

Introduced: 2/13/73  
Referred: Commerce

1 IN THE SENATE

BY THE COMMERCE COMMITTEE

HCS

2 SENATE BILL NO. 134

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  
16 of completion has been recorded or within 90 days from completion  
17 of work performed at request of the owner, whichever is later.

18 A person, other than the original contractor, claiming the benefits of  
19 secs. 50 - 120 of this chapter shall record his claim of lien no later  
20 than 90 days after the notice of completion has been recorded. The  
21 notice of completion provided for in this section shall be recorded in  
22 the office of the recorder of the district in which the property is  
23 situated, shall be signed and verified by the owner or his agent, and  
24 shall set out the 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 (e) Within five days after recording the notice of completion,  
2 the owner shall post a copy of the notice on the property in question  
3 and send a copy of the notice to the point of hire if known, or other-  
4 wise to the Department of Labor, by certified mail.

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

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

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

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