

**1st Sub. H.B. 160**  
**CONSTRUCTION STANDARD AMENDMENTS**

Representative **Michael T. Morley** proposes 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, 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) {+}    ~~{(i)}~~ "Program" means the State Construction Registry 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

a. House Floor Amendments  
b. 2-16-2006:

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

6. Page 13, Line 395

a. House Floor Amendments  
b. 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

Senate Committee Amendments  
2-22-2006:

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*

*Senate Committee Amendments*

2-22-2006:

419a    **Ŝ→**    {(e) 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.}    **←Ŝ**