



UTAH STATE SENATE

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January 28, 2004

Mr. President:

The Business and Labor Committee reports a favorable recommendation on **H.B. 32**, LIEN AMENDMENTS, by Representative M. Morley, with the following amendments:

1. *Page 2, Lines 35 through 50:*

- 35 (1) A person claiming benefits under this chapter shall file for record with the
36 county
37 recorder of the county in which the property, or some part of the property, is situated, a
38 written
39 notice to hold and claim a lien within 90 days from the date~~[(a) the person last~~
40 ~~performed~~
41 ~~labor or service or last furnished equipment or material on a project or improvement for a~~
42 ~~residence as defined in Section 38-11-102; or (b)]~~ of final completion of [an] the original
43 contract [not involving a residence as defined in Section 38-11-102] **under which the**
44 **claimant claims a lien under this chapter** . For purposes of this
45 Subsection (1), final completion of the original contract means:
46 (a) if as a result of work performed under the original contract a permanent
47 certificate of occupancy is required for such work, the date of issuance of a
48 permanent certificate of occupancy by the local
49 government entity having jurisdiction over the construction project;
50 (b) if no certificate of occupancy is required ~~[[for the construction project]]~~
by the local

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45 government entity having jurisdiction over the construction project, **but as a result of the work**
46 **performed under the original contract an inspection is required for such work,** the date of the final
inspection **for such work** by the local government entity having jurisdiction over the construction
project; or
47 (c) if **with regard to work performed under the original contract** no certificate of
occupancy ~~[[is required]]~~ and no final inspection ~~[[is conducted]]~~ **are required** by the
48 local government entity having jurisdiction over the construction project, the date on which
49 there remains no substantial work to be completed to finish ~~[[the]]~~ **such** work on the
~~[[construction~~
50 ~~project.]]~~ **original contract**

2. Page 3, Line 89 through Page 4, Line 94:

89 (1) A lien claimant shall file an action to enforce the lien filed under this chapter
90 within~~[(a) 12 months]~~ 180 days ~~[[from the date of final completion of the original~~
~~contract]]~~ **from the day on which the lien claimant filed a notice of claim under**
Section 38-1-7 [not
91 involving a residence as defined in Section 38-11-102; or (b) 180 days from the date the
lien
92 claimant last performed labor and services or last furnished equipment or material for a
93 residence, as defined in Section 38-11-102]. ~~[[For purposes of this Subsection (1),~~
~~final~~
94 **completion of the original contract is as defined in Subsection 38-1-7(1).]]**

3. Page 5, Lines 137 through 140:

137 (b) (i) For the purposes of this section, residential construction means:
138 (A) single family detached housing; and
139 (B) multifamily attached housing up to and including ~~[fourplexes, and]~~
~~[[duplexes, as~~
140 **defined in Section 38-11-102.]]** **fourplexes** .

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Respectfully,

Parley Hellewell
Committee Chair

Voting: 7-0-1

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