

2015 -- H 5932

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LC002213  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO PROPERTY - MECHANICS' LIENS

Introduced By: Representatives Edwards, Nunes, Price, and Canario

Date Introduced: March 19, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 34-28-4.1 of the General Laws in Chapter 34-28 entitled  
2 "Mechanics' Liens" is hereby amended to read as follows:  
3           **34-28-4.1. Contractors. --** No person contracting directly with either the owner of the  
4 land, lessee, or tenant of the land, or owner of less than the fee simple, other than material  
5 suppliers, as those terms are referred to in sections 1, 2 and 3 [ §§ 34-28-1, 34-28-2, 34-28-3] of  
6 this chapter, shall be entitled to claim a lien under this chapter unless that person shall have ~~given~~  
7 provided the following notice to the owner, lessee or tenant, or owner of less than the fee simple  
8 either as incorporated in a written contract, or by notice in writing prior to physical  
9 commencement of work on the property, ~~in writing,~~ by certified mail, return receipt requested,  
10 ~~within ten (10) business days of commencing work~~ or upon delivery of materials for construction,  
11 erection, alteration or repair as set forth in this chapter. The failure of such person contracting  
12 directly to give such notice shall not affect the right of any other person performing work or  
13 furnishing materials of claiming a lien pursuant to this chapter, provided that the procedures set  
14 forth in this chapter are followed. However, such person failing to file such notice shall  
15 indemnify and hold harmless any owner, lessee or tenant, or owner of less than the fee simple  
16 from any payment or costs incurred on account of any liens claims by those not in privity with  
17 them, unless such owner, lessee or tenant, or owner of less than the fee simple shall not have paid  
18 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, alterations or repair upon the land at (INSERT ADDRESS) under contract with you. This is a notice that the undersigned and any other persons who provide labor and materials for the improvement under contract with the undersigned may file a mechanic's lien upon the land in the event of nonpayment to them. It is your responsibility to assure yourself that those other persons under contract with the undersigned receive payment for their work performed and materials furnished for the construction, erection, alteration or repair upon the land.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PROPERTY - MECHANICS' LIENS

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1           This act would provide that notice under the provisions of the mechanics' lien law may be  
2 provided either as incorporated in a written contract, or a separate document incorporated in a  
3 written contract prior to or within ten (10) days of commencing physical work on the property, or  
4 upon delivery of construction, erection, alteration, or repair materials for the property.

5           This act would take effect upon passage.

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