
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 473 Session of
2013

INTRODUCED BY KILLION, MUSTIO, EVANKOVICH, FABRIZIO, C. HARRIS,
AUMENT, KORTZ, R. MILLER, MILNE, MURT, FARRY, GILLEN, TURZAI,
WATSON AND QUINN, JANUARY 30, 2013

SENATOR BAKER, LABOR AND INDUSTRY, IN SENATE, AS AMENDED,
JUNE 18, 2014

AN ACT

1 ~~Amending the act of August 24, 1963 (P.L.1175, No.497), entitled <--~~
 2 ~~"An act to codify, amend, revise and consolidate the laws~~
 3 ~~relating to mechanics' liens," further providing for~~
 4 ~~definitions; and providing for State Construction Notices~~
 5 ~~Directory and for notice of commencement and furnishing~~
 6 ~~requirements.~~

7 AMENDING THE ACT OF AUGUST 24, 1963 (P.L.1175, NO.497), ENTITLED <--
 8 "AN ACT TO CODIFY, AMEND, REVISE AND CONSOLIDATE THE LAWS
 9 RELATING TO MECHANICS' LIENS," FURTHER PROVIDING FOR
 10 DEFINITIONS; AND PROVIDING FOR STATE CONSTRUCTION NOTICES
 11 DIRECTORY, FOR FAILURE TO FILE NOTICE OF FURNISHING, FOR
 12 NOTICE OF COMMENCEMENT, NOTICE OF FURNISHING AND THIRD PARTY
 13 NOTICE, FOR NOTICE OF COMPLETION, FOR NOTICE AND FOR
 14 PROHIBITION.

15 The General Assembly of the Commonwealth of Pennsylvania
 16 hereby enacts as follows:

17 ~~Section 1. Section 201 of the act of August 24, 1963~~ <--
 18 ~~(P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, is~~
 19 ~~amended by adding paragraphs to read:~~

20 ~~Section 201. Definitions. The following words, terms and~~
 21 ~~phrases when used in this act shall have the meaning ascribed to~~
 22 ~~them in this section, except where the context clearly indicates~~

1 a different meaning:

2 * * *

3 ~~(16) "Department" means the Department of Labor and~~
4 ~~Industry.~~

5 ~~(17) "Directory" means the State Construction Notices~~
6 ~~Directory in section 501.1.~~

7 Section 2. The act is amended by adding sections to read:

8 ~~Section 501.1. State Construction Notices Directory.~~

9 ~~(a) Establishment of Directory. The department shall~~
10 ~~establish an Internet website to be known as the State~~
11 ~~Construction Notices Directory.~~

12 ~~(b) Third party Administration. The department may contract~~
13 ~~with a third party vendor to establish and administer the~~
14 ~~Internet website.~~

15 ~~(c) Purpose of Directory. The directory shall serve~~
16 ~~primarily as a standardized Statewide system for filing notices~~
17 ~~as may be required by section 501.2.~~

18 ~~(d) Operational Date. The department shall have the~~
19 ~~directory operational on July 1, 2015. The department may,~~
20 ~~however, establish a later effective date, if it provides~~
21 ~~sufficient reasons for the delay in the implementation of the~~
22 ~~program in a notice to the chairman and minority chairman of the~~
23 ~~Labor and Industry Committee of the Senate and the chairman and~~
24 ~~minority chairman of the Labor and Industry Committee of the~~
25 ~~House of Representatives.~~

26 ~~(e) Public Awareness. When appropriate, the department shall~~
27 ~~publish notice in the Pennsylvania Bulletin advising the public~~
28 ~~of plans for and the existence of the directory. The department~~
29 ~~shall take reasonable measures to inform the general public of~~
30 ~~the directory and its purpose.~~

~~(f) Directory Fees. The department may assess filing fees to owners filing Notices of Commencement under section 501.2(a) to cover the costs of administration. No fees shall be assessed to subcontractors filing Notices of Furnishing under section 501.2(b). If a contracted third party vendor is administering the website, the assessed fees must be designated in the contract. The department shall:~~

~~(1) Consider the fee levels in awarding a contract.~~

~~(2) Ensure the fee levels are as favorable as possible to users.~~

~~(g) Publishing of Notices. The directory shall:~~

~~(1) Make public Notices of Commencement filed under section 501.2(a) in a job site specific format. A unique identifying number or code shall be assigned to each Notice of Commencement that is filed.~~

~~(2) Provide copies of the filings of Notice of Furnishing under section 501.2(b) to an owner who files a notice of commencement under section 501.2(a).~~

~~(3) Provide hard copy printing of electronic receipts for each Notice of Commencement and Notice of Furnishing filed under section 501.2 evidencing the date and time of the individual filing and the content of the individual filing.~~

~~(4) List all Notices of Furnishing filed with respect to a particular Notice of Commencement, and list any Notice of Completion filed to a particular Notice of Commencement.~~

~~(5) Provide a verification process whereby those filing required notices in the directory can confirm the proper indexing and linkage of their filings.~~

~~(h) Index. The directory must be primarily indexed by county, and a Notice of Commencement filed with the directory~~

1 ~~shall be searchable, at minimum, by owner name, contractor name,~~
2 ~~property address, the unique identifying number or code that is~~
3 ~~assigned to it under paragraph (g) (1) and by any other~~
4 ~~identifying features that the department believes are necessary.~~

5 ~~(i) Errors and Omission Insurance. The department shall~~
6 ~~require a third party vendor to carry errors and omissions~~
7 ~~insurance in amounts determined to be necessary.~~

8 ~~Section 501.2. Notice of Commencement, Notice of Furnishing~~
9 ~~and Informational Notice of Completion Requirements.~~

10 ~~(a) Notice of Commencement.~~

11 ~~(1) Prior to allowing the commencement of labor or work or~~
12 ~~the furnishing of materials for an improvement on real property~~
13 ~~that may give rise to a mechanics' lien under this act, the~~
14 ~~owner or agent of the owner may file a Notice of Commencement~~
15 ~~with the State Construction Notices Directory; provided that a~~
16 ~~contractor may file a Notice of Commencement for the owner if~~
17 ~~such authority is specifically authorized in the contract~~
18 ~~between the owner and contractor, and the owner assumes~~
19 ~~responsibility for the contractor's actions as its agent for~~
20 ~~filing the Notice of Commencement. The notice must include the~~
21 ~~following:~~

22 ~~(i) Full name, address and e mail address of the contractor.~~

23 ~~(ii) Full name and location of the project being~~
24 ~~constructed.~~

25 ~~(iii) Legal description of the property upon which the~~
26 ~~improvements are being made.~~

27 ~~(iv) Full name, address and e mail address of the legal~~
28 ~~record owner of the property.~~

29 ~~(v) Full name, address and e mail address of the person~~
30 ~~other than the owner at whose direction the improvements are~~

1 ~~being made, if that person is not the true legal record owner of~~
2 ~~the property.~~

3 ~~(vi) If applicable, the full name, address and e mail~~
4 ~~address of a surety for the performance and payment bonds and~~
5 ~~the bond numbers.~~

6 ~~(vii) The unique identifying number that is assigned to the~~
7 ~~Notice of Commencement pursuant to section 501.1(g)(1).~~

8 ~~(2) The owner, or his agent, shall also conspicuously post a~~
9 ~~copy of the Notice of Commencement at the project site before~~
10 ~~physical work commences upon the property, and the owner shall~~
11 ~~take reasonable measures to ensure that the copy of the Notice~~
12 ~~of Commencement remains posted at the project site for the~~
13 ~~duration of the project. The copy of the Notice of Commencement~~
14 ~~posted under this paragraph shall include the unique identifying~~
15 ~~number or code assigned to such notice under section 501.1(g)~~
16 ~~(1). For the purposes of this paragraph, the term "reasonable~~
17 ~~measures" means the reposting of notice by the owner within 48~~
18 ~~hours after being notified in writing or e mail that the notice~~
19 ~~is not posted.~~

20 ~~(3) The owner or his agent and contractor shall make~~
21 ~~reasonable effort to ensure that the Notice of Commencement is~~
22 ~~made part of contract documents provided to all contractors~~
23 ~~awarded work on the project.~~

24 ~~(b) Notice of Furnishing. A subcontractor that performs work~~
25 ~~or services or provides material in furtherance of an~~
26 ~~improvement to property shall, if a Notice of Commencement has~~
27 ~~been properly indexed, timely filed, and posted under subsection~~
28 ~~(a), as a condition of retaining lien rights under section 301:~~

29 ~~(1) Substantially comply with the following to file a Notice~~
30 ~~of Furnishing:~~

1 ~~(i) Subject to subparagraph (iv) (A), the subcontractor shall~~
2 ~~file a Notice of Furnishing with the directory within twenty~~
3 ~~(20) days after first performing work or services or first~~
4 ~~providing materials in connection with the improvement of the~~
5 ~~property.~~

6 ~~(ii) The notice must contain, at a minimum, the following:~~

7 ~~(A) A general description of the labor, skill, materials,~~
8 ~~fixtures, machinery or tools furnished.~~

9 ~~(B) Full name and address of the person supplying items in~~
10 ~~clause (A).~~

11 ~~(C) Full name and address of the person that contracted for~~
12 ~~the items in clause (A).~~

13 ~~(D) A description sufficient to identify the property which~~
14 ~~is being improved. The description shall be based on the~~
15 ~~description of such property as described in the Notice of~~
16 ~~Commencement.~~

17 ~~(iii) The notice must be substantially in the following~~
18 ~~form:~~

19 ~~Notice of Furnishing~~

20 ~~(For use in connection with improvements to property other~~
21 ~~than public improvements)~~

22 ~~To: _____~~

23 ~~(Name of owner)~~

24 ~~_____~~

25 ~~(Address of owner)~~

26 ~~(Notice of Commencement Number or Code)~~

27 ~~Please take notice that the undersigned is performing~~

28 ~~certain work or labor or furnishing certain materials~~

29 ~~to _____ (Name and address of other~~

30 ~~contracting party) in connection with the improvement to the~~

1 ~~real property located at _____ . The labor, work~~
2 ~~or materials were performed or furnished first, or will be~~
3 ~~furnished first on _____ (date).~~

4 _____
5 ~~(Name and Address of Lien Claimant)~~

6 ~~By~~
7 ~~(Name and capacity of party signing for lien claimant)~~

8 _____
9 ~~(Address of Signing Party)~~

10 _____
11 ~~(Date)~~

12 ~~(iv) Filing of a Notice of Furnishing under this subsection~~
13 ~~preserves the lien rights of a subcontractor in compliance with~~
14 ~~this act as follows:~~

15 ~~(A) For amounts owing for work and services performed and~~
16 ~~materials furnished from the date the work or services were~~
17 ~~first performed or materials were first furnished through the~~
18 ~~date of filing of the notice of furnishing and thereafter.~~

19 ~~(B) A Notice of Furnishing filed outside the time frame~~
20 ~~under subparagraph (i) preserves the right to file a lien which~~
21 ~~is only enforceable for the services or materials furnished~~
22 ~~within the period of twenty (20) days before the date on which~~
23 ~~notice is filed and thereafter.~~

24 ~~(v) If a subcontractor does not substantially comply with~~
25 ~~this subsection, the subcontractor forfeits the right to file a~~
26 ~~lien claim.~~

27 ~~(vi) A subcontractor that files a Notice of Furnishing under~~
28 ~~this subsection shall not be required to serve the owner a~~
29 ~~formal notice of their intent to file a lien as required under~~
30 ~~section 501(b.1) to preserve lien rights.~~

1 ~~(c) Notice of Completion for Informational Purposes.~~

2 ~~(1) Any time after actual completion of work on a real~~
3 ~~property, an owner, or his agent, may file a Notice of~~
4 ~~Completion in the directory to be indexed under original Notice~~
5 ~~of Commencement. The notice shall be transmitted via the~~
6 ~~directory to all subcontractors who have filed Notices of~~
7 ~~Furnishing. For the purposes of this paragraph, the term "actual~~
8 ~~completion of work" shall mean the following:~~

9 ~~(i) The issuance of an occupancy permit to the owner, or his~~
10 ~~agent, and the acceptance by the owner, or his agent, of the~~
11 ~~work accompanied by cessation of all work on the project; or~~

12 ~~(ii) The cessation of all work on the project for thirty~~
13 ~~(30) consecutive days provided that work is not resumed under~~
14 ~~the same contract.~~

15 ~~(2) Subcontractors who have not received full payment for~~
16 ~~their work on the project may file a Notice of Non Payment with~~
17 ~~the owner, or his agent, in the directory for informational~~
18 ~~purposes. The failure to file a Notice of Completion by a~~
19 ~~subcontractor shall not be construed to affect or limit their~~
20 ~~lien rights under this act.~~

21 ~~(d) Construction. Subsection (b) shall not be interpreted to~~
22 ~~affect the ability of a subcontractor or contractor to waive his~~
23 ~~lien rights under sections 401 and 402 of this act.~~

24 ~~(e) Public Policy.~~

25 ~~(1) It is against public policy and unlawful for an owner or~~
26 ~~owner's agent, a contractor or subcontractor, to request or~~
27 ~~require that a subcontractor not file a Notice of Furnishing as~~
28 ~~required to maintain lien rights, in order that the~~
29 ~~subcontractor may enter into or maintain a contract for work or~~
30 ~~furnishing of materials on an improvement.~~

1 ~~(2) A subcontractor has the right to file a lien for the~~
2 ~~work and services performed and the materials furnished under~~
3 ~~this act, irrespective of compliance with section 501.2(b), if~~
4 ~~the subcontractor proves that the failure to comply with section~~
5 ~~501.2(b) was directly the result of an owner or owner's agent, a~~
6 ~~contractor or subcontractor, violating paragraph (1).~~

7 ~~(3) A subcontractor may bring a civil cause of action if the~~
8 ~~subcontractor proves that failure to comply with section~~
9 ~~501.2(b) was directly the result of an owner or owner's agent,~~
10 ~~or a contractor or subcontractor, violating paragraph (1) in~~
11 ~~order to recover damages for any loss or injury sustained as a~~
12 ~~result of the violation from the person or persons committing~~
13 ~~the violation. A court of competent jurisdiction may award to~~
14 ~~the subcontractor actual damages arising from the violation,~~
15 ~~reasonable attorneys fees and court costs.~~

16 ~~(f) Applicability. This section shall not apply to work or~~
17 ~~labor on a residential property.~~

18 ~~Section 3. The notice provisions of section 501.2 of the act~~
19 ~~shall take effect July 1, 2015, or on the date designated by the~~
20 ~~Department of Labor and Industry as the operational date of the~~
21 ~~State Construction Notices Directory under section 501.1(d). The~~
22 ~~notice provisions of section 501.2 shall only apply to projects~~
23 ~~commenced on or after the operational date of the directory.~~

24 ~~Section 4. This act shall take effect in 30 days.~~

25 SECTION 1. SECTION 201(3) OF THE ACT OF AUGUST 24, 1963 <--
26 (P.L.1175, NO.497), KNOWN AS THE MECHANICS' LIEN LAW OF 1963,
27 AMENDED JUNE 29, 2006 (P.L.210, NO.52), IS AMENDED AND THE
28 SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

29 SECTION 201. DEFINITIONS.--THE FOLLOWING WORDS, TERMS AND
30 PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANING ASCRIBED TO

1 THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES
2 A DIFFERENT MEANING:

3 * * *

4 (3) "OWNER" MEANS [AN OWNER IN FEE, A TENANT FOR LIFE OR
5 YEARS OR ONE HAVING ANY OTHER ESTATE IN OR TITLE TO PROPERTY]
6 THE OWNER OF RECORD OF REAL PROPERTY THAT IS A SEARCHABLE
7 PROJECT. THE TERM SHALL INCLUDE THE OWNER'S AGENT.

8 * * *

9 (15) "DEPARTMENT" MEANS THE DEPARTMENT OF GENERAL SERVICES.

10 (16) "DIRECTORY" MEANS THE STATE CONSTRUCTION NOTICES
11 DIRECTORY IN SECTION 501.1.

12 (17) "SEARCHABLE PROJECT" MEANS A COMMERCIAL CONSTRUCTION
13 PROJECT COSTING A MINIMUM OF ONE MILLION FIVE HUNDRED THOUSAND
14 DOLLARS (\$1,500,000).

15 (18) "THIRD PARTY" MEANS A PERSON WHO PROVIDES GOODS OR
16 SERVICES TO A SUBCONTRACTOR.

17 (19) "CONSTRUCTION NOTICE" MEANS THE FOLLOWING NOTICES
18 RELATED TO A SEARCHABLE PROJECT. THE TERM INCLUDES A GOVERNMENT
19 BUILDING UNDER SECTION 501.3:

20 (I) A NOTICE OF COMMENCEMENT;

21 (II) A NOTICE OF FURNISHING; OR

22 (III) A THIRD PARTY NOTICE.

23 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

24 SECTION 501.1. STATE CONSTRUCTION NOTICES DIRECTORY.--

25 (A) DIRECTORY. THE DEPARTMENT SHALL PROVIDE FOR AN INTERNET
26 WEBSITE TO BE KNOWN AS THE STATE CONSTRUCTION NOTICES DIRECTORY
27 TO SERVE AS A STANDARDIZED STATEWIDE SYSTEM FOR FILING
28 CONSTRUCTION NOTICES.

29 (B) OPERATIONAL DATE. THE DIRECTORY SHALL BE OPERATIONAL BY
30 DECEMBER 31, 2016. THE DEPARTMENT MAY ESTABLISH A LATER

1 EFFECTIVE DATE IF IT PROVIDES SUFFICIENT REASONS FOR THE DELAY
2 IN THE IMPLEMENTATION OF THE DIRECTORY IN A NOTICE TO THE
3 CHAIRMAN AND MINORITY CHAIRMAN OF THE LABOR AND INDUSTRY
4 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN
5 OF THE LABOR AND INDUSTRY COMMITTEE OF THE HOUSE OF
6 REPRESENTATIVES.

7 (C) NOTIFICATION. NO LATER THAN 120 DAYS AFTER THE
8 IMPLEMENTATION OF THE DIRECTORY, THE DEPARTMENT SHALL PUBLISH
9 NOTICE IN THE PENNSYLVANIA BULLETIN ADVISING THE PUBLIC OF
10 IMPLEMENTATION OF THE DIRECTORY AND INSTRUCTIONS ON ITS USE. THE
11 DEPARTMENT SHALL PLACE THE NOTICE AND INSTRUCTIONS ON ITS
12 INTERNET WEBSITE AND TAKE OTHER REASONABLE MEASURES TO INFORM
13 THE GENERAL PUBLIC AND THE CONSTRUCTION INDUSTRY OF THE
14 DIRECTORY AND ITS PURPOSE.

15 (D) FEES. THE FOLLOWING SHALL APPLY:

16 (1) THE DEPARTMENT SHALL ESTABLISH FEES FOR THE FOLLOWING:

17 (I) REQUIRED NOTICES FILED BY OWNER.

18 (II) THE PROVISION OF NOTIFICATION TO A THIRD PARTY.

19 (2) FEES UNDER PARAGRAPH (1) MAY NOT IN THE AGGREGATE EXCEED
20 THE AMOUNT REASONABLY NECESSARY TO IMPLEMENT, OPERATE AND
21 MAINTAIN THE REGISTRY.

22 (E) PUBLISHING OF NOTICES. THE DIRECTORY SHALL:

23 (1) MAKE NOTICES OF COMMENCEMENT FILED UNDER SECTION
24 501.3(A) AVAILABLE FOR A SEARCHABLE PROJECT IN A JOB SITE
25 SPECIFIC FORMAT. A UNIQUE IDENTIFYING NUMBER SHALL BE ASSIGNED
26 TO EACH NOTICE OF COMMENCEMENT THAT IS FILED. A NOTICE UNDER
27 THIS PARAGRAPH SHALL BE SEARCHABLE BY OWNER NAME, CONTRACTOR
28 NAME, PROPERTY ADDRESS AND UNIQUE IDENTIFYING NUMBER.

29 (2) PROVIDE COPIES OF THE FILINGS OF NOTICE OF FURNISHING
30 UNDER SECTION 501.3(B) TO AN OWNER OR THIRD PARTY WHO FILES A

1 NOTICE OF COMMENCEMENT UNDER SECTION 501.3(A) .

2 (3) PROVIDE CERTIFIED HARD COPY PRINTING OF ELECTRONIC
3 RECEIPTS UPON REQUEST FOR A FILING UNDER SECTION 501.3 OF A
4 NOTICE OF COMMENCEMENT, NOTICE OF FURNISHING OR THIRD PARTY
5 NOTICE. THE CERTIFIED HARD COPY SHALL INCLUDE THE DATE, TIME AND
6 CONTENT OF THE INDIVIDUAL FILING.

7 (4) LIST ALL NOTICES OF FURNISHING AND NOTICES OF COMPLETION
8 FILED WITH RESPECT TO A PARTICULAR NOTICE OF COMMENCEMENT.

9 (5) PROVIDE A VERIFICATION PROCESS TO ALLOW PERSONS FILING
10 REQUIRED NOTICES OR REQUESTS FOR NOTICES IN THE DIRECTORY TO
11 CONFIRM THE PROPER INDEXING AND LINKAGE OF THEIR FILINGS.

12 (F) INDEX. THE DIRECTORY MUST BE PRIMARILY INDEXED BY
13 COUNTY.

14 SECTION 501.2. FAILURE TO FILE NOTICE OF FURNISHING.--A
15 CONTRACT FOR A PROJECT UNDER SECTIONS 501.1 AND 501.3 SHALL
16 INCLUDE WRITTEN NOTICE THAT FAILURE TO FILE A NOTICE OF
17 FURNISHING UNDER SECTION 501.3 WILL RESULT IN THE LOSS OF LIEN
18 RIGHTS. THE NOTICE SHALL BE AS FOLLOWS:

19 "A SUBCONTRACTOR THAT FAILS TO FILE A NOTICE OF FURNISHING ON
20 THE DEPARTMENT OF GENERAL SERVICES PUBLICLY ACCESSIBLE
21 INTERNET WEBSITE AS REQUIRED BY THE ACT OF AUGUST 24, 1963
22 (P.L.1175, NO.497), KNOWN AS THE MECHANICS' LIEN LAW OF 1963,
23 MAY FORFEIT THE RIGHT TO FILE A MECHANICS LIEN. IT IS
24 UNLAWFUL FOR AN OWNER, OWNER'S AGENT, CONTRACTOR OR
25 SUBCONTRACTOR TO REQUEST, SUGGEST, ENCOURAGE OR REQUIRE THAT
26 A SUBCONTRACTOR NOT FILE THE REQUIRED NOTICE AS REQUIRED BY
27 THE MECHANICS' LIEN LAW OF 1963."

28 SECTION 501.3. NOTICE OF COMMENCEMENT, NOTICE OF FURNISHING
29 AND THIRD PARTY NOTICE.--

30 (A) NOTICE OF COMMENCEMENT.

1 (1) PRIOR TO THE COMMENCEMENT OF LABOR, WORK OR THE
2 FURNISHING OF MATERIALS FOR A SEARCHABLE PROJECT THAT MAY GIVE
3 RISE TO A MECHANICS' LIEN UNDER THIS ACT, THE OWNER OR AGENT OF
4 THE OWNER SHALL FILE A NOTICE OF COMMENCEMENT WITH THE
5 DIRECTORY.

6 (2) A CONTRACTOR MAY ACT AS AGENT FOR THE OWNER AND FILE A
7 NOTICE OF COMMENCEMENT FOR THE OWNER OF A SEARCHABLE PROJECT IF
8 SPECIFICALLY AUTHORIZED BY CONTRACT AND THE OWNER ASSUMES
9 RESPONSIBILITY FOR THE CONTRACTOR'S ACTIONS.

10 (3) THE NOTICE MUST INCLUDE THE FOLLOWING:

11 (I) FULL NAME, ADDRESS AND E-MAIL ADDRESS OF THE CONTRACTOR.

12 (II) FULL NAME AND LOCATION OF THE SEARCHABLE PROJECT.

13 (III) THE COUNTY IN WHICH THE SEARCHABLE PROJECT IS LOCATED.

14 (IV) THE LEGAL DESCRIPTION OF THE PROPERTY UPON WHICH THE
15 SEARCHABLE PROJECTS ARE BEING MADE, INCLUDING TAX IDENTIFICATION
16 NUMBER OF EACH PARCEL INCLUDED IN THE SEARCHABLE PROJECT.

17 (V) FULL NAME, ADDRESS AND E-MAIL ADDRESS OF THE OWNER OF
18 RECORD OF THE PROPERTY AND THE SEARCHABLE PROJECT BEING
19 CONSTRUCTED.

20 (VI) IF APPLICABLE, THE FULL NAME, ADDRESS AND E-MAIL
21 ADDRESS OF A SURETY FOR THE PERFORMANCE AND PAYMENT BONDS AND
22 THE BOND NUMBERS.

23 (VII) THE UNIQUE IDENTIFYING NUMBER THAT IS ASSIGNED TO THE
24 NOTICE OF COMMENCEMENT PURSUANT TO SECTION 501.1(E) (1).

25 (VIII) FOR A GOVERNMENT PROJECT, THE GOVERNMENT
26 IDENTIFICATION NUMBER.

27 (4) THE OWNER SHALL ALSO CONSPICUOUSLY POST A COPY OF THE
28 NOTICE OF COMMENCEMENT AT THE SITE OF A SEARCHABLE PROJECT
29 BEFORE PHYSICAL WORK COMMENCES ON THE PROJECT TO INCLUDE THE
30 UNIQUE IDENTIFYING NUMBER ASSIGNED UNDER SECTION 501.1(E) (1).

1 THE OWNER SHALL TAKE REASONABLE MEASURES TO ENSURE THAT THE
2 NOTICE OF COMMENCEMENT REMAINS POSTED AT THE PROJECT SITE UNTIL
3 COMPLETION OF THE PROJECT. FOR THE PURPOSES OF THIS PARAGRAPH,
4 THE TERM "REASONABLE MEASURES" MEANS THE REPOSTING OF NOTICE BY
5 THE OWNER WITHIN 48 HOURS AFTER BECOMING AWARE OF OR BEING
6 NOTIFIED VERBALLY, IN WRITING OR BY E-MAIL THAT THE NOTICE IS
7 NOT POSTED.

8 (5) THE OWNER AND THE CONTRACTOR SHALL MAKE REASONABLE
9 EFFORTS TO ENSURE THAT THE NOTICE OF COMMENCEMENT IS MADE PART
10 OF CONTRACT DOCUMENTS PROVIDED TO ALL CONTRACTORS AND
11 SUBCONTRACTORS AWARDED WORK ON THE PROJECT.

12 (B) NOTICE OF FURNISHING. A SUBCONTRACTOR THAT PERFORMS WORK
13 OR SERVICES OR PROVIDES MATERIAL IN FURTHERANCE OF A SEARCHABLE
14 PROJECT SHALL COMPLY WITH THE FOLLOWING, IF A NOTICE OF
15 COMMENCEMENT HAS BEEN POSTED IN ACCORDANCE WITH SUBSECTION (A):

16 (1) FILE A NOTICE OF FURNISHING WITH THE DIRECTORY WITHIN
17 FORTY-FIVE (45) DAYS AFTER FIRST PERFORMING WORK OR SERVICES AT
18 THE JOB SITE OR FIRST PROVIDING MATERIALS TO THE JOB SITE IN
19 CONNECTION WITH THE SEARCHABLE PROJECT.

20 (2) THE NOTICE UNDER PARAGRAPH (1) MUST CONTAIN THE
21 FOLLOWING:

22 (I) A GENERAL DESCRIPTION OF THE LABOR, SKILL, MATERIALS,
23 FIXTURES, MACHINERY OR TOOLS FURNISHED.

24 (II) FULL NAME AND ADDRESS OF THE PERSON SUPPLYING THE
25 SERVICES OR ITEMS UNDER SUBPARAGRAPH (I).

26 (III) FULL NAME AND ADDRESS OF THE PERSON THAT CONTRACTED
27 FOR THE SERVICES OR ITEMS UNDER SUBPARAGRAPH (I).

28 (IV) A DESCRIPTION SUFFICIENT TO IDENTIFY THE SEARCHABLE
29 PROJECT, BASED ON THE DESCRIPTION IN THE NOTICE OF COMMENCEMENT.

30 (3) THE NOTICE UNDER PARAGRAPH (1) MUST BE SUBSTANTIALLY IN

1 THE FOLLOWING FORM:

2 NOTICE OF FURNISHING

3 TO: _____

4 (NAME OF OWNER)

5 _____

6 (ADDRESS OF OWNER)

7 (NOTICE OF COMMENCEMENT NUMBER)

8 PLEASE TAKE NOTICE THAT THE UNDERSIGNED IS PERFORMING

9 CERTAIN WORK OR LABOR OR FURNISHING CERTAIN MATERIALS

10 TO _____ (NAME AND ADDRESS OF OTHER

11 CONTRACTING PARTY) IN CONNECTION WITH THE IMPROVEMENT TO THE

12 REAL PROPERTY LOCATED AT _____ . THE LABOR,

13 WORK OR MATERIALS WERE PERFORMED OR FURNISHED FIRST, OR WILL

14 BE FURNISHED FIRST ON _____ (DATE) .

15 _____

16 (NAME AND ADDRESS OF LIEN CLAIMANT)

17 BY

18 (NAME AND CAPACITY OF PARTY SIGNING FOR LIEN CLAIMANT)

19 _____

20 (ADDRESS OF SIGNING PARTY)

21 _____

22 (DATE)

23 (C) THIRD PARTY NOTICE. A THIRD PARTY MAY FILE A NOTICE OF

24 INTEREST RELATING TO A SEARCHABLE PROJECT TO INDICATE THAT THE

25 THIRD PARTY HAS PROVIDED GOODS OR SERVICES FOR WHICH PAYMENT IS

26 DUE.

27 (D) CONSTRUCTION. A SUBCONTRACTOR THAT FAILS TO

28 SUBSTANTIALLY COMPLY WITH THIS SECTION FORFEITS THE RIGHT TO

29 FILE A LIEN CLAIM.

30 SECTION 501.4. NOTICE OF COMPLETION.--

1 (A) GENERAL RULE. WITHIN FORTY-FIVE (45) DAYS OF THE ACTUAL
2 COMPLETION OF WORK ON A SEARCHABLE PROJECT, AN OWNER SHALL FILE
3 A NOTICE OF COMPLETION IN THE DIRECTORY TO BE INDEXED WITH THE
4 ORIGINAL NOTICE OF COMMENCEMENT. THE NOTICE SHALL BE TRANSMITTED
5 VIA THE DIRECTORY TO ALL SUBCONTRACTORS WHO HAVE FILED NOTICES
6 OF FURNISHING AND TO THE THIRD PARTIES WHO HAVE REGISTERED FOR
7 THE PROJECT. FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM
8 "ACTUAL COMPLETION OF WORK" SHALL MEAN THE FOLLOWING:

9 (1) THE ISSUANCE OF AN OCCUPANCY PERMIT TO THE OWNER, OR HIS
10 AGENT, AND THE ACCEPTANCE BY THE OWNER, OR HIS AGENT, OF THE
11 WORK ACCOMPANIED BY CESSATION OF ALL WORK ON THE SEARCHABLE
12 PROJECT; OR

13 (2) THE CESSATION OF ALL WORK ON THE PROJECT FOR THIRTY (30)
14 CONSECUTIVE DAYS PROVIDED THAT WORK IS NOT RESUMED UNDER THE
15 SAME CONTRACT.

16 (B) NONPAYMENT. SUBCONTRACTORS OR THIRD PARTIES WHO HAVE NOT
17 RECEIVED FULL PAYMENT FOR THEIR WORK, OR FOR GOODS OR SERVICES,
18 ON A SEARCHABLE PROJECT MAY FILE A NOTICE OF NONPAYMENT WITH THE
19 OWNER OR THE OWNER'S AGENT OR THE SUBCONTRACTOR IN THE DIRECTORY
20 FOR INFORMATIONAL PURPOSES. THE FAILURE TO FILE A NOTICE OF
21 COMPLETION BY A SUBCONTRACTOR SHALL NOT BE CONSTRUED TO AFFECT
22 OR LIMIT THEIR LIEN RIGHTS UNDER THIS ACT. NOTICE OF NONPAYMENT
23 SHALL NOT RELIEVE A SUBCONTRACTOR FROM COMPLYING WITH OTHER
24 WRITTEN NOTICE REQUIREMENTS UNDER THIS ACT.

25 (C) COURT. THE COURT SHALL NOT USE THE FILING OF A NOTICE OF
26 COMPLETION TO DETERMINE THE ACTUAL COMPLETION DATES RELATING TO
27 LIMITATION PERIODS OR WARRANTY OBLIGATIONS.

28 SECTION 501.5. NOTICE.--

29 (A) NOTIFICATION. THE REGISTRY SHALL PROVIDE NOTIFICATION OF
30 A FILING OF A REQUIRED NOTICE UNDER SECTIONS 501.3 AND 501.4 TO

1 A PERSON WHO REQUESTS NOTIFICATION OF THE FILING OF A REQUIRED
2 NOTICE FOR A SEARCHABLE PROJECT.

3 (B) REQUESTS. A PERSON WHO REQUESTS THE REGISTRY TO PROVIDE
4 THE PERSON WITH OFFICIAL COPIES OF NOTIFICATION OF THE FILING OF
5 A REQUIRED NOTICE FOR A SEARCHABLE PROJECT SHALL:

6 (1) PROVIDE AN E-MAIL ADDRESS, MAILING ADDRESS OR TELEFAX
7 NUMBER TO WHICH NOTIFICATION MAY BE SENT; AND

8 (2) BE RESPONSIBLE FOR THE ACCURACY OF THE E-MAIL ADDRESS,
9 MAILING ADDRESS OR TELEFAX NUMBER.

10 (C) REQUIREMENTS. A PERSON SHALL BE CONSIDERED TO HAVE
11 REQUESTED NOTIFICATION UNDER THIS SECTION IF THE PERSON FILES,
12 WITH RESPECT TO THE SAME SEARCHABLE PROJECT THAT RELATES TO THE
13 REQUIRED NOTICE, ANY OF THE FOLLOWING:

14 (1) A NOTICE OF PRECONSTRUCTION SERVICE.

15 (2) A NOTICE OF COMMENCEMENT.

16 (3) NOTICE OF THE PROVISION OF GOODS OR SERVICES FOR WHICH
17 PAYMENT HAS NOT BEEN MADE.

18 (4) A NOTICE OF CONSTRUCTION LOAN.

19 (D) NOTIFICATION REQUIREMENTS. NOTIFICATION REQUIREMENTS
20 SHALL BE FULFILLED BY THE REGISTRY BY SENDING THE OFFICIAL
21 NOTIFICATION TO THE E-MAIL ADDRESS, MAILING ADDRESS OR TELEFAX
22 NUMBER THAT THE PERSON PROVIDES.

23 (E) OFFICIAL NOTIFICATION. A PERSON FILING A NOTICE OF
24 COMMENCEMENT, PRELIMINARY NOTICE, NOTICE OF FURNISHING, NOTICE
25 OF COMPLETION OR RELATED NOTICE MUST VERIFY THE ACCURACY OF
26 INFORMATION ENTERED INTO THE REGISTRY, REGARDLESS OF WHETHER THE
27 PERSON FILES ELECTRONICALLY, BY ALTERNATE MEANS OR THROUGH A
28 THIRD PARTY.

29 (F) INFORMATION. EACH NOTICE OR OTHER DOCUMENT SUBMITTED TO
30 THE REGISTRY MUST CONTAIN:

1 (1) THE NAME OF THE COUNTY IN WHICH THE SEARCHABLE PROJECT
2 PROPERTY TO WHICH THE NOTICE OR OTHER DOCUMENT APPLIES IS
3 LOCATED.

4 (2) FOR A PRIVATE PROJECT:

5 (I) THE TAX IDENTIFICATION NUMBER OF EACH PARCEL INCLUDED IN
6 THE PROJECT PROPERTY; OR

7 (II) THE NUMBER OF THE BUILDING PERMIT FOR THE CONSTRUCTION
8 PROJECT ON THE PROJECT PROPERTY.

9 (3) FOR A GOVERNMENT PROJECT, THE GOVERNMENT PROJECT
10 IDENTIFICATION INFORMATION.

11 SECTION 501.6. PROHIBITION.--

12 (A) UNLAWFUL ACTS. IT SHALL BE UNLAWFUL FOR AN OWNER OR THE
13 OWNER'S AGENT, A CONTRACTOR OR SUBCONTRACTOR TO SUGGEST,
14 REQUEST, ENCOURAGE OR REQUIRE THAT A SUBCONTRACTOR NOT FILE A
15 NOTICE OF FURNISHING AS A CONDITION OF ENTERING INTO,
16 CONTINUING, RECEIVING OR MAINTAINING A CONTRACT FOR WORK OR
17 FURNISHING OF MATERIALS ON A SEARCHABLE PROJECT. A PERSON THAT
18 VIOLATES THIS SUBSECTION COMMITS A MISDEMEANOR OF THE SECOND
19 DEGREE.

20 (B) CAUSE OF ACTION. A SUBCONTRACTOR SHALL HAVE A CIVIL
21 CAUSE OF ACTION IF THE SUBCONTRACTOR PROVES THAT FAILURE TO
22 COMPLY WITH SECTION 501.3(B) WAS THE RESULT OF AN OWNER OR
23 OWNER'S AGENT, OR A CONTRACTOR OR SUBCONTRACTOR, VIOLATING
24 PARAGRAPH (1) IN ORDER TO RECOVER DAMAGES FOR ANY LOSS OR INJURY
25 SUSTAINED AS A RESULT OF THE VIOLATION FROM A PERSON WHO COMMITS
26 A VIOLATION. A COURT OF COMPETENT JURISDICTION MAY AWARD TO THE
27 SUBCONTRACTOR ACTUAL DAMAGES ARISING FROM THE VIOLATION,
28 REASONABLE ATTORNEYS FEES AND COURT COSTS.

29 (C) ABUSE. A PERSON ABUSES THE REGISTRY IF THE PERSON FILES
30 A NOTICE IN THE REGISTRY:

1 (1) WITHOUT A GOOD FAITH REASON TO DO SO.
2 (2) WITH THE INTENT TO EXACT MORE PAYMENT THAN IS DUE FROM
3 THE OWNER OR OTHER PARTY.
4 (3) TO OBTAIN AN UNJUSTIFIED ADVANTAGE OR BENEFIT.
5 (D) DAMAGES. A PERSON WHO ABUSES THE REGISTRY UNDER
6 SUBSECTION (C) SHALL BE LIABLE FOR THE AMOUNT OF ACTUAL DAMAGES
7 OR \$2,000, WHICHEVER IS GREATER.

8 SECTION 3. THE NOTICE PROVISIONS OF SECTIONS 501.2, 501.3,
9 501.4 AND 501.5 OF THE ACT SHALL APPLY TO PROJECTS COMMENCED ON
10 OR AFTER THE OPERATIONAL DATE OF THE DIRECTORY.

11 SECTION 4. THE DEPARTMENT OF GENERAL SERVICES MAY DESIGNATE
12 THE OPERATIONAL DATE OF THE STATE CONSTRUCTION NOTICES DIRECTORY
13 UNDER SECTION 501.1(B). IF THE DEPARTMENT OF GENERAL SERVICES
14 DESIGNATES AN OPERATIONAL DATE OTHER THAN DECEMBER 31, 2016, IT
15 SHALL TRANSMIT THE DESIGNATION TO THE LEGISLATIVE REFERENCE
16 BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN.

17 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

18 (1) SECTION 4 OF THIS ACT AND THIS SECTION SHALL TAKE
19 EFFECT IMMEDIATELY.

20 (2) THE NOTICE PROVISIONS OF SECTIONS 501.2, 501.3,
21 501.4 AND 501.5 OF THE ACT SHALL TAKE EFFECT DECEMBER 31,
22 2016, OR ON THE DATE OF PUBLICATION OF THE OPERATIONAL DATE
23 IN THE PENNSYLVANIA BULLETIN UNDER SECTION 4 OF THIS ACT.

24 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 30
25 DAYS.