

**Representative Michael T. Morley** proposes the following substitute bill:

**CONSTRUCTION FILING AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Michael T. Morley**

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**LONG TITLE**

**General Description:**

This bill makes changes to mechanics' liens.

**Highlighted Provisions:**

This bill:

- ▶ addresses exemptions from preliminary notice requirements;
- ▶ addresses final completion of an original contract;
- ▶ addresses certificates of compliance;
- ▶ defines terms;
- ▶ clarifies how the State Construction Registry is to be indexed;
- ▶ requires the division to comply with Title 63, Chapter 38, Budgetary Procedures Act, when setting fees for the database;
- ▶ provides that actions in connection with a filing to the database are not adjudications within the meaning of Title 63, Chapter 46b, Administrative Procedures Act;
- ▶ clarifies that the division is not responsible for monitoring the timeliness of filings;
- ▶ establishes provisions for addressing delinquency of payment of a filing fee for a filing to the database;
- ▶ allows the division to make rules establishing the form of submission of an alternate filing;



26           ▶ provides that the archiving of a notice filed with the database may occur no earlier  
27 than the later of:

- 28           • one year after the filing of a notice of completion;
- 29           • two years after the last filing activity if no notice of completion is filed; or
- 30           • one year after a filing is cancelled;

31           ▶ provides that data submitted to the database by a governmental entity is classified  
32 under Title 63, Chapter 2, Government Records Access and Management Act, by  
33 the division;

34           ▶ clarifies the required content of a notice of commencement filed for a project where  
35 no building permit is required;

36           ▶ provides that a person requesting a notice of filings for a project is responsible for  
37 the accuracy of an e-mail address, mailing address, or the telefax number to which  
38 notice is requested to be sent;

39           ▶ provides that a designated agent need only send the notice to the provided e-mail  
40 address, mailing address, or telefax number, whether or not the notice is actually  
41 received;

42           ▶ modifies the time within which a subcontractor or supplier must file a preliminary  
43 notice;

44           ▶ clarifies that a preliminary notice filed for one construction project applies to all  
45 labor, service, equipment, and material for that construction project;

46           ▶ ~~H→ [provides that a qualified beneficiary may recover from the Residence Lien Recovery~~  
47 ~~Fund only if the qualified beneficiary files an action within 180 days after a notice~~  
48 ~~of claim is filed under Section 38-1-7]~~ addresses requirements for a qualified beneficiary's  
48a recovery from the Residence Lien Recovery Fund ←H ; and

49           ▶ makes technical changes.

50 **Monies Appropriated in this Bill:**

51           None

52 **Other Special Clauses:**

53           This bill provides retrospective operation.

54 **Utah Code Sections Affected:**

55 AMENDS:

56           **14-1-20 (Superseded 05/01/05)**, as last amended by Chapter 30, Laws of Utah 2004

57 **14-2-5 (Superseded 05/01/05)**, as last amended by Chapter 30, Laws of Utah 2004  
 58 **38-1-7 (Effective 05/01/05)**, as last amended by Chapters 85 and 250, Laws of Utah  
 59 2004  
 60 **38-1-11**, as last amended by Chapters 42, 85 and 188, Laws of Utah 2004  
 61 **38-1-27 (Effective 05/01/05)**, as repealed and reenacted by Chapter 250, Laws of Utah  
 62 2004  
 63 **38-1-30**, as enacted by Chapter 250, Laws of Utah 2004  
 64 **38-1-31 (Effective 05/01/05)**, as enacted by Chapter 250, Laws of Utah 2004  
 65 **38-1-32 (Effective 05/01/05)**, as enacted by Chapter 250, Laws of Utah 2004  
 66 **38-1-33 (Effective 05/01/05)**, as enacted by Chapter 250, Laws of Utah 2004  
 67 **38-1-37 (Effective 05/01/05)**, as enacted by Chapter 250, Laws of Utah 2004  
 68 **38-11-204**, as last amended by Chapter 42, Laws of Utah 2004  
 69 **63-56-38.1 (Superseded 05/01/05)**, as last amended by Chapter 30, Laws of Utah 2004  
 69a **H→ REPEALS:**  
 69b **38-1-38 as enacted by Chapter 188, Laws of Utah 2004 ←H**

70

71 *Be it enacted by the Legislature of the state of Utah:*

72 Section 1. Section **14-1-20 (Superseded 05/01/05)** is amended to read:

73 **14-1-20 (Superseded 05/01/05). Preliminary notice requirement.**

74 (1) Any person furnishing labor, service, equipment, or material for which a payment  
 75 bond claim may be made under this chapter shall provide preliminary notice to the payment  
 76 bond principal as prescribed by Section 38-1-27, except that this section does not apply:

77 (a) to a person who is in privity of contract with the payment bond principal;

78 (b) to a person who contracts directly with the payment bond principal;

79 [~~(b)~~] (c) to a person performing labor for wages; or

80 [~~(c)~~] (d) if a notice of commencement is not filed as prescribed in Section 38-1-27 for  
 81 the project or improvement for which labor, service, equipment, or material is furnished.

82 (2) Any person who fails to provide the preliminary notice required by Subsection (1)  
 83 may not make a payment bond claim under this chapter.

84 (3) The preliminary notice required by Subsection (1) must be provided prior to  
 85 commencement of any action on the payment bond.

86 Section 2. Section **14-2-5 (Superseded 05/01/05)** is amended to read:

87 **14-2-5 (Superseded 05/01/05). Preliminary notice requirement.**

88 (1) Any person furnishing labor, service, equipment, or material for which a payment  
89 bond claim may be made under this chapter shall provide preliminary notice to the payment  
90 bond principal as prescribed by Section 38-1-27, except that this section does not apply:

91 (a) to a person who is in privity of contract with the payment bond principal;

92 (b) to a person who contracts directly with the payment bond principal;

93 [~~(b)~~] (c) to a person performing labor for wages; or

94 [~~(c)~~] (d) if a notice of commencement is not filed as prescribed in Section 38-1-27 for  
95 the project or improvement for which labor, service, equipment, or material is furnished.

96 (2) Any person who fails to provide the preliminary notice required by Subsection (1)  
97 may not make a payment bond claim under this chapter.

98 (3) The preliminary notice required by Subsection (1) must be provided prior to  
99 commencement of any action on the payment bond.

100 Section 3. Section **38-1-7 (Effective 05/01/05)** is amended to read:

101 **38-1-7 (Effective 05/01/05). Notice of claim -- Contents -- Recording -- Service on**  
102 **owner of property.**

103 (1) (a) Except as modified in Section 38-1-27, a person claiming benefits under this  
104 chapter shall file for record with the county recorder of the county in which the property, or  
105 some part of the property, is situated, a written notice to hold and claim a lien within 90 days  
106 from the date of final completion of the original contract under which the claimant claims a  
107 lien under this chapter. For purposes of this Subsection (1), final completion of the original  
108 contract means:

109 (i) if as a result of work performed under the original contract a permanent certificate  
110 of occupancy is required for such work, the date of issuance of a permanent certificate of  
111 occupancy by the local government entity having jurisdiction over the construction project;

112 (ii) if no certificate of occupancy is required by the local government entity having  
113 jurisdiction over the construction project, but as a result of the work performed under the  
114 original contract an inspection is required for such work, the date of the final inspection for  
115 such work by the local government entity having jurisdiction over the construction project; or

116 (iii) if with regard to work performed under the original contract no certificate of  
117 occupancy and no final inspection are required by the local government entity having  
118 jurisdiction over the construction project, the date on which there remains no substantial work

119 to be completed to finish such work on the original contract.

120 (b) Notwithstanding Section 38-1-2, where a subcontractor performs substantial work  
121 after the applicable dates established by Subsections (1)(a)(i) and (ii), that subcontractor's  
122 subcontract shall be considered an original contract for the sole purpose of determining:

123 (i) the subcontractor's time frame to file a notice of intent to hold and claim a lien  
124 under Subsection (1); and

125 (ii) the original contractor's time frame to file a notice of intent to hold and claim a lien  
126 under Subsection (1) for that subcontractor's work.

127 (c) For purposes of this section, the term "substantial work" does not include:

128 (i) repair work; or

129 (ii) warranty work[~~; or~~].

130 [~~(iii) work for which the project owner is not holding payment to ensure completion of~~  
131 ~~that work.~~]

132 (d) Notwithstanding Subsection (1)(a)(iii), final completion of the original contract  
133 does not occur if work remains to be completed for which the owner is holding payment to  
134 ensure completion of that work.

135 (2) (a) The notice required by Subsection (1) shall contain a statement setting forth:

136 (i) the name of the reputed owner if known or, if not known, the name of the record  
137 owner;

138 (ii) the name of the person:

139 (A) by whom the lien claimant was employed; or

140 (B) to whom the lien claimant furnished the equipment or material;

141 (iii) the time when:

142 (A) the first and last labor or service was performed; or

143 (B) the first and last equipment or material was furnished;

144 (iv) a description of the property, sufficient for identification;

145 (v) the name, current address, and current phone number of the lien claimant;

146 (vi) the amount of the lien claim;

147 (vii) the signature of the lien claimant or the lien claimant's authorized agent;

148 (viii) an acknowledgment or certificate as required under Title 57, Chapter 3,

149 Recording of Documents; and

150 (ix) if the lien is on an owner-occupied residence, as defined in Section 38-11-102, a  
151 statement describing what steps an owner, as defined in Section 38-11-102, may take to require  
152 a lien claimant to remove the lien in accordance with Section 38-11-107.

153 (b) Substantial compliance with the requirements of this Subsection (2) is sufficient to  
154 hold and claim a lien.

155 (3) (a) Within 30 days after filing the notice of lien, the lien claimant shall deliver or  
156 mail by certified mail a copy of the notice of lien to:

157 (i) the reputed owner of the real property; or

158 (ii) the record owner of the real property.

159 (b) If the record owner's current address is not readily available to the lien claimant, the  
160 copy of the claim may be mailed to the last-known address of the record owner, using the  
161 names and addresses appearing on the last completed real property assessment rolls of the  
162 county where the affected property is located.

163 (c) Failure to deliver or mail the notice of lien to the reputed owner or record owner  
164 precludes the lien claimant from an award of costs and attorneys' fees against the reputed  
165 owner or record owner in an action to enforce the lien.

166 (4) The Division of Occupational and Professional Licensing shall make rules  
167 governing the form of the statement required under Subsection (2)(a)(ix).

168 Section 4. Section **38-1-11** is amended to read:

169 **38-1-11. Enforcement -- Time for -- Lis pendens -- Action for debt not affected --**  
170 **Instructions and form affidavit and motion.**

171 (1) A lien claimant shall file an action to enforce the lien filed under this chapter within  
172 180 days from the day on which the lien claimant filed a notice of claim under Section 38-1-7.

173 (2) (a) Within the time period provided for filing in Subsection (1) the lien claimant  
174 shall file for record with the county recorder of each county in which the lien is recorded a  
175 notice of the pendency of the action, in the manner provided in actions affecting the title or  
176 right to possession of real property, or the lien shall be void, except as to persons who have  
177 been made parties to the action and persons having actual knowledge of the commencement of  
178 the action.

179 (b) The burden of proof shall be upon the lien claimant and those claiming under the  
180 lien claimant to show actual knowledge.

181 (3) This section may not be interpreted to impair or affect the right of any person to  
182 whom a debt may be due for any work done or materials furnished to maintain a personal  
183 action to recover the same.

184 (4) (a) If a lien claimant files an action to enforce a lien filed under this chapter  
185 involving a residence, as defined in Section 38-11-102, the lien claimant shall include with the  
186 service of the complaint on the owner of the residence:

187 (i) instructions to the owner of the residence relating to the owner's rights under Title  
188 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act; and

189 (ii) a form affidavit to enable the owner of the residence to specify the grounds upon  
190 which the owner may exercise available rights under Title 38, Chapter 11, Residence Lien  
191 Restriction and Lien Recovery Fund Act.

192 (b) The instructions and form affidavit required by Subsection (4)(a) shall meet the  
193 requirements established by rule by the Division of Occupational and Professional Licensing in  
194 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

195 (c) If a lien claimant fails to provide to the owner of the residence the instructions and  
196 form affidavit required by Subsection (4)(a), the lien claimant shall be barred from maintaining  
197 or enforcing the lien upon the residence.

198 (d) Judicial determination of the rights and liabilities of the owner of the residence  
199 under Title 38, Chapters 1 and 11, and Title 14, Chapter 2, shall be stayed until after the owner  
200 has been given a reasonable period of time to establish compliance with Subsections  
201 38-11-204(4)(a) and (4)(b) through an informal proceeding, as set forth in Title 63, Chapter  
202 46b, Administrative Procedures Act, commenced within 30 days of the owner being served  
203 summons in the foreclosure action, at the Division of Occupational and Professional Licensing  
204 and obtain a certificate of compliance or denial of certificate of compliance, as defined in  
205 Section 38-11-102.

206 (e) An owner applying for a certificate of compliance under Subsection (4)(d) shall  
207 send by certified mail to all lien claimants;

208 (i) a copy of the application for a certificate of compliance; and

209 (ii) all materials filed in connection with the application.

210 (f) The Division of Occupational and Professional Licensing shall notify all lien  
211 claimants listed in an owner's application for a certificate of compliance under Subsection

212 (4) ~~H~~→ ~~(e)~~ (d) ←~~H~~ of the issuance or denial of a certificate of compliance.

213 (5) The written notice requirement applies to liens filed on or after July 1, 2004.

214 Section 5. Section 38-1-27 (Effective 05/01/05) is amended to read:

215 **38-1-27 (Effective 05/01/05). State Construction Registry -- Form and contents of**  
 216 **notice of commencement, preliminary notice, and notice of completion.**

217 (1) As used in this section and Sections 38-1-30 through 38-1-37:

218 (a) "Alternate filing" means a filing made in a manner established by the division under  
 219 Subsection (2)(e) other than an electronic filing.

220 (b) "Cancel" means to indicate that a filing is no longer given effect.

221 (c) "Construction project," "project," or "improvement" means:

222 (i) a specific project or improvement for which one building permit is issued; or

223 (ii) if no building permit is required, the improvement or work required by a contract  
 224 between the owner and an original contractor under Section 38-1-2.

225 ~~(a)~~ (d) "Database" means the State Construction ~~[Notice]~~ Registry ~~[Database]~~ created  
 226 in this section.

227 ~~(b)~~ (e) (i) "Designated agent" means the third party the Division of Occupational and  
 228 Professional Licensing contracts with to create and maintain the State Construction ~~[Notice]~~  
 229 Registry ~~[Database]~~.

230 (ii) The designated agent is not an agency, instrumentality, or a political subdivision of  
 231 the state.

232 ~~(c)~~ (f) "Division" means the Division of Occupational and Professional Licensing.

233 (g) "Interested person" means a person who may be affected by a construction project.

234 ~~(d)~~ (h) "Program" means the State Construction ~~[Notice]~~ Registry ~~[Database]~~  
 235 Program created in this section.

236 (2) Subject to receiving adequate funding through a legislative appropriation and  
 237 contracting with an approved third party vendor who meets the requirements of Sections  
 238 38-1-30 through 38-1-37, there is created the State Construction ~~[Notice]~~ Registry ~~[Database]~~  
 239 Program ~~[which]~~ that shall:

240 (a) (i) assist in protecting public health, safety, and welfare; and

241 (ii) promote a fair working environment;

242 (b) be overseen by the division with the assistance of the designated agent;



243 (c) provide a central repository for notices of commencement, preliminary notices, and  
244 notices of completion filed in connection with all privately owned construction projects as well  
245 as all state and local government owned construction projects throughout Utah;

246 (d) be accessible for filing and review ~~[of]~~ by way of the program Internet website of:

247 (i) notices of commencement~~[-];~~;

248 (ii) preliminary notices~~[-];~~ and

249 (iii) notices of completion ~~[via the program Internet website];~~

250 (e) accommodate;

251 (i) electronic filing of ~~[such notices as well as provide for]~~ the notices described in  
252 Subsection (2)(d); and

253 (ii) alternate filing of the notices described in Subsection (2)(d) by U.S. mail, telefax,  
254 ~~[telephone,]~~ or any other alternate method as provided by rule made by the division in  
255 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act;

256 (f) (i) provide electronic notification for up to three e-mail addresses for each interested  
257 person or company who requests notice from the construction notice registry ~~[as well as];~~ and

258 (ii) provide alternate means of notification for ~~[those persons]~~ a person who ~~[make]~~  
259 makes an alternate ~~[filings]~~ filing, including U.S. mail, telefax, or any other method as  
260 prescribed by rule made by the division in accordance with Title 63, Chapter 46a, Utah  
261 Administrative Rulemaking Act; and

262 (g) provide hard-copy printing of electronic receipts for an individual ~~[filings]~~ filing  
263 evidencing the date and time of the individual ~~[filings as well as]~~ filing and the content of the  
264 individual ~~[filings]~~ filing.

265 (3) (a) ~~[Persons interested in a construction project]~~ An interested person may request  
266 notice of filings related to ~~[the]~~ a project.

267 (b) The database shall be indexed by:

268 (i) owner name~~[-];~~;

269 (ii) original contractor name~~[-];~~;

270 (iii) subdivision, development, or other project name, if any;

271 (iv) project address~~[-];~~;

272 (v) lot or parcel number~~[-];~~;

273 (vi) unique project number[-] assigned by the designated agent; and

274 (vii) any other identifier that the division considers reasonably appropriate [and  
 275 established by rule, made in accordance with Title 63, Chapter 46a, Utah Administrative  
 276 Rulemaking Act] in collaboration with the designated agent.

277 (4) (a) In accordance with [~~Title 63, Chapter 46a, Utah Administrative Rulemaking~~  
 278 ~~Act,]~~ the process required by Section 63-38-3.2, the division shall establish [by rule] the  
 279 [filing] fees for [notices]:

280 (i) a notice of commencement[-];

281 (ii) a preliminary [notices, notices] notice;

282 (iii) a notice of completion[-, and requests];

283 (iv) a request for notice[-, which fees may not exceed the amount reasonably necessary  
 284 to create and maintain the database.];

285 (v) providing a required notice by an alternate method of delivery;

286 (vi) a duplicate receipt of a filing; and

287 (vii) account setup for a person who wishes to be billed periodically for filings with the  
 288 database.

289 (b) The fees allowed under Subsection (4)(a) may not exceed the amount reasonably  
 290 necessary to create and maintain the database.

291 [~~(b)~~] (c) The fees established by the division may vary by method of filing if one form  
 292 of filing is more costly than [other forms] another form of filing.

293 (d) Notwithstanding Subsection 63-38-3.2(2)(c), the division need not submit the fee  
 294 schedule for fees allowed by this Subsection (4) to the Legislature until the 2006 General  
 295 Session.

296 (e) The division may provide by contract that the designated agent may retain all fees  
 297 collected by the designated agent except that the designated agent shall remit to the division the  
 298 cost of the division's oversight under Subsection (2)(b).

298a **H→ (5)(a) The database is classified as a public record under Title 63, Chapter 2,**  
 298b **Government Records Access and Management Act, unless otherwise classified by the division.**

298c **(b) A request for information submitted to the designated agent is not subject to Title**  
 298d **63, Chapter 2, Government Records Access and Management Act.**

298e **(c) Information contained in a public record contained in the database shall be**  
 298f **requested from the designated agent.**

298g **(d) The designated agent may charge a commercially reasonable fee allowed by the**  
 298h **designated agent's contract with the division for providing information under Subsection**  
 298i **(5)(c)r.**

298j            (e) Notwithstanding Title 63, Chapter 2, Government Records Access and Management  
298k Act, if information is available in a public record contained in the database, a person may not  
298l request the information from the division.

298m            (f)(i) A person may request information that is not a public record contained in the  
298n database from the division in accordance with Title 63, Chapter 2, Government Records  
298o Access and Management Act.

298p            (ii) The division shall inform the designated agent of how to direct inquiries made to  
298q the designated agent for information that is not a public record contained in the database.

299            [~~(5)~~] (6) ←H The following are not an adjudicative proceeding under Title 63,  
299a Chapter 46b,

300 Administrative Procedures Act:

301            (a) the filing of a notice permitted by this chapter;

302            (b) the rejection of a filing permitted by this chapter; or

303            (c) other action by the designated agent in connection with a filing of any notice  
304 permitted by this chapter.

305           ~~H~~→ ~~(6)~~ (7) ←~~H~~ The division and the designated agent need not determine the  
305a timeliness of any  
306 notice before filing the notice in the database.

307           ~~H~~→ ~~(7)~~ (8) ←~~H~~ (a) A person who is delinquent on the payment of a fee established under  
308 Subsection (4) may not file a notice with the database.

309           (b) A determination that a person is delinquent on the payment of a fee for filing  
310 established under Subsection (4) shall be made in accordance with Title 63, Chapter 46b,  
311 Administrative Procedures Act.

312           (c) Any order issued in a proceeding described in Subsection (7)(b) may prescribe the  
313 method of that person's payment of fees for filing notices with the database after issuance of the  
314 order.

315           Section 6. Section **38-1-30** is amended to read:

316           **38-1-30. Third party contract -- Designated agent.**

317           (1) The division shall contract in accordance with Title 63, Chapter 56, Utah  
318 Procurement Code, with a third party to establish and maintain the database for the purposes  
319 established under this section, Section 38-1-27, and Sections 38-1-31 through 38-1-37.

320           (2) (a) The third party under contract under this section is the division's designated  
321 agent, and shall develop and maintain a database from the information provided by:

322           (i) local government entities issuing building permits;

323           (ii) original contractors;

324           (iii) subcontractors; and

325           (iv) other interested persons.

326           (b) The division and the designated agent shall design, develop, and test the database  
327 for full implementation on May 1, 2005.

328           (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
329 division shall make rules and develop procedures for:

330           (a) the division to oversee and enforce this section, Section 38-1-27, and Sections  
331 38-1-31 through 38-1-37; ~~and~~

332           (b) the designated agent to administer this section, Section 38-1-27, and Sections  
333 38-1-31 through 38-1-37[:]; and

334           (c) the form of submission of an alternate filing.

335           (4) (a) The designated agent shall archive computer data files at least semiannually for

336 auditing purposes.

337 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
338 division shall make rules to allow the designated agent~~[, unless requested otherwise by an~~  
339 ~~interested party for a particular project,]~~ to periodically archive ~~[and purge completed or~~  
340 ~~inactive]~~ projects from the database~~[:]~~.

341 (c) A project shall be archived no earlier than:

342 (i) ~~[no earlier than]~~ one year after the day on which a notice of ~~[commencement]~~  
343 completion is filed for a ~~[particular]~~ project; ~~[or]~~

344 (ii) if no notice of ~~[commencement]~~ completion is filed, ~~[no earlier than]~~ two years  
345 after the last filing activity for a ~~[particular]~~ project~~[:]~~; or

346 (iii) one year after the day on which a filing is cancelled under Subsection  
347 38-1-32(3)(c) or 38-1-33(2)(c).

348 ~~[(c)]~~ (d) The division may audit the designated agent's administration of the database as  
349 often as the division considers necessary.

350 (5) The designated agent shall carry errors and omissions insurance in the amounts  
351 established by rule made by the division in accordance with Title 63, Chapter 46a, Utah  
352 Administrative Rulemaking Act.

353 Section 7. Section **38-1-31 (Effective 05/01/05)** is amended to read:

354 **38-1-31 (Effective 05/01/05). Building permit -- Construction -- Notice registry --**  
355 **Notice of commencement of work.**

356 (1) (a) (i) For a construction project where a building permit is issued, within 15 days  
357 after the issuance of the building permit, the local government entity issuing that building  
358 permit shall input the ~~[data]~~ building permit application and transmit the building permit  
359 information to the database electronically ~~[via]~~ by way of the Internet or computer modem or  
360 by any other means and such information shall form the basis of a notice of commencement.

361 (ii) For the purposes of classifying a record under Title 63, Chapter 2, Government  
362 Records Access and Management Act, building permit information transmitted from a local  
363 governmental entity to the database shall be classified in the database by the division  
364 notwithstanding the local governmental entity's classification of the building permit  
365 information.

366 (b) For a construction project where a building permit is not issued, within 15 days

367 after commencement of physical construction work at the project site, the original contractor  
368 shall file a notice of commencement with the database.

369 (c) An owner of construction, a lender, surety, or other interested ~~[party]~~ person may  
370 file a notice of commencement with the designated agent within the ~~[prescribed]~~ time ~~[set forth~~  
371 ~~in Subsection]~~ prescribed by Subsections (1)(a) and (b).

372 (d) If duplicate notices of commencement are filed, they shall be combined into one  
373 notice for each project. The designated agent shall assign each construction project a unique  
374 project number ~~[which]~~ that:

375 (i) identifies each construction project; and

376 (ii) can be associated with all notices of commencement, preliminary notices, and  
377 notices of completion.

378 (e) (i) A notice of commencement is effective as to all ~~[work, materials, and~~  
379 ~~equipment]~~ labor, service, equipment, and material furnished to the construction project after  
380 the filing of the notice of commencement.

381 (ii) A notice of commencement is effective only as to the ~~[work, materials, or~~  
382 ~~equipment]~~ labor, service, equipment, and material furnished to the construction project that is  
383 provided subsequent to the filing of the notice of commencement.

384 (2) (a) The content of a notice of commencement shall include the following ~~[if~~  
385 ~~available on a building permit]:~~

386 ~~[(a)]~~ (i) the name and address of the owner of the project ~~[or improvement];~~

387 ~~[(b)]~~ (ii) the name and address of the:

388 ~~[(i)]~~ (A) original contractor; and

389 ~~[(ii)]~~ (B) surety providing any payment bond for the project ~~[or improvement], or if~~  
390 none exists, a statement that a payment bond was not required for the work being performed;

391 ~~[(c)-(i)]~~ (iii) (A) the project address if the project can be reasonably identified by an  
392 address; or

393 ~~[(ii)]~~ (B) the name and general description of the location of the project if the project  
394 cannot be reasonably identified by an address;

395 ~~[(d)]~~ (iv) a general description of the project; and

396 ~~[(e)]~~ (v) the lot or parcel number, and any subdivision, development, or other project  
397 name, of the real property upon which the project is to be constructed if the project is subject to

398 mechanics' liens[; and].

399 ~~[(f) a legal description of the property on which the project is located if the project is~~  
400 ~~subject to mechanics' liens.]~~

401 (b) The content of a notice of commencement need not include all of the items listed in  
402 Subsection (2)(a) if:

403 (i) a building permit is issued for the project; and

404 (ii) all items listed in Subsection (2)(a) that are available on the building permit are  
405 included in the notice of commencement.

406 (3) ~~[Failure to file any]~~ If a notice of commencement for a construction project  
407 ~~[suspends the operation of] is not filed within~~ ~~§~~ ~~→~~ [15 days after the day on which a building permit  
408 is issued] the time set forth in Subsections 38-1-31(1)(a) and (b) ←§ , the following do not apply:

409 (a) ~~[the preliminary notice provisions of]~~ Section 38-1-32; and

410 (b) ~~[the notice of completion provisions of]~~ Section 38-1-33.

411 (4) (a) [Electronic] Unless a person indicates to the division or designated agent that  
412 the person does not wish to receive a notice under this section, electronic notice of the filing of  
413 a notice of commencement or alternate notice as prescribed in Subsection (1), shall be provided  
414 to:

415 ~~[(a)]~~ (i) all persons who have filed notices of commencement for the project; and

416 ~~[(b)]~~ (ii) all interested [parties] persons who have requested such notice for the project.

417 (b) (i) A person to whom notice is required under Subsection (4)(a) is responsible for:

418 (A) providing an e-mail address, mailing address, or telefax number to which a notice  
419 required by Subsection (4)(a) is to be sent; and

420 (B) the accuracy of any e-mail address, mailing address, or telefax number to which  
421 notice is to be sent.

422 (ii) The designated agent fulfills the notice requirement of Subsection (4)(a) when it  
423 sends the notice to the e-mail address, mailing address, or telefax number provided to the  
424 designated agent whether or not the notice is actually received.

425 (5) The burden is upon any person seeking to enforce the notice of commencement to  
426 prove that the notice of commencement is filed timely and meets all of the requirements in this  
427 section.

428 (6) At the time a building permit is obtained, each original contractor shall

429 conspicuously post at the project site a copy of [~~each~~] the building permit obtained for the  
430 project [~~improvement~~].

431 Section 8. Section **38-1-32 (Effective 05/01/05)** is amended to read:

432 **38-1-32 (Effective 05/01/05). Preliminary notice -- Subcontractor or supplier.**

433 (1) (a) (i) A subcontractor or supplier shall file a preliminary notice with the database  
434 within the later of:

435 (A) [~~Within~~] 20 days after commencement of its own work or the commencement of  
436 furnishing [~~materials or equipment~~] labor, service, equipment, and material to a construction  
437 project[~~, a subcontractor or supplier shall file a preliminary notice with the construction notice~~  
438 ~~registry.~~]; or

439 (B) 20 days after the filing of a notice of commencement.

440 (ii) A preliminary notice filed within the [~~20-day~~] period described in Subsection  
441 (1)(a)(i) is effective as to all [~~work, materials, and equipment~~] labor, service, equipment, and  
442 material furnished to the construction project, including labor, service, equipment, and material  
443 provided to more than one contractor or subcontractor.

444 (b) If a subcontractor or supplier files a preliminary notice after the [~~20-day~~] period  
445 prescribed by Subsection (1)(a), the preliminary notice becomes effective [~~as of~~] five days after  
446 the [~~filing of the~~] day on which the preliminary notice is filed.

447 (c) Failure to file a preliminary notice within the [~~20-day~~] period required by  
448 Subsection (1)(a) precludes a subcontractor or supplier from filing any claim for compensation  
449 earned for performance of [~~work~~] labor or service or supply of materials or equipment  
450 furnished to the construction project before the expiration of five days after the late filing of a  
451 preliminary notice, except as against the person with whom the subcontractor or supplier  
452 contracted.

453 (d) (i) The preliminary notice must be filed before a notice of lien may be filed with the  
454 county recorder pursuant to Section 38-1-7.

455 (ii) The content of a preliminary notice shall include the following:

456 [(i)] (A) the name, address, and telephone number of the person furnishing the labor,  
457 service, equipment, or material;

458 [(ii)] (B) the name and address of the person who contracted with the claimant for the  
459 furnishing of the labor, service, equipment, or material;



460 [(iii)] (C) the name of the record or reputed owner of the project [~~or improvement~~];  
461 [(iv)] (D) the name of the original contractor under which the claimant is performing or  
462 will perform its work; and

463 [(v)] (E) the address of the project [~~or improvement~~] or a description of the location of  
464 the project [~~or improvement~~].

465 (2) (a) (i) [~~Electronic~~] Unless a person indicates to the division or designated agent that  
466 the person does not wish to receive a notice under this section, electronic notification of the  
467 filing of a preliminary notice or alternate notice as prescribed in Subsection (1), shall be  
468 provided to:

469 [(i)] (A) the person filing the preliminary notice;

470 [(ii)] (B) each person that filed a notice of commencement for the project; and

471 [(iii)] (C) all interested [~~parties~~] persons who have requested such notice for the  
472 project.

473 (ii) A person to whom notice is required under Subsection (2)(a)(i) is responsible for:

474 (A) providing an e-mail address, mailing address, or telefax number to which a notice  
475 required by Subsection (2)(a) is to be sent; and

476 (B) the accuracy of any e-mail address, mailing address, or telefax number to which  
477 notice is to be sent.

478 (iii) The designated agent fulfills the notice requirement of Subsection (2)(a)(i) when it  
479 sends the notice to the e-mail address, mailing address, or telefax number provided to the  
480 designated agent whether or not the notice is actually received.

481 (b) The burden is upon the person filing the preliminary notice to prove that the  
482 preliminary notice is filed timely and substantially meets all of the requirements of this section.

483 (c) Subject to Subsection (1)(d), a person required by this section to give preliminary  
484 notice is only required to give one notice for each project [~~or improvement, which may include~~  
485 ~~an entire structure or a scheme of improvements~~].

486 (d) If the labor, service, equipment, or material is furnished pursuant to contracts under  
487 more than one original contract, the notice requirements must be met with respect to the labor,  
488 service, equipment, or [~~materials~~] material furnished under each original contract.

489 (3) (a) If a construction project owner, original contractor, subcontractor, or other  
490 interested person believes that a preliminary notice has been filed erroneously, that owner,

491 original contractor, subcontractor, or other interested person can request from the person who  
492 filed the preliminary notice evidence establishing the validity of the preliminary notice.

493 (b) Within ten days after the request described in Subsection (3)(a), the person or entity  
494 that filed the preliminary notice shall provide the requesting person or entity proof that the  
495 preliminary notice is valid.

496 (c) If the person or entity that filed the preliminary notice [~~cannot~~] does not provide  
497 proof of the validity of the preliminary notice, that person or entity shall immediately [~~remove~~]  
498 cancel the preliminary notice from the database in any manner prescribed by the division  
499 pursuant to rule.

500 Section 9. Section **38-1-33 (Effective 05/01/05)** is amended to read:

501 **38-1-33 (Effective 05/01/05). Notice of completion.**

502 (1) (a) (i) Upon final completion of a construction project, an owner of a construction  
503 project, an original contractor, a lender that has provided financing for the construction project,  
504 or surety that has provided bonding for the construction project, may file a notice of completion  
505 with the database.

506 (ii) Final completion, for purposes of this Subsection (1), shall mean:

507 [(i)] (A) if as a result of work performed under the original contract a permanent  
508 certificate of occupancy is required for such work, the date of issuance of a permanent  
509 certificate of occupancy by the local government entity having jurisdiction over the  
510 construction project;

511 [(ii)] (B) if no certificate of occupancy is required by the local government entity  
512 having jurisdiction over the construction project, but as a result of the work performed under  
513 the original contract an inspection is required for such work, the date of the final inspection for  
514 such work by the local government entity having jurisdiction over the construction project; or

515 [(iii)] (C) if with regard to the work performed under the original contract no certificate  
516 of occupancy and no final inspection are required by the local government entity having  
517 jurisdiction over the construction project, the date on which there remains no substantial work  
518 to be completed to finish such work on the original contract.

519 (b) Notwithstanding Section 38-1-2, where a subcontractor performs substantial work  
520 after the applicable dates established by Subsections (1)(a)(i) and (ii), that subcontractor's  
521 subcontract shall be considered an original contract for the sole purpose of determining:

522 (i) the subcontractor's time frame to file a notice to hold and claim a lien under  
523 Subsection 38-1-7(1); and

524 (ii) the original contractor's time frame to file a notice to hold and claim a lien under  
525 Subsection 38-1-7(1) for that subcontractor's work.

526 (c) For purposes of this section, the term "substantial work" does not include:

527 (i) repair work; or

528 (ii) warranty work[~~; or~~].

529 [~~(iii) work for which the project owner is not holding payment to ensure completion of~~  
530 ~~that work.~~]

531 (d) Notwithstanding Subsection (1)(a)(ii)(C), final completion of the original contract  
532 does not occur if work remains to be completed for which the owner is holding payment to  
533 ensure completion of the work.

534 [~~(d)~~] (e) (i) [Electronic] Unless a person indicates to the division or designated agent  
535 that the person does not wish to receive a notice under this section, electronic notification of  
536 the filing of a notice of completion or alternate notice as prescribed in Subsection (1)(a), shall  
537 be provided to:

538 (A) each person that filed a notice of commencement for the project;

539 (B) each person that filed preliminary notice for the project; and

540 (C) all interested [~~parties~~] persons who have requested notice for the project.

541 (ii) A person to whom notice is required under Subsection (1)(d) is responsible for:

542 (A) providing an e-mail address, mailing address, or telefax number to which a notice  
543 required by Subsection (4)(a) is to be sent; and

544 (B) the accuracy of any e-mail address, mailing address, or telefax number to which  
545 notice is to be sent.

546 (iii) The designated agent fulfills the notice requirement of Subsection (1)(d)(ii) when  
547 it sends the notice to the e-mail address, mailing address, or telefax number provided to the  
548 designated agent, whether or not the notice is actually received.

549 [~~(iv)~~] (iv) Upon the filing of a notice of completion, the time periods for filing  
550 preliminary notices stated in Section 38-1-27 are modified such that all preliminary notices  
551 shall be filed subsequent to the notice of completion and [~~shall be filed~~] within ten days from  
552 the day on which the notice of completion is filed.

553           [~~(e)~~] (f) A subcontract that is considered an original contract for purposes of this  
554 section shall not create a requirement for an additional preliminary notice if a preliminary  
555 notice has already been given for [~~materials and~~] the labor, service, equipment, and material  
556 furnished to the subcontractor who performs substantial work.

557           (2) (a) If a construction project owner, original contractor, subcontractor, or other  
558 interested person believes that a notice of completion has been filed erroneously, that owner,  
559 original contractor, subcontractor, or other interested person can request from the person who  
560 filed the ~~§~~→ [~~preliminary notice~~] notice of completion ←~~§~~ evidence establishing the validity of the  
560a notice of completion.

561           (b) Within ten days after the request described in Subsection (2)(a), the person that  
562 filed the notice of completion shall provide the requesting person proof that the notice of  
563 completion is valid.

564           (c) If the person that filed the notice of completion [~~cannot~~] does not provide proof of  
565 the validity of the notice of completion, that person shall immediately [~~remove~~] cancel the  
566 notice of completion from the database in any manner prescribed by the division pursuant to  
567 rule.

568           Section 10. Section **38-1-37 (Effective 05/01/05)** is amended to read:

569           **38-1-37 (Effective 05/01/05). Application of Section 38-1-27 and Sections 38-1-30**  
570 **through 38-1-36.**

571           (1) Except as provided in Subsection (3), Section 38-1-27 and Sections 38-1-30  
572 through 38-1-36 in effect as of May 1, 2005 shall apply to construction projects [~~commenced~~]  
573 for which a notice of commencement is filed on or after May 1, 2005.

574           (2) A construction project [~~commenced~~] for which a notice of commencement is filed  
575 before May 1, 2005 is subject to the provisions of this chapter in effect prior to May 1, 2005.

576           (3) (a) Section 38-1-27 and Sections 38-1-30 through 38-1-36 in effect as of May 1,  
577 2005, shall apply to a construction project for which a notice of commencement is filed on or  
578 after November 1, 2005 involving a residence, as defined in Subsection 38-11-102(22).

579           (b) For a construction project for which a notice of commencement is filed before  
580 November 1, 2005 involving a residence, as defined in Subsection 38-11-102(22), the law in  
581 effect on April 30, 2005 shall govern.

582           Section 11. Section **38-11-204** is amended to read:

583           **38-11-204. Claims against the fund -- Requirement to make a claim --**

584 **Qualifications to receive compensation -- Qualifications to receive a certificate of**  
585 **compliance.**

586 (1) To claim recovery from the fund a person shall:

587 (a) meet the requirements of either Subsection (4) or (7);

588 (b) pay an application fee determined by the division under Section 63-38-3.2; and

589 (c) file with the division a completed application on a form provided by the division  
590 accompanied by supporting documents establishing:

591 (i) that the person meets the requirements of either Subsection (4) or (7);

592 (ii) that the person was a qualified beneficiary or laborer during the construction on the  
593 owner-occupied residence; and

594 (iii) the basis for the claim.

595 (2) To recover from the fund, the application required by Subsection (1) shall be filed  
596 no later than one year:

597 (a) from the date the judgment required by Subsection (4)(d) is entered;

598 (b) from the date the nonpaying party filed bankruptcy, if the claimant is precluded  
599 from obtaining a judgment or from satisfying the requirements of Subsection (4)(d) because the  
600 nonpaying party filed bankruptcy within one year after the entry of judgment; or

601 (c) from the date the laborer, trying to recover from the fund, completed the laborer's  
602 qualified services.

603 (3) To obtain a certificate of compliance an owner or agent of the owner shall establish  
604 with the division that the owner meets the requirements of Subsections (4)(a) and (4)(b).

605 (4) To recover from the fund, regardless of whether the residence is occupied by the  
606 owner, a subsequent owner, or the owner or subsequent owner's tenant or lessee, a qualified  
607 beneficiary shall establish that:

608 (a) (i) the owner of the owner-occupied residence or the owner's agent entered into a  
609 written contract with an original contractor licensed or exempt from licensure under Title 58,  
610 Chapter 55, Utah Construction Trades Licensing Act:

611 (A) for the performance of qualified services;

612 (B) to obtain the performance of qualified services by others; or

613 (C) for the supervision of the performance by others of qualified services in  
614 construction on that residence;

615 (ii) the owner of the owner-occupied residence or the owner's agent entered into a  
 616 written contract with a real estate developer for the purchase of an owner-occupied residence;  
 617 or

618 (iii) the owner of the owner-occupied residence or the owner's agent entered into a  
 619 written contract with a factory built housing retailer for the purchase of an owner-occupied  
 620 residence;

621 (b) the owner has paid in full the original contractor, licensed or exempt from licensure  
 622 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, real estate developer, or  
 623 factory built housing retailer under Subsection (4)(a) with whom the owner has a written  
 624 contract in accordance with the written contract and any amendments to the contract;

625 (c) (i) the original contractor, licensed or exempt from licensure under Title 58,  
 626 Chapter 55, Utah Construction Trades Licensing Act, the real estate developer, or the factory  
 627 built housing retailer subsequently failed to pay a qualified beneficiary who is entitled to  
 628 payment under an agreement with that original contractor or real estate developer licensed or  
 629 exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for  
 630 services performed or materials supplied by the qualified beneficiary;

631 (ii) a subcontractor who contracts with the original contractor, licensed or exempt from  
 632 licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act, the real estate  
 633 developer, or the factory built housing retailer failed to pay a qualified beneficiary who is  
 634 entitled to payment under an agreement with that subcontractor or supplier; or

635 (iii) a subcontractor who contracts with a subcontractor or supplier failed to pay a  
 636 qualified beneficiary who is entitled to payment under an agreement with that subcontractor or  
 637 supplier;

638 (d) (i) ~~It~~ **→ unless precluded from doing so by the nonpaying party's bankruptcy**  
 638a **filing within the applicable time, ←It** the qualified beneficiary filed ~~It~~ [-:

639 ~~— (A) an action against the nonpaying party to recover monies owed to the qualified~~  
 640 ~~beneficiary within 180 days from the date the qualified beneficiary [last provided qualified~~  
 641 ~~services] filed a notice of claim under Section 38-1-7, unless precluded from doing so by the~~  
 642 ~~nonpaying party's bankruptcy filing within the 180 days [after completion of services] from the~~  
 643 ~~date the qualified beneficiary filed the notice of claim; and~~

644 ~~— (B) a notice of commencement of action with the division within 30 days from the date~~  
 645 ~~the qualified beneficiary filed the civil action if a civil action was filed as required by~~

646 ~~Subsection (4)(d)(i)(A);~~ **an action against the nonpaying party to recover monies owed to the**  
 646a **qualified beneficiary within the earlier of:**

646b **(A) 180 days from the date the qualified beneficiary filed a notice of claim under**  
 646c **Section 38-1-7; or**

646d **(B) 270 days from the completion of the original contract pursuant to**  
 646e **Subsection 38-1-7(1); ←H**

647 (ii) the qualified beneficiary has obtained a judgment against the nonpaying party who  
 648 failed to pay the qualified beneficiary under an agreement to provide qualified services for  
 649 construction of that owner-occupied residence;

650 (iii) (A) the qualified beneficiary has:

651 (I) obtained from a court of competent jurisdiction the issuance of an order requiring  
 652 the judgment debtor, or if a corporation any officer of the corporation, to appear before the  
 653 court at a specified time and place to answer concerning the debtor's or corporation's property;

654 (II) received return of service of the order from a person qualified to serve documents  
 655 under the Utah Rules of Civil Procedure, Rule 4(b); and

656 (III) made reasonable efforts to obtain asset information from the supplemental  
 657 proceedings; and

658 (B) if assets subject to execution are discovered as a result of the order required under  
 659 Subsection (4)(d)(iii)(A) or for any other reason, to obtain the issuance of a writ of execution  
 660 from a court of competent jurisdiction; or

661 (iv) the qualified beneficiary timely filed a proof of claim where permitted in the  
 662 bankruptcy action, if the nonpaying party has filed bankruptcy;

663 (e) the qualified beneficiary is not entitled to reimbursement from any other person;  
 664 and

665 (f) the qualified beneficiary provided qualified services to a contractor, licensed or  
 666 exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act.

667 (5) The requirements of Subsections (4)(d)(i), (ii), and (iii) need not be met if the  
 668 qualified beneficiary has been precluded from obtaining a judgment against the nonpaying  
 669 party or from satisfying the requirements of Subsections (4)(d)(i), (ii), and (iii) because the  
 670 nonpaying party filed bankruptcy.

671 ~~H→ [(6) If a qualified beneficiary fails to file the notice with the division required under~~  
 672 ~~Subsection (4)(d)(i)(B), the claim of the qualified beneficiary shall be paid:~~

673 ~~—— (a) if otherwise qualified under this chapter;~~

674 ~~—— (b) to the extent that the limit of Subsection 38-11-203(4)(a) has not been reached by~~  
 675 ~~payments from the fund to qualified beneficiaries who have complied with the notice~~  
 676 ~~requirements of Subsection (4)(d)(i)(B); and~~

677 ~~\_\_\_\_\_ (c) in the order that the claims are filed by persons who fail to comply with Subsection~~  
 678 ~~(4)(d)(i)(B), not to exceed the limit of Subsection 38-11-203(4)(a).]~~

679 [(7)] ~~(6)~~ ←H To recover from the fund a laborer shall:

680 (a) establish that the laborer has not been paid wages due for the work performed at the  
 681 site of a construction on an owner-occupied residence; and

682 (b) provide any supporting documents or information required by rule by the division.

683 H→ ~~(8)~~ (7) ←H A fee determined by the division under Section 63-38-3.2 shall be  
 683a deducted from  
 684 any recovery from the fund received by a laborer.

685 H→ ~~(9)~~ (8) ←H The requirements of Subsections (4)(a) and (4)(b) may be satisfied  
 685a if an owner or  
 686 agent of the owner establishes to the satisfaction of the director that the owner of the  
 687 owner-occupied residence or the owner's agent entered into a written contract with an original  
 688 contractor who:

689 (a) was a business entity that was not licensed under Title 58, Chapter 55, Utah  
 690 Construction Trades Licensing Act, but was solely or partly owned by an individual who was  
 691 licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act; or

692 (b) was a natural person who was not licensed under Title 58, Chapter 55, Utah  
 693 Construction Trades Licensing Act, but who was the sole or partial owner and qualifier of a  
 694 business entity that was licensed under Title 58, Chapter 55, Utah Construction Trades  
 695 Licensing Act.

696 H→ ~~(10)~~ (9) ←H The director shall have equitable power to determine if the  
 696a requirements of  
 697 Subsections (4)(a) and (4)(b) have been met, but any decision by the director under [~~Title 38,~~  
 698 ~~Chapter 11;~~] this chapter shall not alter or have any effect on any other decision by the division  
 699 under Title 58, Occupations and Professions.

700 Section 12. Section ~~63-56-38.1 (Superseded 05/01/05)~~ is amended to read:

701 ~~63-56-38.1 (Superseded 05/01/05). Preliminary notice requirement.~~

702 (1) Any person furnishing labor, service, equipment, or material for which a payment  
 703 bond claim may be made under this chapter shall provide preliminary notice to the payment  
 704 bond principal as prescribed by Section 38-1-27, except that this section does not apply:

705 (a) to a person who is in privity of contract with the payment bond principal;

706 (b) to a person who contracts directly with the payment bond principal;

707 ~~[(b)]~~ (c) to a person performing labor for wages; or



708            [(e)] (d) if a notice of commencement is not filed as prescribed in Section 38-1-27 for  
709 the project or improvement for which labor, service, equipment, or material is furnished.

710            (2) Any person who fails to provide the preliminary notice required by Subsection (1)  
711 may not make a payment bond claim under this chapter.

712            (3) The preliminary notice required by Subsection (1) must be provided prior to  
713 commencement of any action on the payment bond.

713a            **H→ Section 13. Repealer.**

713b            **This bill repeals Section 38-1-38. Lien Notification. ←H**

714            Section **H→ [13] 14 ←H . Retrospective operation.**

715            (1) The amendments to Section 38-1-37 (Effective 05/01/05) have retrospective  
716 operation to May 1, 2005.

717            (2) The amendments to Sections 14-1-20 (Superseded 05/01/05), 14-2-5 (Superseded  
718 05/01/05), and 63-56-38.1 (Superseded 05/01/05) have retrospective operation to April 30,  
719 2005.

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**Fiscal Note**  
**Bill Number HB0105S01**

**Construction Filing Amendments**

*08-Feb-05*

*7:15 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**