

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

A N A C T

RELATING TO PROPERTY - MECHANICS' LIENS

Introduced By: Senators Doyle, McCaffrey, Ciccone, Jabour, and Lombardi

Date Introduced: January 22, 2013

Referred To: Senate 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2 "Mechanics' Liens" is hereby repealed.

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 [sections 34-28-1, 34-28-2, 34-28-~~
6 ~~3]of this chapter, shall be entitled to claim a lien under this chapter unless that person shall have~~
7 ~~given the following notice to the owner, lessee or tenant, or owner of less than the fee simple in~~
8 ~~writing, by certified mail, return receipt requested, within ten (10) business days of commencing~~
9 ~~work or delivery of materials for construction, erection, alteration or repair as set forth in this~~
10 ~~chapter. The failure of such person contracting directly to give such notice shall not affect the~~
11 ~~right of any other person performing work or furnishing materials of claiming a lien pursuant to~~
12 ~~this chapter, provided that the procedures set forth in this chapter are followed. However, such~~
13 ~~person failing to file such notice shall indemnify and hold harmless any owner, lessee or tenant,~~
14 ~~or owner of less than the fee simple from any payment or costs incurred on account of any liens~~
15 ~~claims by those not in privity with them, unless such owner, lessee or tenant, or owner of less than~~
16 ~~the fee simple shall not have paid such person.~~

17 ~~NOTICE OF POSSIBLE MECHANIC'S LIEN~~

18 ~~To: Insert name of owner, lessee or tenant, or owner of less than the fee simple. The~~
19 ~~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
A N A C T
RELATING TO PROPERTY - MECHANICS' LIENS

1 This act would repeal section 34-28-4.1 of the General Laws which compels notification
2 by a contractor of possible mechanics' liens prior to commencing any work on a construction
3 project within ten (10) business days of commencing work.

4 This act would take effect upon passage.

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