

**1st Sub. H.B. 105**  
**CONSTRUCTION FILING AMENDMENTS**

Representative **Michael T. Morley** proposes the following amendments:

1. Page 2, Lines 46 through 48:

46           ▶        ~~{ 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 recovery  
from the Residence Lien Recovery Fund ; and

2. Page 21, Line 638 through Page 22, Line 646:

638           (d) (i) unless precluded from doing so by the nonpaying party's bankruptcy filing within the  
applicable time, the qualified beneficiary filed {~~-~~  
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  
qualified beneficiary within the earlier of:  
(A) 180 days from the date the qualified beneficiary filed a notice of claim under Section 38-1-7; or  
(B) 270 days from the completion of the original contract pursuant to Subsection 38-1-7(1);

3. Page 22, Line 671 through Page 23, Line 679:

671           { ~~(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) To recover from the fund a laborer shall:

4. Page 23, Line 683:

683            {~~(8)~~}    (7)    A fee determined by the division under Section 63-38-3.2 shall be deducted from

5. Page 23, Line 685:

685            {~~(9)~~}    (8)    The requirements of Subsections (4)(a) and (4)(b) may be satisfied if an owner or

6. Page 23, Line 696:

696            {~~(10)~~}    (9)    The director shall have equitable power to determine if the requirements of