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STATE OF RHODE ISLAND

### IN GENERAL ASSEMBLY

#### **JANUARY SESSION, A.D. 2012**

### AN ACT

#### **RELATING TO PROPERTY - MECHANICS' LIENS**

Introduced By: Representative John J. McCauley

Date Introduced: February 16, 2012

Referred To: House Labor

It is enacted by the General Assembly as follows:

SECTION 1. Section 34-28-4.1 of the General Laws in Chapter 34-28 entitled
"Mechanics' Liens" is hereby repealed.

34-28-4.1. Contractors.— No person contracting directly with either the owner of the land, lessee, or tenant of the land, or owner of less than the fee simple, other than material suppliers, as those terms are referred to in sections 1, 2 and 3 [sections 34-28-1, 34-28-2, 34-28-3] of this chapter, shall be entitled to claim a lien under this chapter unless that person shall have given the following notice to the owner, lessee or tenant, or owner of less than the fee simple in writing, by certified mail, return receipt requested, within ten (10) business days of commencing work or delivery of materials for construction, erection, alteration or repair as set forth in this chapter. The failure of such person contracting directly to give such notice shall not affect the right of any other person performing work or furnishing materials of claiming a lien pursuant to this chapter, provided that the procedures set forth in this chapter are followed. However, such person failing to file such notice shall indemnify and hold harmless any owner, lessee or tenant, or owner of less than the fee simple from any payment or costs incurred on account of any liens claims by those not in privity with them, unless such owner, lessee or tenant, or owner of less that the fee simple shall not have paid such person.

### NOTICE OF POSSIBLE MECHANIC'S LIEN

To: Insert name of owner, lessee or tenant, or owner of less than the fee simple. The undersigned is about to perform work and/or furnish materials for the construction, erection,

- 1 alterations or repair upon the land at (INSERT ADDRESS) under contract with you. This is a
- 2 notice that the undersigned and any other persons who provide labor and materials for the
- 3 improvement under contract with the undersigned may file a mechanic's lien upon the land in the
- 4 event of nonpayment to them. It is your responsibility to assure yourself that those other persons
- 5 under contract with the undersigned receive payment for their work performed and materials
- 6 furnished for the construction, erection, alteration or repair upon the land.
- 7 SECTION 2. This act shall take effect upon passage.

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# EXPLANATION

# BY THE LEGISLATIVE COUNCIL

OF

# AN ACT

# RELATING TO PROPERTY - MECHANICS' LIENS

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This act would repeal section 34-28-41 of the General Laws which compels notification
by a contractor of possible mechanics' liens prior to commencing any work on a construction
project within ten (10) business days of commencing work.

This act would take effect upon passage.

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