-107, a person who provides preconstruction service or construction work on or for a project property has a lien on the project property for the reasonable value of the preconstruction service or construction work, respectively, as provided in this chapter.
- (2) A person may claim a preconstruction lien and a separate construction lien on the same project property.
- (3)
  - (a) A construction lien may include an amount claimed for a preconstruction service.
  - (b) A preconstruction lien may not include an amount claimed for construction work.
- (4)
  - (a) A preconstruction or construction lien attaches only to the interest that the owner has in the project property that is the subject of the lien.
  - (b) If an owner possesses an interest in the project property that is less than fee simple, a preconstruction or construction lien attaches only to the lesser interest of the owner and does not attach to the fee simple interest.
  - (c) Notwithstanding Subsection (4)(b), a preconstruction or construction lien may attach to the fee simple interest in the project property, if the person who provides preconstruction service or construction work can demonstrate that the preconstruction service or construction work:
    - (i) was authorized by the person possessing the fee simple interest in the project property; and
    - (ii) provides a substantial benefit to the person who owns the fee simple interest beyond the time period of the lesser interest possessed by the owner.

Amended by Chapter 429, 2022 General Session