

**38-1b-202 Preliminary notice on government project.**

- (1)
  - (a) Except for a person who has a contract with an owner or an owner-builder or a laborer compensated with wages, a subcontractor on a government project shall file a preliminary notice with the registry by the later of:
    - (i) 20 days after the subcontractor commences providing construction work to the construction project; and
    - (ii) 20 days after the filing of a notice of commencement, if the subcontractor's work commences before the filing of the first notice of commencement.
  - (b) Subsection (1) does not exempt the following from complying with the requirements of this section:
    - (i) a temporary labor service company or organization;
    - (ii) a professional employer company or organization; or
    - (iii) any other entity that provides labor.
- (2) A preliminary notice filed within the period described in Subsection (1) is effective as to all construction work that the subcontractor provides to the construction project, including construction work that the subcontractor provides to more than one contractor or subcontractor.
- (3)
  - (a) If more than one notice of commencement is filed for a project, a person may attach a preliminary notice to any notice of commencement filed for the project.
  - (b) A preliminary notice attached to an untimely notice of commencement is valid if there is also a valid and timely notice of commencement for the project.
- (4) A preliminary notice filed after the period prescribed by Subsection (1) becomes effective on the date that is five days after the date on which the preliminary notice is filed.
- (5) Except as provided in Subsection (8), failure to file a preliminary notice within the period required by Subsection (1) precludes a person from maintaining any claim for compensation earned for construction work provided to the construction project before the the date that is five days after the preliminary notice was filed, except as against the person with whom the person contracted.
- (6) A preliminary notice on a government project shall include:
  - (a) the government project-identifying information;
  - (b) the name, address, and telephone number of the person providing the construction work;
  - (c) the name and address of the person who contracted with the claimant for the providing of construction work;
  - (d) the name of the record or reputed owner;
  - (e) the name of the original contractor under which the claimant is performing or will perform its work; and
  - (f) the address of the project property or a description of the location of the project property.
- (7) Upon request, an original contractor shall provide a subcontractor with the number assigned to the project by the designated agent.
- (8) A person who provides construction work before the filing of a notice of commencement need not file a preliminary notice to maintain any right the person would otherwise have, if the notice of commencement is filed more than 15 days after the day on which the person begins work on the project.
- (9) The burden is upon the person filing a preliminary notice to prove that the person has substantially complied with the requirements of this section.

(10) Subsections 38-1a-501(1)(e) and (f) and (3) apply to a preliminary notice on a government project under this section to the same extent that those subsections apply under Section 38-1a-501 to a preliminary notice on a project that is not a government project.

Renumbered and Amended by Chapter 278, 2012 General Session

Amended by Chapter 330, 2012 General Session

Amended by Chapter 369, 2012 General Session