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### STATE OF RHODE ISLAND

### IN GENERAL ASSEMBLY

#### **JANUARY SESSION, A.D. 2015**

### AN ACT

### RELATING TO PROPERTY - MECHANICS' LIENS

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

Date Introduced: June 03, 2015

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

"Mechanics' Liens" is hereby amended to read as follows:

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

5 suppliers, as those terms are referred to in sections 1, 2 and 3 [§§ 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

<u>provided</u> the following notice to the owner, lessee or tenant, or owner of less than the fee simple

either incorporated conspicuously in a written contract or sent in writing, by certified mail, return

9 receipt requested, any time prior to 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, 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.

SECTION 2. This act shall take effect upon passage.

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# EXPLANATION

# BY THE LEGISLATIVE COUNCIL

OF

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# RELATING TO PROPERTY - MECHANICS' LIENS

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1	This act would eliminate the requirement that notice under the provisions of the
2	mechanics' lien law be provided within ten (10) days of commencing physical work on the
3	property, or upon delivery of construction, erection, alteration, or repair materials for the
4	property, by authorizing the notice to be given at any time prior to commencing work or delivery
5	of materials, either incorporated conspicuously in a written contract or sent by certified mail.
6	This act would take effect upon passage.

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