

**1st Sub. H.B. 260**  
**MECHANICS' LIENS REVISIONS**

Representative **David Clark** proposes the following amendments:

1. Page 2, Line 45:

45            ~~{ 38-9-2, as last amended by Laws of Utah 2008, Chapters 3 and 223 }~~

2. Page 3, Lines 75 through 79:

75    agent as prescribed by Section {+} 38-1-32 {+} ~~{ 38-1-32.5 }~~, except that this section does not  
apply {:-}

76    ~~——(a)}~~ to a person performing labor for wages {:-or}   

77            ~~{(b) if a notice of commencement is not filed as prescribed in Section [38-1-31]~~

78    ~~38-1-31.5 for the project or improvement for which labor, service, equipment, or material is~~

79    ~~furnished.}~~

3. Page 5, Line 119:

119            (b) ~~{A}~~ Notwithstanding the time a lien relates back to and takes effect as of under  
Subsection (2), a recorded mortgage or trust deed on the project property to secure a construction

4. Page 6, Lines 169 through 173:

169            (c) provide a central repository for [notices of commencement,] {:-}

170    ~~——(i) preliminary notices[,] and notices of completion filed in connection with all~~

171    ~~[privately owned construction] private projects [as well as] in the state; and~~

172    ~~——(ii) notices of commencement, preliminary notices, and notices of completion for all~~

173    ~~[state and local] government [owned construction] projects [throughout Utah] in the state }~~ all notices  
filed with the database under Section 38-1-30.5, 38-1-31.5, 38-1-32, 38-1-32.5, 38-1-33, or 38-1-40 ;

5. Page 6, Line 176 through Page 7, Line 181:

176            (i) the filing and reviewing of {:-}

177    ~~——[(i)] (A) notices of commencement on a government project;~~

178    ~~——[(ii)] (B) preliminary notices;~~

179    ~~——[(iii)] (C) [a notice] notices of intent to file notice of final completion;~~

180    ~~——[(iv)] (D) [a notice] notices for remaining amounts due to complete the contract; and~~

181    ~~——[(v)] (E) notices of completion }~~ notices described in Subsection (2)(c) ; and

6. Page 8, Lines 223 through 231:

- 223 (i) ~~{a notice of commencement on a government project;~~  
224 ~~(ii) a preliminary notice;~~  
225 ~~(iii) a notice of intent to file notice of final completion;~~  
226 ~~(iv) a notice for remaining amounts due to complete the contract;~~  
227 ~~(v) a notice of completion}~~ all notices described in Subsection (2)(c) ;  
228 ~~{(vi)}~~ (ii) a request for notice;  
229 ~~{(vii)}~~ (iii) providing a required notice by an alternate ~~{method of delivery}~~ filing ;  
230 ~~{(viii)}~~ (iv) a duplicate receipt of a filing; and  
231 ~~{(ix)}~~ (v) account setup for a person who wishes to be billed periodically for filings with the

7. Page 18, Lines 531 through 535:

- 531 ~~{(d) A preliminary notice filed for labor, service, equipment, or material furnished to~~  
532 ~~real property for a private project under an original contract is not valid for labor, service,~~  
533 ~~equipment, or material furnished to the same real property for another private project under a~~  
534 ~~separate original contract.}~~  
535 ~~{†}~~ (d) ~~{†}~~ ~~{(e)}~~ (i) (A) [If a] A person who [is required to file a preliminary notice under  
this

8. Page 18, Line 545:

- 545 ~~{(f)}~~ (e) A preliminary notice that is timely filed with the database with respect to a private

9. Page 18, Line 548:

- 548 ~~{(g)}~~ (f) If a preliminary notice filed with the database includes the tax parcel identification

10. Page 19, Line 556:

- 556 ~~{(h)}~~ (g) A preliminary notice for a private project shall include:

11. Page 25, Lines 743 through 756:

- 743 ~~{Section 13. Section 38-9-2 is amended to read:~~  
744 ~~38-9-2. Scope.~~  
745 ~~(1)(a) The provisions of Sections 38-9-1, 38-9-3, 38-9-4, and 38-9-6 apply to any~~  
746 ~~recording or filing or any rejected recording or filing of a lien pursuant to this chapter on or~~  
747 ~~after May 5, 1997.~~  
748 ~~(b) The provisions of Sections 38-9-1 and 38-9-7 apply to all liens of record regardless~~  
749 ~~of the date the lien was recorded or filed.~~  
750 ~~(c) Notwithstanding Subsections (1)(a) and (b), the provisions of this chapter~~  
751 ~~applicable to the filing of a notice of interest do not apply to a notice of interest filed before~~

752 ~~May 5, 2008.~~

753 ~~—— (2) The provisions of this chapter shall not prevent a person from filing a lis pendens in~~  
754 ~~accordance with Section 78B-6-1303 or seeking any other relief permitted by law.~~

755 ~~—— [(3) This chapter does not apply to a person entitled to a lien under Section 38-1-3 who~~  
756 ~~files a lien pursuant to Title 38, Chapter 1, Mechanics' Liens.]}]~~