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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO PROPERTY -- MECHANICS' LIENS

Introduced By: Senators McCaffrey, and Goodwin

Date Introduced: May 07, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 34-28 of the General Laws entitled "Mechanics' Liens" is hereby  
2 amended by adding thereto the following section:

3           **34-28-38. Arbitration.**

4           In any mechanics' lien proceeding under this chapter whereby the petitioner has filed a  
5 mechanics' lien, where an arbitration provision exists between the petitioner and the respondent  
6 owner or lessee, and the mechanics' lien action is stayed pending arbitration, any arbitration award  
7 shall be binding with full force and effect within the mechanics' lien action and any such award  
8 shall be res judicata. The court in the mechanics' lien action may award reasonable attorneys' fees  
9 in its discretion in relation to the arbitration proceedings to the prevailing party. The arbitrator shall  
10 have the authority to decide all procedural issues in relation to the compliance with the mechanics'  
11 lien action pursuant to this chapter.

12           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 any arbitration award issued shall be binding in the mechanics'  
2   lien action and shall be res judicata. The court may award reasonable attorneys' fees in its discretion  
3   to the prevailing party.

4           This act would take effect upon passage.

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