

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 609

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO LIENS OF MECHANICS AND MATERIALMEN; AMENDING SECTION 45-507,
2 IDAHO CODE, TO REVISE PROVISIONS REGARDING A CLAIM OF A LIEN, TO PROVIDE
3 A CORRECT CODE REFERENCE, AND TO PROVIDE FOR ATTORNEY'S FEES AND COSTS
4 IN CERTAIN INSTANCES; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
5 FECTIVE DATE.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 45-507, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 45-507. CLAIM OF LIEN. (1) Any person claiming a lien pursuant to
11 the provisions of this chapter must file a claim for record with the county
12 recorder for the county in which such property or some part thereof is sit-
13 uated.

14 (2) The claim shall be filed within ninety (90) days after the comple-
15 tion of the labor or services, or furnishing of materials.

16 (3) The claim shall contain:

17 (a) A statement of his demand, after deducting all just credits and off-
18 sets;

19 (b) The name of the owner, or reputed owner, if known;

20 (c) The name of the person by whom he was employed or to whom he fur-
21 nished the materials; ~~and~~

22 (d) A description of the property to be charged with the lien, suffi-
23 cient for identification; and

24 (e) For work or materials subject to the provisions of section 45-525,
25 Idaho Code, the required proof of disclosure and acknowledgment of re-
26 ceipt.

27 (4) Such claim must be verified by the oath of the claimant, his agent,
28 or his attorney, to the effect that the affiant believes the same to be just.

29 (5) A true and correct copy of the claim of lien shall be served on the
30 owner or reputed owner of the property either by an officer authorized by law
31 to serve process delivering a copy thereof to the owner or reputed owner per-
32 sonally or by mailing a copy thereof by certified mail to the owner or reputed
33 owner at his last known address. Such delivery or mailing shall be made no
34 later than five (5) business days following the filing of said claim of lien.

35 (6) For purposes of this chapter, owner or reputed owner does not in-
36 clude a trustee of a deed of trust as defined and required by ~~section 45-1502~~
37 ~~et seq.~~ chapter 15, title 45, Idaho Code.

38 (7) In any court proceeding regarding a lien filed pursuant to this sec-
39 tion, the prevailing party shall be entitled to recover reasonable attor-
40 ney's fees and costs.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2022.