

SENATE BILL NO. 354

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

IN THE SENATE

February 4, 1983	Introduced and referred to Committee on Judiciary.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Judiciary.
March 14, 1983	Committee recommend bill be concurrent in. Report adopted.
March 18, 1983	Second reading, concurrent in.
March 19, 1983	Third reading, concurrent in.

IN THE SENATE

March 21, 1983	Returned to Senate. Sent to enrolling. Reported correctly enrolled.
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1 *J. Jensen* *Sen. Bill NO. 354*
 2 INTRODUCED BY *Sen. William R. Manning*
 3 *Sen. Rick McHenry*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
 5 RELATING TO PRIORITY OF AGISTERS' LIENS AND LIENS OF SERVICE
 6 OVER PERFECTED SECURITY INTERESTS AND OTHER RECORDED LIENS;
 7 AMENDING SECTION 71-3-1202, MCA."
 8
 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 ~~10 days from the time of receiving the property~~ the person
 16 desiring to assert a lien thereon shall give notice in
 17 writing to said secured party or other lienholder, stating
 18 his intention to assert a lien on said property, under the
 19 terms of this part, and stating the nature and approximate
 20 amount of the work ~~or--~~ feed performed or ~~feed or other~~
 21 ~~services~~ furnished or intended to be performed or furnished
 22 therefor.
 23 (2) ~~Such service notice shall be given within 30 days~~
 24 ~~after payment is due for the work performed or the feed or~~
 25 ~~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
 3 known post-office address. Said service shall be deemed
 4 complete upon the deposit of the notice in the post office.
 5 (3) Within ~~10~~ 20 days after the date of such mailing
 6 or 5 10 days after such personal service, the secured party
 7 or other lienholder or his representative shall have the
 8 right to take possession of said property upon payment of
 9 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
 16 effective date of this act.

-End-

Approved by Committee
on Judiciary

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~~services~~ furnished or intended to be performed or furnished
therefor.

(2) Such service ~~notice shall be given within 30 days~~

~~after--payment--is--due--for--the--work--performed--or--the--feed--or--~~
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service or by mailing by registered or certified mail a copy
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NEW SECTION. Section 2. Saving clause. This act does
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