

SENATE FILE NO. SF0134

Liens.

Sponsored by: Senator(s) Perkins and Ross and Representative(s) Gingery and Throne

A BILL

for

1 AN ACT relating to liens; amending a definition; providing
2 a limitation on liens for contractors; revising notice of
3 intent to file lien; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 29-1-201(a)(xii), 29-2-101(a),
8 29-2-113 and 29-10-102 are amended to read:

9

10 **29-1-201. Definitions; agency relationships presumed.**

11

12 (a) Except as otherwise provided, as used in this
13 act:

14

15 (xii) "Send" or "sent" means, in connection with
16 any writing or written notice, to deposit in the mail or

1 deliver for transmission by any other usual means of
2 communication with postage or cost of transmission provided
3 for and properly addressed and, in the case of an
4 instrument to an address specified thereon or otherwise
5 agreed, or if no address is specified, to any address
6 reasonable under the circumstances. The foregoing method
7 of delivery includes delivery by any commercial carrier
8 that requests and maintains a receipt for delivery of
9 written documents and also includes an electronic record as
10 set forth in the Uniform Electronic Transactions Act if the
11 sender and recipient have previously communicated by
12 electronic means. In the event any writing is transmitted
13 by mail with the United States postal service, such writing
14 shall be mailed by first class, postage prepaid certified
15 mail, return receipt requested, or by mail delivery
16 requiring a receipt for delivery. The time a writing is
17 deemed to have been sent is the time at which the writing
18 is deposited in the mail or delivered for transmission by
19 any other means and, in the case of an electronic record,
20 the time of sending is as specified in W.S. 40-21-115;

21

22 **29-2-101. Persons entitled to liens; extent of lien**
23 **on realty; exceptions.**

24

1 (a) Except as provided in W.S. 29-2-113, every
2 contractor, subcontractor or materialman performing any
3 work on or furnishing any materials for any building or any
4 improvement upon real property shall have for his work done
5 or plans or materials furnished a lien upon the building or
6 improvements, and upon the real property of the owner on
7 which they are situated to the extent of one (1) acre. If
8 the improvements cover more than one (1) acre the lien
9 shall extend to all the additional real property covered
10 thereby.

11

12 **29-2-113. Identity of record owner or his agent**
13 **provided.**

14

15 The contractor shall provide to subcontractors and
16 materialmen at the time of contracting with them the name
17 and address of the record owner and his agent, if
18 applicable, and legal description of the site of the
19 project on which work will be performed or materials
20 furnished. Failure of a contractor to provide information
21 to subcontractors or materialmen as required by this
22 section shall cause the contractor to lose the right to
23 file a lien under this chapter for the work performed by
24 the contractor.

1

2 **29-10-102. Form for notice of intention to file lien.**

3

4 (a) Notice of intention to file a lien shall be sent
5 to the record owner of the property against which the lien
6 may be filed, sent to the lien claimant and shall be
7 completed in substantially the following form:

8

9 Note to lien claimant: This form, if filled out correctly
10 and sent within the time periods specified in W.S. 29-2-107
11 constitutes prima facie evidence that you have provided the
12 contents of the notice required by W.S. 29-2-107(a). If
13 you have any questions regarding how to fill out this form
14 or whether it has been filled out properly, you should
15 consult an attorney.

16

17 CERTIFIED MAIL, RETURN RECEIPT REQUESTED

18

19 To: _____

20 Record owner or agent of owner (note: If there is more than
21 one (1) owner, use a form for each owner)

22

23 Date: _____, 20__

24

1 Re: Notice of Intention to File Lien

2

3 You are hereby notified pursuant to W.S. 29-2-107 that
4 _____ (hereinafter the "lien claimant")
5 intends to file a lien against your property.

6

7 The amount of the lien claim is \$_____. This
8 amount is due from _____ (person/entity
9 whose actions have caused a lien to be filed) pursuant to a
10 contract with the lien claimant under which the lien
11 claimant performed work or supplied materials for the work.

12

13 If we are unable to resolve this matter within ~~thirty (30)~~
14 twenty (20) days from the date of this notice, the lien
15 claimant intends to file the lien statement asserting a
16 lien against your property.

17

18 cc: _____
19 _____
20 _____

21

22 **Section 2.** This act is effective July 1, 2011.

23

24 (END)