

HOUSE BILL NO. 761

INTRODUCED BY FABREGA, JENSEN, VINCENT, METCALF,  
ANDREASON, D. O'HARA, R. MANNING, SCHULTZ, WALLIN,  
HARPER, ROBBINS, KITSELMAN, JACOBSEN, BERGENE

BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND INDUSTRY

IN THE HOUSE

|                   |  |
|-------------------|--|
| February 13, 1981 | Introduced and referred to Committee on State Administration.    |
| February 18, 1981 | Committee recommend bill do pass as amended. Report adopted.     |
| February 19, 1981 | Bill printed and placed on members' desks.                       |
| February 21, 1981 | Second reading, do pass.   |
| February 23, 1981 | Correctly engrossed.   |
| February 24, 1981 | Third reading, passed. Ayes, 91; Noes, 8. Transmitted to Senate. |

IN THE SENATE

|                |  |
|----------------|--|
| March 2, 1981  | Introduced and referred to Committee on Judiciary.                   |
| March 24, 1981 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 26, 1981 | Motion pass consideration.   |
| March 27, 1981 | Second reading, concurred in.  |
| March 28, 1981 | Third reading, concurred in as amended. Ayes, 48; Noes, 1.           |

## IN THE HOUSE

March 28, 1981

Returned from Senate with  
amendments.

April 8, 1981

Second reading, amendments not concurred in.

April 15, 1981

Free Conference Committee reported

IN THE SENATE

April 17, 1981

Free Conference Committee report  
adopted.

## IN THE HOUSE

April 20, 1981

Returned from Senate.

Second reading, Free Conference Committee report adopted.

On motion rules suspended and  
Free Conference Committee report  
placed on third reading this day.

Third reading, Free Conference Committee report adopted.  
Ayes, 95; Noes, 0.

April 22, 1981

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 761 D. D. Howe  
2 INTRODUCED BY *George J. Ladd* VINCENT McCall  
3 BY REQUEST OF THE HOUSE COMMITTEE ON BUSINESS AND INDUSTRY  
4 Kitbelman Joseph T. Bergene

5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
6 71-3-513, MCA, TO REQUIRE THE COUNTY CLERK AND RECORDER TO  
7 NOTIFY THE OWNER OF PROPERTY SUBJECTED TO A MECHANIC'S LIEN;  
8 AND PROVIDING FOR A FEE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11           Section 1. Section 71-3-513, MCA, is amended to read:  
12           "71-3-513. Filing with county clerk -- notification of  
13 owner -- fee. (1) The county clerk must endorse upon every  
14 lien the day of its filing and make an abstract thereof in a  
15 book by him to be kept for that purpose and properly  
16 indexed, containing the date of the filing, the name of the  
17 person holding the lien, the amount thereof, the name of the  
18 person against whose property the lien is filed, and the  
19 description of the property to be charged with same.

20       121 Within 5 business days after the filing of the  
21       lien, the county clerk shall notify in writing the person  
22       against whose property the lien is filed of the amount of  
23       the lien, the name of the person holding the lien, and the  
24       description of the property that it is charged against.

25 (3) The county clerk is entitled to a fee of 50 cents.

1 payable by the person filing the liens in addition to other  
2 fees authorized in Title 7, chapter 4, part 26, for each  
3 lien filed under this part to compensate the county for the  
4 expense of notifying the property owners."

- End -

Approved by Committee  
on State Administration

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18 lien the day of its filing and make an abstract thereof in a  
19 book by him to be kept for that purpose and properly  
20 indexed, containing the date of the filing, the name of the  
21 person holding the lien, the amount thereof, the name of the  
person against whose property the lien is filed, and the  
description of the property to be charged with same.

22                   {2}\_within\_5\_business\_days\_after\_the\_filing\_of\_the  
23                   lien,\_the\_county\_clerk\_shall\_notify\_in\_writing\_the\_person  
24                   against\_whose\_property\_the\_lien\_is\_file\_of\_the\_amount\_of  
25                   the\_lien,\_the\_name\_of\_the\_person\_holding\_the\_lien,\_and\_the

1       description of the property that it is charged against.  
2        {3} The county clerk is entitled to a fee of 50 cents  
3       \$2, payable by the person filing the lien, in addition to  
4       other fees authorized in Title 7, chapter 4, part 26, for  
5       each lien filed under this part to compensate the county for  
6       the expense of notifying the property owner."

-End-

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16 lien the day of its filing and make an abstract thereof in a

17 book by him to be kept for that purpose and properly

18 indexed, containing the date of the filing, the name of the

19 person holding the lien, the amount thereof, the name of the

20 person against whose property the lien is filed, and the

21 description of the property to be charged with same.

22       (2) within 5 business days after the filing of the

23 lien, the county clerk shall notify in writing the person

24 against whose property the lien is filed of the amount of

25 the lien, the name of the person holding the lien, and the

1       description of the property that it is charged against.  
2        (3) The county clerk is entitled to a fee of 50 cents  
3       \$2, payable by the person filing the lien, in addition to  
4       other fees authorized in Title 7, chapter 4, part 26, for  
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23 lien the county clerk shall notify in writing the person  
24 against whose property the lien is fitted of the amount of  
25 the lien the name of the person holding the lien and the

1 description of the property that it is charged against  
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3 \$2--payable by the person fitting the lien, in addition to  
4 other fees authorized in Title 7, chapter 4, part 26, for  
5 each lien fitted under this part to compensate the county for  
6 the expense of notifying the property owner. THE CLERK SHALL  
7 NOT FILE THE LIEN UNLESS THERE IS ATTACHED THERETO A  
8 CERTIFICATION BY THE LIEN CLAIMANT OR HIS AGENT THAT A COPY  
9 OF THE LIEN HAS BEEN SERVED UPON EACH OWNER OF RECORD OF THE  
10 PROPERTY NAMED IN THE LIEN. SERVICE SHALL BE MADE BY  
11 PERSONAL SERVICE ON EACH OWNER OR BY MAILING A COPY OF THE  
12 LIEN BY CERTIFIED OR REGISTERED MAIL TO EACH OWNER'S LAST  
13 KNOWN ADDRESS. THE CERTIFICATION SHALL STATE WHETHER SERVICE  
14 WAS MADE BY DELIVERY OF CERTIFIED OR REGISTERED MAIL."

-End-

.....April 14,..... 1981.....

FREE JOINT CONFERENCE COMMITTEE

ON HOUSE BILL 761

REPORT NO. 1

We, your Free Joint Conference Committee on House Bill 761, met on April 14, 1981, and considered:

Senate Committee on Judiciary Amendments dated March 24, 1981, and

recommend as follows:

Having had under consideration Senate Committee on Judiciary Amendments dated March 24, 1981,

That the House accede to all these amendments,

And further that House Bill 761, reference copy, be amended as follows:

1. Amend page 2, line 12.

Following: "MAIL"

Insert: "with return receipt requested"

And that the Free Joint Conference Committee Report on House Bill No. 761 be adopted.

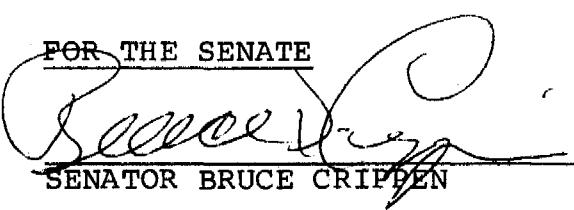
FOR THE HOUSE

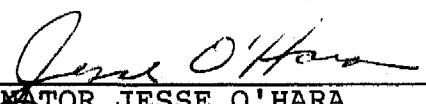
  
REP. JAY FABREGA

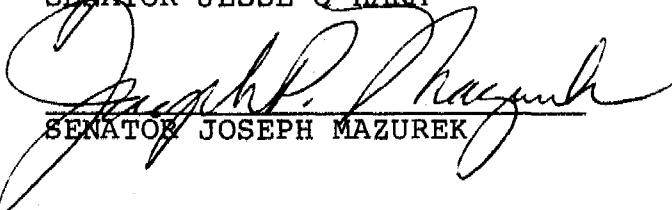
  
REP. DARRYL MEYER

  
REP. JOHN VINCENT

FOR THE SENATE

  
SENATOR BRUCE CRIPPEN

  
SENATOR JESSE O'HARA

  
SENATOR JOSEPH MAZUREK

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21 description of the property to be charged with same.

22 (2) Within 5 business days after the filing of the  
23 lien, the county clerk shall notify in writing the person  
24 against whose property the lien is filed of the amount of  
25 the lien, the name of the person holding the lien, and the

1 description-of-the-property-that-it-is-charged-against  
2 50--cents  
3 52v--payable--by--the-person-filing-the-lien--in-addition-to  
4 other-fees-authorized-in-title-7v--chapter-4v--part--26v--for  
5 each-lien-filed-under-this-part-to-compensate-the-county-for  
6 the--expense-of-notifying-the-property-owner THE CLERK SHALL  
7 NOT FILE THE LIEN UNLESS THERE IS ATTACHED THERETO A  
8 CERTIFICATION BY THE LIEN CLAIMANT OR HIS AGENT THAT A COPY  
9 OF THE LIEN HAS BEEN SERVED UPON EACH OWNER OF RECORD OF THE  
10 PROPERTY NAMED IN THE LIEN. SERVICE SHALL BE MADE BY  
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12 LIEN BY CERTIFIED OR REGISTERED MAIL WITH RETURN RECEIPT  
13 REQUESTED TO EACH OWNER'S LAST KNOWN ADDRESS. THE  
14 CERTIFICATION SHALL STATE WHETHER SERVICE WAS MADE BY  
15 DELIVERY OF CERTIFIED OR REGISTERED MAIL."

-End-

March 24, 1981

SENATE STANDING COMMITTEE REPORT  
(Judiciary)

That House Bill No. 761 be amended as follows:

1. Title, Lines 8 and 9.

Following: "REQUIRE" on line 8

Strike: remainder of line 8 through "NOTIFY" on line 9

Insert: "NOTIFICATION TO"

2. Title, Lines 9 and 10.

Following: "LIEN" on line 9

Strike: remainder of line 9 through "FEE" on line 10.

3. Page 1, line 15.

Following: "owner"

Strike: "-- fee"

4. Page 1, line 22 through line 6 on page 2.

Following: "(2)" on line 22

Strike: remainder of line 22 through line 6 on page 2.

Insert: "The clerk shall not file the lien unless there is attached thereto a certification by the lien claimant or his agent that a copy of the lien has been served upon each owner of record of the property named in the lien. Service shall be made by personal service on each owner or by mailing a copy of the lien by certified or registered mail to each owner's last known address. The certification shall state whether service was made by delivery of certified or registered mail."