

Original sponsor: Judiciary Committee  
by request

Offered: 3/30/73  
Referred: Judiciary

1 IN THE HOUSE

BY THE LABOR AND  
MANAGEMENT COMMITTEE

2 CS FOR HOUSE BILL NO. 256

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mechanics' and materialmen's  
7 liens; and providing for an effective date."

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

9 \* Section 1. AS 34.35.070 is amended by adding new subsections to read:

10 (d) The owner of land which may be subject to a lien created under  
11 secs. 50 - 120 of this chapter shall, within 10 days after completion  
12 of a building or other improvement, record a notice of completion of the  
13 building or other improvement. In order to claim the benefit of  
14 secs. 50 - 120 of this chapter, every original contractor shall  
15 record his claim of lien no later than 90 days after the notice of  
16 completion has been recorded or within 90 days from completion of work  
17 performed at request of the owner, whichever is later. A person, other  
18 than the original contractor, claiming the benefits of secs. 50 - 120  
19 of this chapter shall record his claim of lien no later than 90 days  
20 after the notice of completion has been recorded. The notice of com-  
21 pletion provided for in this section shall be recorded in the office of  
22 the recorder of the district in which the property is situated, shall  
23 be signed and verified by the owner or his agent, and shall set out the  
24 following:

- 25 (1) the date of completion of the building or other improve-  
26 ment, or of a particular portion of the building or other improvement;  
27 (2) the name and address of the owner;  
28 (3) the nature of the interest or estate of the owner;  
29 (4) sufficient legal description of the property; and

1 (5) the name of the original contractor, if any.

2 (e) Within five days after recording the notice of completion, the  
3 owner shall post a copy of the notice on the property in question and  
4 send a copy of the notice to the point of hire if known, or otherwise  
5 to the Department of Labor, by certified mail.

6 (f) A violation of the provisions of this section places the  
7 violator in the position of guarantor regarding another person who  
8 suffers damages which are proximately caused by the violation.

9 \* Sec. 2. AS 34.35 is amended by adding a new section to read:

10 Sec. 34.35.072. BOND. If the owner of the property sought to be  
11 charged with a claim of lien under secs. 50 - 120 of this chapter, or  
12 a contractor or subcontractor disputes the correctness or validity of  
13 the claim of lien brought under secs. 50 - 120 of this chapter, he may  
14 record either before or after the commencement of an action to enforce  
15 the claim of lien, in the office of the recorder in which district the  
16 claim of lien was recorded, a bond executed by a person authorized to  
17 issue surety bonds in this state, in the penal sum equal to one and  
18 one-half times the amount of the claim of lien, which bond shall  
19 guarantee the payment of the sum which the lien claimant may recover  
20 on the claim, together with the lien claimant's reasonable cost of  
21 suit in the action, if he recovers on the claim of lien. If the  
22 owner records a bond under this section, the property described in the  
23 bond is freed from the effect of a claim of lien under secs. 50 - 120  
24 of this chapter and an action brought to foreclose the claim of lien.  
25 The principal on the bond may be the owner of the property, the con-  
26 tractor or a subcontractor who is affected by the claim of lien.

27 \* Sec. 3. This Act takes effect on the day after its passage and approval  
28 or on the day it becomes law without approval.  
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