SENATE BILL NO. 354

INTRODUCED BY CHRISTIAENS, WALLIN, R. MANNING, J. JENSEN, SOLBERG, GAGE, PECK, GALT, SEVERSON, HIMSL

IN THE SENATE

February 4, 198	33	Introduced and referred to Committee on Judiciary.
Pebruary 16, 19	983	Committee recommend bill do pass as amended. Report adopted.
February 17, 19	983	Bill printed and placed on members' desks.
February 18, 19	983	Second reading, do pass.
February 19, 19	983	Correctly engrossed.
February 21, 19	983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.
	IN THE P	HOUSE
February 28, 19	983	Introduced and referred to Committee on Judicary.
March 14, 1983		Committee recommend bill be concurred in. Report adopted.
March 18, 1983		Second reading, concurred in.
March 19, 1983		Third reading, concurred in.
	IN THE S	SENATE
March 21, 1983		Returned to Senate. Sent to enrolling.
		Reported correctly enrolled.

LC 2338/01

DOUCED BY 2 ٦ A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO PRIORITY OF AGISTERS* LIENS AND LIENS OF SERVICE 5 6 OVER PERFECTED SECURITY INTERESTS AND OTHER RECORDED LIENS; AMENDING SECTION 71-3-1202. HCA." 7 8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 Section 1. Section 71-3-1202, MCA, is amended to read: 10 11 "71-3-1202. Priority. (1) The lien hereby created 12 shall not take precedence over perfected security interests under the Uniform Commercial Code-Secured Transactions or 13 other recorded liens on the property involved unless within 14 15 18-days-from-the-time-of-receiving-the-propertyy the person desiring to assert a lien thereon shall give notice in 16 17 writing to said secured party or other lienholder, stating his intention to assert a lien on said property, under the 18 19 terms of this part, and stating the nature and approximate amount of the work op--feed performed or feed or other 20 services furnished or intended to be performed or furnished 21 22 therefor.

(2) Such service notice_shall_be_given_within 30_days
after_payment_is_due_for_the_work_performed_or_the_feed_or
service_furnished_and may be made either by personal service

1 or by mailing by registered or certified mail a copy of said 2 notice to the secured party or other lienholder at his last known post-office address. Said service shall be deemed 3 complete upon the deposit of the notice in the post office. (3) Within +0 20 days after the date of such mailing 5 or 5 10 days after such personal service, the secured party ٨ 7 or other lienholder or his representative shall have the 8 right to take possession of said property upon payment of q the amount of the lien then accrued. A failure on the part 10 of such secured party or other lienholder so to do shall 11 constitute a waiver of the priority of such security 12 interest or other lien over the lien created by this part." 13 NEW SECTION. Section 2. Saving clause. This act does 14 not affect rights and duties that matured, penalties that 15 were incurred, or proceedings that were begun before the effective date of this act. 16

-End-

-2-INTRODUCED BILL

48th Legislature

SB 0354/02

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SB 0354/02

Approved by Committee on Judiciary

1	SENATE BILL NO. 354
2	INTRODUCED BY CHRISTIAENS, WALLIN, R. MANNING, J. JENSEN,
3	SOLBERG, GAGE, PECK, GALT, SEVERSON, HIMSL
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5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
6	RELATING TO PRIORITY OF AGISTERS' LIENS AND LIENS OF SERVICE
7	OVER PERFECTED SECURITY INTERESTS AND OTHER RECORDED LIENS;
8	AMENDING SECTION 71-3-1202, MCA."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 71-3-1202, MCA, is amended to read:
12	"71-3-1202. Priority. (1) The lien hereby created
13	shall not take precedence over perfected security interests
14	under the Uniform Commercial CodeSecured Transactions or
15	other recorded liens on the property involved unless within
16	10-days-from-the-time-of-receiving-the-property; <u>HIIHIN_30</u>
17	DAYS_ERUM_IHE_IIME_OF_RECEIVING_IHE_PROPERTY: the person
18	desiring to assert a lien thereon shall give notice in
19	writing to said secured party or other lienholder, stating
20	his intention to assert a lien on said property, under the
21	terms of this part, and stating the nature and approximate
22	amount of the work or feed performed or <u>feed or other</u>
23	services furnished or intended to be performed or furnished
24	therefor.

(2) Such service notice_shall-be_given-within-30--days

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

8 (3) Within ±0 20 days after the date of such mailing or 5 10 days after such personal service, the secured party 9 10 or other lienholder or his representative shall have the 11 right to take possession of said property upon payment of the amount of the lien then accrued. A failure on the part 12 13 of such secured party or other lienholder so to do shall 14 constitute a waiver of the priority of such security 15 interest or other lien over the lien created by this part." NEW_SECTION. Section 2. Saving clause. This act does 16 17 not affect rights and duties that matured, penalties that 18 were incurred, or proceedings that were begun before the effective date of this act. 19

-End-

2/17

49th Legislature

SB 0354/02

SB 0354/02

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17	DAYS_ <u>FRUM_THE_TIME_OF_RECEIVING_THE_PROPERTY</u> the person
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(2) Such service <u>notice_shall_be_given_within=30-_days</u>

1 after -- payment -- is - due - for - the - work - performed - or - the - feed - or 2 service:furnished:and SERVICE may be made either by personal service or by mailing by registered or certified mail a copy 3 4 of said notice to the secured party or other lienholder at 5 his last known post-office address. Said service shall be deemed complete upon the deposit of the notice in the post 6 7 office.

8 (3) Within $\frac{10}{20}$ days after the date of such mailing 9 or 5 10 days after such personal service, the secured party 10 or other lienholder or his representative shall have the right to take possession of said property upon payment of 11 the amount of the lien then accrued. A failure on the part 12 of such secured party or other lienholder so to do shall 13 14 constitute a waiver of the priority of such security interest or other lien over the lien created by this part." 15 16 NEW_SECTION. Section 2. Saving clause. This act does 17 not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the 18 19 effective date of this act.

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-2-SB 354 THIRD READING

SB 0354/02

SENATE BILL NO. 354 1 2 INTRODUCED BY CHRISTIAENS, WALLIN, R. MANNING, J. JENSEN, 3 SOLBERG, GAGE, PECK, GALT, SEVERSON, HIMSL 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS 5 RELATING TO PRIDRITY OF AGISTERS" LIENS AND LIENS OF SERVICE 6 OVER PERFECTED SECURITY INTERESTS AND OTHER RECORDED LIENS; 7 AMENDING SECTION 71-3-1202. MCA." 3 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 71-3-1202. MCA, is amended to read: 11 #71-3-1202. Priority. (1) The lien hereby created 12 shall not take precedence over perfected security interests 13 under the Uniform Commercial Code-Secured Transactions or 14 other recorded liens on the property involved unless within 15 t0-dars-from-the-time-of-receiving-the-propertyv <u>HIIHIN_30</u> 16 DAYS __ EROM__ THE __ TIME __ DE_RECEIVING THE PROPERTY. the person 17 desiring to assert a lien thereon shall give notice in 18 19 writing to said secured party or other lienholder, stating his intention to assert a lien on said property, under the 20 terms of this part, and stating the nature and approximate 21 22 amount of the work or--feed performed or feed or other services furnished or intended to be performed or furnished 23 24 therefor.

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8 (3) Within ±0 20 days after the date of such mailing 9 or 5 10 days after such personal service, the secured party 10 or other lienholder or his representative shall have the 11 right to take possession of said property upon payment of 12 the amount of the lien then accrued. A failure on the part 13 of such secured party or other lienholder so to do shall 14 constitute a waiver of the priority of such security interest or other lien over the lien created by this part." 15 16 NEW_SECTION. Section 2. Saving clause. This act does not affect rights and duties that matured, penalties that 17 18 were incurred, or proceedings that were begun before the 19 effective date of this act.

-End-

-2- SB 354 REFERENCE BILL