

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 990

"TO PROVIDE THAT MECHANICS' AND MATERIALMEN'S LIENS MAY BE
CHALLENGED BY DECLARATORY JUDGMENT PROCEEDINGS AND TO
STANDARDIZE NOTICE REQUIREMENTS OF LIEN FILINGS."

Amendment No. 1 to Senate Bill No. 990.

Amend Senate Bill No. 990 as engrossed, S3/29/05 (version: 03-29-2005 14:10):

Page 2, delete lines 2 through 11

AND

Immediately following Section 4, add an additional Section to read as follows:

"SECTION 5. Arkansas Code § 18-44-114(a), concerning notice to a property owner prior to filing a mechanic's lien, is amended to read as follows:

(a)(1)(A) Every person, ~~except the original contractor,~~ who may wish to avail himself or herself of the benefit of the provisions of this subchapter shall give ten (10) days' notice before the filing of the lien, as required in § 18-44-117(a), to the owner, owners, or agent, or either of them, that he or she holds a claim against the building or improvement, setting forth the amount and from whom it is due.

~~(B) However, if the transaction is a direct sale to the property owner, this notice requirement shall not apply and the lien rights arising under this subchapter shall not be conditioned on delivery and execution of the notice.~~

~~(2) For purposes of this subsection, a sale shall be considered a direct sale when the owner or owners order the materials from the lien claimant."~~



The Amendment was read _____
By: Representative Verkamp
DLP/RCK - 04-07-2005 16:07
DLP334

Chief Clerk