

1 House BILL NO. 46  
2 INTRODUCED BY Kvaalen

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
5 45-502, R.C.M. 1947, TO LENGTHEN THE PERIOD OF TIME IN WHICH  
6 A MECHANIC'S LIEN MAY BE PERFECTED IN SOME CASES."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 45-502, R.C.M. 1947, is amended to  
10 read as follows:

11 "45-502. How lien perfected. (1) Every person wishing  
12 to avail himself of the benefits of this chapter must file  
13 with the county clerk of the county in which the property or  
14 premises mentioned in the preceding section is situated, and  
15 ~~within ninety days after the material or machinery aforesaid~~  
16 ~~has been furnished, or the work or labor performed,~~ a just  
17 and true account of the amount due him, after allowing all  
18 credits, and containing a correct description of the  
19 property to be charged with such lien, verified by  
20 affidavit, but any error or mistake in the account or  
21 description does not affect the validity of the lien, if the  
22 property can be identified by the description; which paper  
23 containing the account, description, and affidavit is deemed  
24 the lien, and when there is an open account between the  
25 parties for labor, material, or machinery, such lien may be

1 filed within ninety days after the date of the last item in  
2 such account, and include all items and charges contained  
3 therein, for material or machinery furnished for, or work  
4 performed on, the property on which the lien is claimed. A  
5 lien filed after ninety (90) days is not valid against:

6 (a) property which has been purchased by a bona fide  
7 purchaser in good faith and without notice of the lien.

8 (b) any property, the owner of which, the party  
9 claiming the lien did not directly deal.

10 (2) As against all other parties the time in which the  
11 lien may be perfected shall be five (5) years following the  
12 completion of any work or improvement.

13 ~~(2)-(3)~~ The time within which to perfect the lien by  
14 filing of the notice of lien is shortened if the provisions  
15 of section 3-~~45-502.1~~-of-this-act are complied with and a  
16 notice of completion is timely filed, in which event such  
17 notice of lien must be filed within sixty (60) days  
18 immediately following the first publication of the notice of  
19 completion.

20 ~~(3)-(4)~~ The following acts ~~of~~ or events constitute  
21 "completion of any work or improvement" for the purpose of  
22 filing a notice of completion:

23 (a) The written acceptance by the owner, his agent or  
24 his representative of the building, improvement or  
25 structure. The filing of a notice of completion shall not be

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1 considered as an acceptance of the building, improvement, or  
2 other structure.

3 (b) The cessation from labor for thirty (30) days upon  
4 any building, improvement or structure, or the alteration,  
5 addition to or repair thereof."

-End-

Approved by Committee  
on Judiciary

HOUSE BILL NO. 46

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(a) property which has been purchased by a bona fide  
purchaser in good faith and without notice of the lien.

(b) any property, the owner of which, the party  
claiming the lien did not directly deal.

(2) As against all other parties the time in which the  
lien may be perfected shall be ~~five-(5)--years~~ ONE HUNDRED  
TWENTY (120) DAYS following the completion of any work or  
improvement.

~~42-~~(3) The time within which to perfect the lien by  
filing of the notice of lien is shortened if the provisions  
of section ~~3-{45-502.1}-of-this-act~~ are complied with and a  
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1 structure. The filing of a notice of completion shall not be  
2 considered as an acceptance of the building, improvement, or  
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16 ~~has-been-furnished,-or-the-work-or-labor-performed,~~ a just  
17 and true account of the amount due him, after allowing all  
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17 notice of completion is timely filed, in which event such  
18 notice of lien must be filed within sixty (60) days  
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