

IN THE SENATE

SENATE BILL NO. 1005

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO LIENS OF MECHANICS AND MATERIALMEN; AMENDING SECTION 45-522,  
2 IDAHO CODE, TO REMOVE A PROVISION REGARDING PRIORITY OF HEARINGS; AND  
3 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 45-522, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 45-522. RELEASE OF LIEN ON REAL PROPERTY BY POSTING SURETY BOND --  
9 ACTION AGAINST DEBTOR AND SURETY -- PREFERENTIAL SETTINGS. ~~(1)~~ The lien  
10 claimant is entitled to bring an action against the lien claimant's debtor  
11 and to join therein the surety on the bond. The rights of the lien claimant  
12 under the bond are conditioned on the validity and enforceability of the lien  
13 pursuant to this chapter, and the court may award up to the penal sum of the  
14 bond an amount that may consist of the following components:

- 15 ~~(a)~~ (1) The amount found due to the lien claimant by the court;  
16 ~~(b)~~ (2) The cost of preparing and filing the lien claim, including at-  
17 torney's fees, if any;  
18 ~~(c)~~ (3) The costs of the proceedings;  
19 ~~(d)~~ (4) Attorney's fees for representation of the lien claimant in the  
20 proceedings; and  
21 ~~(e)~~ (5) Interest at the rate of seven percent (7%) per annum on the  
22 amount found due to the lien claimant and from the date found by the court  
23 that the sum was due and payable.

24 ~~(2) Proceedings under subsection (1) of this section are entitled to~~  
25 ~~priority of hearing second only to criminal hearings. The plaintiff in the~~  
26 ~~action may serve upon the adverse party a "demand for thirty (30) day set-~~  
27 ~~ting" in the proper form, and file the demand with the clerk of the court.~~  
28 ~~Upon filing, the clerk of the court shall, before Friday next, vacate a case~~  
29 ~~or cases as necessary and set the lien claimant's case for hearing, on a day~~  
30 ~~or days certain, to be heard within thirty (30) days of the filing of the~~  
31 ~~"demand for thirty (30) day setting." Only one (1) such preferential set-~~  
32 ~~ting need be given by the court, unless the hearing date is vacated without~~  
33 ~~stipulation of counsel for the plaintiff in writing. If the hearing date is~~  
34 ~~vacated without that stipulation, upon service and filing of a "demand for~~  
35 ~~thirty (30) day setting," a new preferential setting must be given.~~

36 SECTION 2. An emergency existing therefor, which emergency is hereby  
37 declared to exist, this act shall be in full force and effect on and after  
38 July 1, 2025.