

150 (b) the owner, if the owner is an owner-builder.

151 (35) "Substantial work" does not include repair work or warranty work.

152 (36) "Supervisory subcontractor" means a person that:

153 (a) is a subcontractor under contract to provide preconstruction service or construction  
154 work; and

155 (b) contracts with one or more other subcontractors for the other subcontractor or  
156 subcontractors to provide preconstruction service or construction work that the person is under  
157 contract to provide.

158 Section 2. Section 38-1a-301 is amended to read:

159 **38-1a-301. Those entitled to lien -- What may be attached.**

160 (1) Except as provided in Section 38-11-107, a person who provides preconstruction  
161 service or construction work on or for a project property has a lien on the project property for  
162 the reasonable value of the preconstruction service or construction work, respectively, as  
163 provided in this chapter.

164 (2) A person may claim a preconstruction lien and a separate construction lien on the  
165 same project property.

166 (3) (a) A construction lien may include an amount claimed for a preconstruction  
167 service.

168 (b) A preconstruction lien may not include an amount claimed for construction work.

169 (4) (a) A preconstruction or construction lien attaches only to the interest that the  
170 owner has in the project property that is the subject of the lien.

171 (b) If an owner possesses an interest in the project property that is less than fee simple,  
172 a preconstruction or construction lien attaches only to the lesser interest of the owner and does  
173 not attach to the fee simple interest.

174 (c) Notwithstanding Subsection (4)(b), ~~§~~→ [a preconstruction or construction lien may  
175 attach to the lesser interest of an owner who possesses an interest in the project property that is  
176 less than fee simple and to the fee simple interest of the person who owns the fee simple  
177 interest in the project property, if the person who provides preconstruction service or  
178 construction work can demonstrate that the improvement underlying the preconstruction or  
179 construction lien:] a preconstruction or construction lien may attach to the fee simple interest in  
179a the project property, if the person who provides preconstruction service or construction work  
179b can demonstrate that the preconstruction service or construction work: ~~←~~§

180 (i) was ~~§~~→ [performed at the written instance of] authorized by ~~←~~§ the person possessing  
180a the fee simple