

2022 -- S 2357

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO PROPERTY -- MECHANICS' LIENS

Introduced By: Senators McCaffrey, F Lombardi, and Archambault

Date Introduced: February 15, 2022

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, and 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 arbitrator shall have the authority to decide all procedural issues in relation
9 to the compliance with the mechanics' lien action instituted pursuant to this chapter. The court in
10 the mechanics' lien action may award reasonable attorneys' fees to the prevailing party in the
11 arbitration proceeding.

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

1 This act would provide that any arbitration award issued shall be binding and res judicata
2 in the mechanics' lien action. The court, in its discretion, may also award reasonable attorneys' fees
3 to the prevailing party.

4 This act would take effect upon passage.

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