

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 980

By: Scott

AS INTRODUCED

An Act relating to mechanics and materialmen's liens; amending 42 O.S. 2011, Section 141, as amended by Section 1, Chapter 78, O.S.L. 2013 (42 O.S. Supp. 2018, Section 141), which relates to right to lien and enforceability against property; requiring certain documentation before filing of certain liens; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 42 O.S. 2011, Section 141, as amended by Section 1, Chapter 78, O.S.L. 2013 (42 O.S. Supp. 2018, Section 141), is amended to read as follows:

Section 141. A. Any person who shall, under oral or written contract with the owner of any tract or piece of land, perform labor, furnish material or lease or rent equipment used on ~~said~~ the land for the erection, alteration or repair of any building, improvement or structure thereon or perform labor in putting up any fixtures, machinery in, or attachment to, any such building, structure or improvements; or who shall plant any tree, ~~vines,~~ plants vine, plant or hedge in or upon such land; or who shall

1 build, alter, repair or furnish labor, material or lease or rent  
2 equipment used on ~~said~~ the land for buildings, altering, or  
3 repairing any fence or footwalk in or upon ~~said~~ the land, or any  
4 sidewalk in any street abutting such land, shall have a lien upon  
5 the whole of ~~said~~ the tract or piece of land, the buildings and  
6 appurtenances in an amount inclusive of all sums owed to the person  
7 at the time of the lien filing, including, without limitation,  
8 applicable profit and overhead costs. If the title to the land is  
9 not in the person with whom such contract was made, the lien shall  
10 be allowed on the buildings and improvements on such land separately  
11 from the real estate. Such liens shall be preferred to all other  
12 liens or encumbrances which may attach to or upon such land,  
13 buildings or improvements or either of them subsequent to the  
14 commencement of such building, the furnishing or putting up of such  
15 fixtures or machinery, the planting of such trees, vines, plants or  
16 hedges, the building of such fence, footwalk or sidewalks, or the  
17 making of any such repairs or improvements; and such lien shall  
18 follow ~~said~~ the property and each and every part thereof, and be  
19 enforceable against the ~~said~~ the property wherever the same may be  
20 found, and compliance with the provisions of this ~~act~~ section shall  
21 constitute constructive notice of the claimant's lien to all  
22 purchasers and encumbrancers of ~~said~~ the property or any part  
23 thereof, subsequent to the date of the furnishing of the first item  
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1 of material or the date of the performance of the first labor or the  
2 first use of the rental equipment on ~~said~~ the land.

3 B. Notwithstanding the provisions of subsection A of this  
4 section:

5 1. Before a lien for labor or materials can be filed in a court  
6 of this state by a contractor against a property owner who disputes  
7 the work of the contractor as substantially nonconforming to the  
8 contracted terms, the contractor shall obtain from an independent,  
9 unrelated source substantial documentation of proof the work  
10 substantially conforms to the contracted terms and provide it to the  
11 property owner. Substantial proof of noncompliance with building  
12 codes of the state or the applicable local jurisdiction shall  
13 prohibit the contractor from having the ability to file a lien in a  
14 court of this state or to require the court to dismiss any such  
15 lien; and

16 2. Before a lien for materials can be filed in any court of  
17 this state by a supplier of materials against a property owner who  
18 disputes the work of the contractor obtaining, or making the  
19 arrangements to obtain the materials, or demonstrates proof of  
20 payment previously made to the contractor, the supplier shall  
21 demonstrate exhaustion of all available remedies to collect payment  
22 for the materials from the contractor to the property owner and the  
23 court.

SECTION 2. This act shall become effective November 1, 2019.

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