

38-1a-401 Notice of preconstruction service.

- (1)
 - (a) A person that desires to claim a preconstruction lien on real property shall file a notice of preconstruction service with the registry no later than 20 days after the person commences providing preconstruction service for the anticipated improvement on the real property.
 - (b) A person that fails to file a timely notice of preconstruction service as required in this section may not claim a valid preconstruction lien.
 - (c) A timely filed notice of preconstruction service is effective as to each preconstruction service that the person filing the notice provides for the anticipated improvement under a single original contract, including preconstruction service that the person provides to more than one supervising subcontractor under that original contract.
 - (d) A notice of preconstruction service filed for preconstruction service provided or to be provided under an original contract for an anticipated improvement on real property is not valid for preconstruction service provided or to be provided under a separate original contract for an anticipated improvement on the same real property.
 - (e) A notice of preconstruction service that is timely filed with the database with respect to an anticipated improvement is considered to have been filed at the same time as the earliest timely filed notice of preconstruction service for that anticipated improvement.
 - (f) A notice of preconstruction service shall include:
 - (i) the name, address, telephone number, and email address of the person providing the preconstruction service;
 - (ii) the name, address, telephone number, and email address of the person that employed the person providing the preconstruction service;
 - (iii) a general description of the preconstruction service the person provided or will provide;
 - (iv) the name of the record or reputed owner;
 - (v) the name of the county in which the property on which the anticipated improvement will occur is located;
 - (vi)
 - (A) the tax parcel identification number of each parcel included in that property; or
 - (B) the entry number of a previously filed notice of preconstruction service that includes the tax parcel identification number of each parcel included in that property; and
 - (vii) a statement that the person filing the notice intends to claim a preconstruction lien if the person is not paid for the preconstruction service the person provides.
 - (g)
 - (i) A claimant who is an original contractor or a supervisory subcontractor may include in a notice of preconstruction service the name, address, and telephone number of each subcontractor who is under contract with the claimant to provide preconstruction service that the claimant is under contract to provide.
 - (ii) The inclusion of a subcontractor in a notice of preconstruction service filed by another claimant is not a substitute for the subcontractor's own submission of a notice of preconstruction service.
- (2) The burden is on the person filing the notice of preconstruction service to prove that the person has substantially complied with the requirements of this section.
- (3)
 - (a) Subject to Subsection (3)(b), a person required by this section to file a notice of preconstruction service is required to give only one notice for each anticipated improvement.
 - (b) A person that provides preconstruction service under more than one original contract for the same anticipated improvement and desires to claim a preconstruction lien for preconstruction

service provided under each original contract shall file a separate notice of preconstruction service for preconstruction service provided under each original contract.

- (4) A person filing a notice of preconstruction service by alternate means is responsible for verifying and changing any incorrect information in the notice of preconstruction service before the expiration of the period during which the notice is required to be filed.

Amended by Chapter 464, 2013 General Session