

HOUSE BILL NO. 293

INTRODUCED BY BARDANOUE

IN THE HOUSE

January 21, 1985	Introduced and referred to Committee on Judiciary.
February 4, 1985	Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks.
February 5, 1985	Second reading, pass consideration.
February 6, 1985	Second reading, do pass as amended. Correctly engrossed.
February 7, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 8, 1985	Introduced and referred to Committee on Judiciary.
March 7, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 9, 1985	Second reading, concurred in.
March 12, 1985	Third reading, concurred in. Ayes, 50; Noes, 0. Returned to House with amendments.

IN THE HOUSE

March 13, 1985

Received from Senate.

April 4, 1985

Second reading, amendments
concurred in.

April 5, 1985

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 293
2 INTRODUCED BY Dunne
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A CIVIL
5 PENALTY FOR FAILURE TO ACKNOWLEDGE A LIEN SATISFACTION;
6 AMENDING SECTION 71-3-515, MCA."
7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 71-3-515, MCA, is amended to read:
10 "71-3-515. Acknowledgment of satisfaction of lien --
11 penalty. Whenever any indebtedness which is a lien upon any
12 such real estate, structure, building, or other improvement
13 is paid and satisfied, it is the duty of the creditors to
14 acknowledge satisfaction thereof as in case of a mortgage;
15 and if any creditor fails to acknowledge satisfaction, as
16 aforesaid, he is liable to any person injured by such
17 failure to the amount of such injury and the costs of action
18 plus a civil penalty of \$100."

-End-

1 HOUSE BILL NO. 293
2 INTRODUCED BY BARDANOUBE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A CIVIL
5 PENALTY FOR FAILURE TO ACKNOWLEDGE A MECHANICS' LIEN
6 SATISFACTION; AMENDING SECTION 71-3-515, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9 Section 1. Section 71-3-515, MCA, is amended to read:
10 "71-3-515. Acknowledgment of satisfaction of lien --
11 penalty. Whenever any indebtedness which is a lien upon any
12 such real estate, structure, building, or other improvement
13 is paid and satisfied, it is the duty of the creditors to
14 acknowledge satisfaction thereof as in case of a mortgage;
15 and if any creditor fails to acknowledge satisfaction, as
16 aforesaid, he is liable to any person injured by such
17 failure to the amount of such injury and the costs of action
18 plus a civil penalty of \$100."

-End-

HOUSE BILL NO. 293

INTRODUCED BY BARDANOUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A CIVIL PENALTY FOR FAILURE TO ACKNOWLEDGE A MECHANICS' LIEN SATISFACTION; AMENDING SECTION 71-3-515, MCA."

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

~~Section 1. Section 71-3-515, MCA, is amended to read:~~

~~"71-3-515. Acknowledgment of satisfaction of lien --~~

~~penalty. Whenever any indebtedness which is a lien upon any such real estate, structure, building, or other improvement is paid and satisfied, it is the duty of the creditors to acknowledge satisfaction thereof as in case of a mortgage, and if any creditor fails to acknowledge satisfaction, as aforesaid, he is liable to any person injured by such failure to the amount of such injury and the costs of action plus a civil penalty of \$100."~~

SECTION 1. ACKNOWLEDGEMENT OF LIEN SATISFACTION -- PENALTY. WHENEVER A LIEN IS PAID AND SATISFIED OR THE CLAIM UPON WHICH IT IS BASED HAS BEEN FOUND INVALID BY FINAL ORDER OR JUDGMENT OF A COURT OF COMPETENT JURISDICTION, IT IS THE DUTY OF THE CREDITORS TO ACKNOWLEDGE SATISFACTION THEREOF WITHIN 30 DAYS AND DISCHARGE THE LIEN OF RECORD BY FILING A RELEASE OF THE LIEN IN THE OFFICE OF THE COUNTY CLERK AND

RECORDER IN EACH COUNTY IN WHICH THE NOTICE OF LIEN WAS FILED. IF ANY CREDITOR FAILS TO ACKNOWLEDGE SATISFACTION, HE IS LIABLE TO ANY PERSON INJURED BY SUCH FAILURE FOR A CIVIL PENALTY OF \$100, PLUS ANY OTHER DAMAGES PROVIDED BY LAW.

SECTION 2. CODIFICATION INSTRUCTION. SECTION 1 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 71, CHAPTER 3, PART 1, AND THE PROVISIONS OF TITLE 71, CHAPTER 3, PART 1, APPLY TO SECTION 1.

-End-

THIRD READING



STANDING COMMITTEE REPORT

SENATE

March 7 1985

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 293

third reading copy (blue color)

(Senator Pinsoneault)

CIVIL PENALTY FOR FAILURE TO ACKNOWLEDGE LIEN SATISFACTION

Respectfully report as follows: That HOUSE BILL No. 293

be amended as follows:

Page 1, line 20.

Following: "LIEN"

Insert: "authorized under Title 71, chapter 3"

KB

AND AS AMENDED

BE CONCURRED IN

XNDXASSX

XRXNCKRASEX

Handwritten signature of Senator Joe Mazurek

Senator Joe Mazurek

Chairman.

HOUSE BILL NO. 293

INTRODUCED BY BARDANOUVE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A CIVIL PENALTY FOR FAILURE TO ACKNOWLEDGE A MECHANICS' LIEN SATISFACTION; AMENDING SECTION 71-3-515, MCA."

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

Section 1. Section 71-3-515, MCA, is amended to read:

71-3-515. Acknowledgment of satisfaction of lien penalty. Whenever any indebtedness which is a lien upon any such real estate, structure, building, or other improvement is paid and satisfied, it is the duty of the creditors to acknowledge satisfaction thereof as in case of a mortgage, and if any creditor fails to acknowledge satisfaction, as aforesaid, he is liable to any person injured by such failure to the amount of such injury and the costs of action plus a civil penalty of \$100.

SECTION 1. ACKNOWLEDGEMENT OF LIEN SATISFACTION -- PENALTY. WHENEVER A LIEN AUTHORIZED UNDER TITLE 71, CHAPTER 3, IS PAID AND SATISFIED OR THE CLAIM UPON WHICH IT IS BASED HAS BEEN FOUND INVALID BY FINAL ORDER OR JUDGMENT OF A COURT OF COMPETENT JURISDICTION, IT IS THE DUTY OF THE CREDITORS TO ACKNOWLEDGE SATISFACTION THEREOF WITHIN 30 DAYS AND DISCHARGE THE LIEN OF RECORD BY FILING A RELEASE OF THE LIEN

IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN EACH COUNTY IN WHICH THE NOTICE OF LIEN WAS FILED. IF ANY CREDITOR FAILS TO ACKNOWLEDGE SATISFACTION, HE IS LIABLE TO ANY PERSON INJURED BY SUCH FAILURE FOR A CIVIL PENALTY OF \$100, PLUS ANY OTHER DAMAGES PROVIDED BY LAW.

SECTION 2. CODIFICATION INSTRUCTION. SECTION 1 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 71, CHAPTER 3, PART 1, AND THE PROVISIONS OF TITLE 71, CHAPTER 3, PART 1, APPLY TO SECTION 1.

-End-

