

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

Representative **Wayne A. Harper** proposes the following amendments:

1. *Page 2, Line 36:*

36 38-1-7, as last amended by Chapter 64, Laws of Utah 2005
= **38-1-24, No Change Since 1953**

2. *Page 2, Line 42:*

42 38-1-35, as enacted by Chapter 250, Laws of Utah 2004
= **38-9-4, as repealed and reenacted by Chapter 125, Laws of Utah 1997**

3. *Page 4, Line 115:*

115 governing the form of the statement required under Subsection (2)(a)(ix).

Section 2. Section 38-1-24 is amended to read:

38-1-24. Cancellation of record -- Penalty.

The claimant of any lien filed as provided herein, on the payment of the amount thereof together with the costs incurred and the fees for cancellation, shall at the request of any person interested in the property charged therewith cause said lien to be canceled of record within ten days from the request, and upon failure to so cancel his lien within the time aforesaid shall forfeit and pay to the person making the request the sum of

~~{ \$20 }~~ **\$100** per day **or actual damages, whichever is greater,** until the same shall be canceled, to be recovered in the same manner as other debts.

4. *Page 19, Line 563:*

563 (g) any other event or cause beyond the designated agent's control.

Section 8. Section 38-9-4 is amended to read:

38-9-4. Civil liability for filing wrongful lien -- Damages.

(1) A lien claimant who records or files or causes a wrongful lien as defined in Section 38-9-1 to be recorded or filed in the office of the county recorder against real property is liable to a record interest holder for any actual damages proximately caused by the wrongful lien.

(2) If the person in violation of this Subsection (1) refuses to release or correct the wrongful lien within ~~{ 20 }~~ **10** days from the date of written request from a record interest holder of the real property delivered personally or mailed to the last-known address of the lien claimant, the person is liable to that record interest holder for \$1,000 or for treble actual damages, whichever is greater, and for reasonable attorney fees and costs.

(3) A person is liable to the record owner of real property for \$3,000 or for treble actual damages, whichever is greater, and for reasonable attorney fees and costs, who records or files or causes to be recorded or filed a wrongful lien as defined in Section 38-9-1 in the office of the county recorder against the real property, knowing or having reason to know that the document:

- (a) is a wrongful lien;
- (b) is groundless; or
- (c) contains a material misstatement or false claim.

Renumber remaining sections accordingly.