

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 66

By: Robinson

AS INTRODUCED

An Act relating to liens; amending 42 O.S. 1991, Section 143.1, as amended by Section 23, Chapter 363, O.S.L. 2000 (42 O.S. Supp. 2000, Section 143.1), which relates to notice and filing of lien statements; clarifying language; making language gender neutral; deleting requirement for certain written notices to property owner and original contractor; deleting consequences for failure to send certain written notices; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 42 O.S. 1991, Section 143.1, as amended by Section 23, Chapter 363, O.S.L. 2000 (42 O.S. Supp. 2000, Section 143.1), is amended to read as follows:

Section 143.1 ~~A.—1.~~ Within one (1) business day after the date of the filing of the lien statement provided for in Sections 142 and 143 of this title, a notice of such lien shall be mailed by certified mail return receipt requested to the owner of the property on which the lien attaches. The claimant shall furnish to the county clerk the last-known mailing address of the person or persons against whom the claim is made and the owner of the property. The notice shall be mailed by the county clerk. The fee for preparing and mailing the notice of mechanics' and materialmen's lien and costs for each additional page or exhibit shall be as provided for in Section 32 of Title 28 of the Oklahoma Statutes and shall be paid by the person filing such lien. ~~Said~~ The fee shall be deposited into the County Clerk's Lien Fee Account, created pursuant to the provisions of Section 265 of Title 19 of the Oklahoma Statutes.

~~2.~~ The notice shall contain the date of filing; the name and address of the following: The person claiming the lien; the person

against whom the claim is made and the owner of the property; a legal description of the property; and the amount claimed. Provided that, if with due diligence the person against whom the claim is made or the owner of the property cannot be found, the claimant after filing an affidavit setting forth such facts may, within sixty (60) days of the filing of the lien statement, serve a copy of such notice upon the occupant of the property or the occupant of the improvements, as the case may be, in a like manner as is provided for service upon the owner thereof, or, if the same be unoccupied, ~~he~~ the claimant may post such copy in a conspicuous place upon the property or any improvements thereon.

~~B. 1. A lien claimant who is owed payment by the original contractor must send written notice of the unpaid amount to the owner of the property and the original contractor not later than the tenth day of the third month following each month in which the unpaid labor, materials, or equipment was furnished.~~

~~2. A lien claimant who is owed payment by a subcontractor must send written notice of the unpaid amount to the owner and the original contractor not later than the tenth day of the second month following each month in which the unpaid labor, materials, or equipment was furnished.~~

~~3. Failure of the lien claimant to send written notice pursuant to this subsection shall render that portion of the lien claim for which no notice was sent invalid and unenforceable.~~

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.