

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.

1 HOUSE BILL NO. 204
2 INTRODUCED BY Walton

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

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

14 Section 1. Section 71-3-1202, MCA, is amended to read:
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-