



Reprinted  
January 27, 2010

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## HOUSE BILL No. 1179

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DIGEST OF HB 1179 (Updated January 26, 2010 2:44 pm - DI 96)

**Citations Affected:** IC 32-28; noncode.

**Synopsis:** Mechanic's liens. Provides that an employee representative or a third party beneficiary pursuant to a collective bargaining agreement of a person: (1) who performed certain labor; and (2) to whom amounts are due or for whose benefit amounts are computed and due on the basis of the personal labor of the person; has the same rights and remedies pursuant to mechanic's liens as the person who performed the labor. Establishes the interim study committee on mechanic's liens.

**Effective:** July 1, 2010.

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### Bartlett

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January 7, 2010, read first time and referred to Committee on Labor and Employment.  
January 21, 2010, reported — Do Pass.  
January 26, 2010, read second time, amended, ordered engrossed.

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HB 1179—LS 6837/DI 69+



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

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## HOUSE BILL No. 1179

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A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 32-28-3-1.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2010]: **Sec. 1.5. (a) This section does not apply to the:**  
4 (1) construction;  
5 (2) alteration; or  
6 (3) repair;  
7 of a Class 2 structure (as defined in IC 22-12-1-5).  
8 (b) The employee representative or third party beneficiary  
9 pursuant to a collective bargaining agreement of a person:  
10 (1) who performed labor as described in section 1(a) of this  
11 chapter; and  
12 (2) to whom amounts are due or for whose benefit amounts  
13 are computed and due on the basis of personal labor of the  
14 person;  
15 has the same rights and remedies under this chapter as the person  
16 who performed the labor. The employee representative or third  
17 party beneficiary shall identify by name all persons for whose



1 benefit the lien has been filed in all documents required under this  
2 chapter to have or enforce a lien.  
3 SECTION 2. [EFFECTIVE JULY 1, 2010] (a) As used in this  
4 section, "committee" refers to the interim study committee on  
5 mechanic's liens established by this SECTION.  
6 (b) There is established the interim study committee on  
7 mechanic's liens. The committee shall study the use of mechanic's  
8 liens in the state.  
9 (c) The committee shall operate under the policies governing  
10 study committees adopted by the legislative council.  
11 (d) The affirmative votes of a majority of the voting members  
12 appointed to the committee are required for the committee to take  
13 action on any measure, including final reports.  
14 (e) This SECTION expires December 31, 2010.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1179, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

NIEZGODSKI, Chair

Committee Vote: yeas 6, nays 4.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1179 be amended to read as follows:

Page 1, line 3, delete "An incorporated or unincorporated" and insert **"This section does not apply to the:**

- (1) construction;**
- (2) alteration; or**
- (3) repair;**

**of a Class 2 structure (as defined in IC 22-12-1-5).**

**(b) The employee representative or third party beneficiary pursuant to a collective bargaining agreement of a person:**

- (1) who performed labor as described in section 1(a) of this chapter; and**
- (2) to whom amounts are due or for whose benefit amounts are computed and due on the basis of personal labor of the person;"**

Page 1, delete lines 4 through 14.

Page 1, line 15, delete "(1)".

Page 1, line 15, beginning with "has" begin a new line blocked left.

Page 1, line 15, after "as the" insert **"person who performed the labor. The employee representative or third party beneficiary shall identify by name all persons for whose benefit the lien has been filed in all documents required under this chapter to have or enforce a lien."**

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 7.

(Reference is to HB 1179 as printed January 22, 2010.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1179 be amended to read as follows:

Page 2, after line 7, begin a new paragraph and insert:

**"SECTION 2. [EFFECTIVE JULY 1, 2010] (a) As used in this section, "committee" refers to the interim study committee on mechanic's liens established by this SECTION.**

**(b) There is established the interim study committee on mechanic's liens. The committee shall study the use of mechanic's liens in the state.**

**(c) The committee shall operate under the policies governing study committees adopted by the legislative council.**

**(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.**

**(e) This SECTION expires December 31, 2010."**

(Reference is to HB 1179 as printed January 22, 2010.)

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