

HB 1733 -- LIENS

SPONSOR: Miller

This bill prohibits any oral or written statement given or purporting to waive, release, subordinate, impair, or otherwise limit or adversely affect any right to enforce or claim any lien authorized by law from being enforced except as specified.

A waiver or release of lien must be null, void, and unenforceable against the lien claimant as against public policy except to the extent of the amount of the payment received by the claimant in exchange for the waiver and release of lien, provided, however, a lien waiver given by a lien claimant after completion of all of its work or after the furnishing of all of its goods, materials, or services that contains the heading "UNCONDITIONAL FINAL LIEN WAIVER" in at least fourteen-point bold type is a waiver of any lien rights on the property described in the lien waiver for all labor, materials, and services provided as of the date the lien waiver is given, but a person executing an unconditional final lien waiver for less than the full amount of the lien claimant's claim does not by virtue of its waiver of lien rights against the property discharge or release any other claim, remedy, or cause of action for the unpaid portion of its claim.