

HOUSE BILL 204

IN THE HOUSE

January 16, 1979	Introduced and referred to Committee on Business and Industry.
January 19, 1979	Committee recommend bill, do not pass.
January 22, 1979	Report adopted.

House BILL NO. 204

1 INTRODUCED BY Walker

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3 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
4 71-3-1202, MCA, TO PROVIDE THAT AN AGISTER'S LIEN HAS  
5 PRIORITY OVER PERFECTED SECURITY AGREEMENTS UNDER THE  
6 UNIFORM COMMERCIAL CODE--SECURED TRANSACTIONS OR OTHER  
7 RECORDED LIENS IF THE PERSON WISHING TO ASSERT THE AGISTER'S  
8 LIEN NOTIFIES THE SECURED PARTY OR OTHER LIENHOLDER WITHIN  
9 10 DAYS OF PERFORMING THE SERVICE OR FURNISHING THE MATERIAL  
10 WHICH GAVE RISE TO THE LIEN."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 71-3-1202, MCA, is amended to read:  
14  
15 "71-3-1202. Priority. (1) The lien hereby created  
16 shall not take precedence over perfected security interests  
17 under the Uniform Commercial Code--Secured Transactions or  
18 other recorded liens on the property involved unless within  
19 10 days from the time of receiving the property performing  
20 the service or furnishing the material, the person desiring  
21 to assert a lien thereon shall give notice in writing to  
22 said secured party or other lienholder, stating his  
23 intention to assert a lien on said property, under the terms  
24 of this part, and stating the nature and approximate amount  
25 of the work or feed performed or furnished or intended to be

1 performed or furnished therefor service performed or the  
2 material furnished.

3 (2) Such service may be made either by personal  
4 service or by mailing by registered or certified mail a copy  
5 of said notice to the secured party or other lienholder at  
6 his last known post-office address. Said service shall be  
7 deemed complete upon the deposit of the notice in the post  
8 office.

9 (3) Within 10 days after the date of such mailing or 5  
10 days after such personal service, the secured party or other  
11 lienholder or his representative shall have the right to  
12 take possession of said property upon payment of the amount  
13 of the lien then accrued. A failure on the part of such  
14 secured party or other lienholder so to do shall constitute  
15 a waiver of the priority of such security interest or other  
16 lien over the lien created by this part."

-End-