

ENROLLED ACT NO. 72, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to liens by cooperative utilities; providing for a lien for materials or services; specifying filing procedures and timelines; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 29-1-305 by creating a new subsection (e), 29-2-101 by creating a new subsection (d) and 29-2-106 by creating a new subsection (d) are amended to read:

29-1-305. Priority of liens.

(e) The priority of a perfected lien for a cooperative utility provided in W.S. 29-2-101(d) shall be determined by the date and time the lien statement is filed and shall not have priority over other perfected liens or mortgages on the same property which have been perfected prior to the filing date.

29-2-101. Persons entitled to liens; extent of lien on realty; exceptions.

(d) A cooperative utility, as defined by W.S. 17-20-140(a)(i), shall have a lien for the materials or services provided to a member. The lien shall attach to the real property of the member at the location where the materials or services were provided, if the amount due to the utility:

(i) Is greater than five thousand dollars (\$5,000.00); and

(ii) Has been unpaid for more than ninety (90) days.

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29-2-106. When statement lien to be filed; rights of subcontractor not abridged by contract between owner and contractor; agreement to extend filing period.

(d) A cooperative utility claiming a lien under W.S. 29-2-101(d) shall file its lien statement within one hundred eighty (180) days after the first date the provisions of W.S. 29-2-101(d)(i) and (ii) were met. The cooperative utility and its member may agree to an extension of the time in which the lien may be filed, but the agreement may not exceed a total time for filing the lien statement beyond three hundred sixty (360) days. Any agreement for an extension under this subsection shall otherwise comply with the requirements of subsection (c) of this section.

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Section 2. This act is effective July 1, 2007.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk