

**38-1b-201 Notice of commencement for a government project.**

- (1) No later than 15 days after commencement of physical construction work at a government project site, the original contractor, owner, or owner-builder shall file a notice of commencement with the registry.
- (2) An original contractor, owner, or owner-builder on a government project may file a notice of commencement with the designated agent before the commencement of physical construction work on the project property.
- (3)
  - (a) If duplicate notices of commencement are filed, they shall be combined into one notice for each government project, and any notices filed relate back to the date of the earliest-filed notice of commencement for the project.
  - (b) A duplicate notice of commencement that is untimely filed relates back under Subsection (3)
    - (a) if the earlier filed notice of commencement is timely filed.
  - (c) Duplicate notices of commencement shall be automatically linked by the designated agent.
- (4) The designated agent shall assign each government project a unique project number that:
  - (a) identifies the project; and
  - (b) can be associated with all notices of commencement, preliminary notices, and notices of completion filed in connection with the project.
- (5) A notice of commencement is effective only as to any construction work that is provided after the notice of commencement is filed.
- (6)
  - (a) A notice of commencement shall include:
    - (i) the name, address, and email address of the owner;
    - (ii) the name, address, and email address of the original contractor;
    - (iii) the name, address, and email address of the surety providing any payment bond for the project or, if none exists, a statement that a payment bond was not required for the work being performed;
    - (iv)
      - (A) the address of the project property if the project property can be reasonably identified by an address; or
      - (B) the name and general description of the location of the project property, if the project property cannot be reasonably identified by an address; and
    - (v) the government project-identifying information.
  - (b) A notice of commencement may include a general description of the project.
- (7) If a notice of commencement for a government project is not filed within the time set forth in Subsection (1), then Section 38-1b-202 and Section 38-1b-203, with respect to the filing of a notice of completion, do not apply.
- (8)
  - (a) The burden is upon any person seeking to enforce a notice of commencement to verify the accuracy of information in the notice of commencement and prove that the notice of commencement is filed timely and meets all of the requirements of this section.
  - (b) A substantial inaccuracy in a notice of commencement renders the notice of commencement invalid.
  - (c) A person filing a notice of commencement by alternate means is responsible for verifying and changing any incorrect information in the notice of commencement before the expiration of the time period during which the notice is required to be filed.

Renumbered and Amended by Chapter 278, 2012 General Session

