



http://le.utah.gov

# Utah State Legislature

**Senate** • Utah State Capitol Complex • Suite W115  
PO Box 145115 • Salt Lake City, Utah 84114-5115  
(801) 538-1035 • fax (801) 538-1414

**House of Representatives** • Utah State Capitol Complex • Suite W030  
PO Box 145030 • Salt Lake City, Utah 84114-5030  
(801) 538-1029 • fax (801) 538-1908

## CONFERENCE COMMITTEE REPORT

February 28, 2006

Mr. President and Mr. Speaker:

The Joint Conference Committee comprised of Sens. Hatch, Jenkins, and Fife, and Reps. Morley, Wiley, and Clark, S., recommends **1st Sub. H.B. 160, CONSTRUCTION STANDARD AMENDMENTS**, by Representative M. Morley, with the following amendments:

- A. Include all House amendments of the Lilac copy dated 2-16-2006.
- B. Do not include the Senate amendments.
- C. Also include the following amendments:

1. *Page 2, Lines 35 through 36*  
*House Floor Amendments*  
*2-16-2006:*

35 AMENDS:

38-1-2, as last amended by Chapter 365, Laws of Utah 1999

36 38-1-7, as last amended by Chapter 64, Laws of Utah 2005

2. *Page 2, Line 47*  
*House Floor Amendments*  
*2-16-2006:*

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

= Section 1. Section 38-1-2 is amended to read:

**38-1-2. "Contractors" and "subcontractors" defined.**

~~{Any}~~ (1) Except for a person who contracts with an owner-builder,

Bill Number



HB0160S01

Action Class



C

a person who does work or furnishes materials by contract, express or implied, with the owner, as provided in this chapter, ~~{shall be}~~ is considered an original contractor, and ~~{all}~~ any other ~~{persons}~~ person doing work or furnishing materials ~~{shall be}~~ is considered ~~{subcontractors}~~ to be a subcontractor .

(2) As used in this chapter:

(a) "original contract" means a contract between an original contractor and the owner of real property to furnish labor, equipment, or materials to the real property;

(b) "original contract" does not include a contract between an owner-builder and another person;

(c) an "original contract" is considered to exist between an owner-builder and itself; and

(d) "owner-builder" means an owner of real property who obtains a building permit for work on the owner's property that will consist of more than one contract between the owner and any other person.

Renumber remaining sections accordingly.

3. Page 5, Lines 137 through 145:

137 ~~{(h) "Original contract":~~

138 ~~—(i) means a contract between an original contractor, as that term is used in Section~~

139 ~~38-1-2, and the owner of real property or the owner's agent to furnish labor, equipment, or~~

140 ~~materials to the property; and~~

141 ~~—(ii) does not include a contract between an owner-builder and another person.~~

142 ~~—(i) "Owner-builder" means an owner of real property who obtains a building permit for~~

143 ~~work on the owner's property that will consist of more than one contract between the owner~~

144 ~~and another person.}~~

145 ~~{+}~~ (h) ~~{+}~~ ~~{(f)}~~ "Program" means the State Construction Registry

Bill Number



HB0160S01

Action Class



C

Program created in this

4. *Page 13, Line 377*  
*House Floor Amendments*  
*2-16-2006:*

377 (1) (a) (i) ~~{A}~~ Except for a person who has a contract with an owner or an owner-builder, a subcontractor ~~{or supplier}~~ shall file a preliminary notice with the database

5. *Page 13, Line 391*  
*House Floor Amendments*  
*2-16-2006:*

391 (b) If a ~~{subcontractor or supplier}~~ person files a preliminary notice after the period prescribed

6. *Page 13, Line 395*  
*House Floor Amendments*  
*2-16-2006:*

395 precludes a ~~{subcontractor or supplier}~~ person from ~~[filing]~~ maintaining any claim for compensation

7. *Page 14, Line 398:*

398 notice, except as against the person with whom the ~~{subcontractor or supplier}~~ person contracted.

8. *Page 14, Lines 417 through 418*  
*House Floor Amendments*  
*2-16-2006:*

417 (iii) Upon request by a ~~{subcontractor or supplier}~~ person identified in  
Subsection 38-1-32(1)(a)(i), an original contractor shall provide  
418 the ~~{subcontractor or supplier}~~ person with the building permit number for the project, or the number

9. *Page 14, Lines 419a through 419b*

Bill Number



HB0160S01

Action Class



C

*House Floor Amendments*  
2-16-2006:

- 419a    ~~§~~ →    { ~~(c) An original contractor, or other person who has a contract directly with~~  
~~the owner of a~~  
419b    ~~construction project, need not file a preliminary notice under this section.~~ } ← ~~§~~

Respectfully,

Sen. Hatch  
Senate Chair, Conference Committee

Rep. Morley  
House Chair, Conference Committee

Voting: 5-0-1

17 HB0160.CC1.WPD 2/28/06 3:16 pm chrisparker/ CRP/RCN

Bill Number



HB0160S01

Action Class



C