

1 HOUSE BILL 519

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Nora Espinoza

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10 AN ACT

11 RELATING TO LIENS; PROVIDING FOR THE DISCHARGE OF ALL LIENS
12 UPON FULL PAYMENT FOR LABOR PERFORMED AND MATERIALS USED ON A
13 RESIDENTIAL SITE.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 48-2A-11 NMSA 1978 (being Laws 1989,
17 Chapter 301, Section 11) is amended to read:

18 "48-2A-11. DISCHARGE--PENALTY.--

19 A. Payment by the owner or [~~his~~] the owner's
20 successor in interest to any person entitled to payment of all
21 and any amounts due and owing for any labor or materials
22 furnished or other actions the performance of which could give
23 rise to a lien pursuant to Section 48-2-2 NMSA 1978 to be
24 performed upon a residential site shall discharge all such
25 liens [~~unless prior to payment any person who is entitled to~~

.192561.1

underscored material = new
~~[bracketed material] = delete~~

underscoring = new
~~[bracketed material]~~ = delete

1 ~~such lien has filed for record his lien pursuant to Section~~
2 ~~48-2-6 NMSA 1978~~]. For the purposes of this section, the
3 original contractor shall not be the agent of the owner.

4 B. Any contractor or subcontractor justly indebted
5 to a supplier of material or labor who accepts payment for
6 construction described in Subsection A of this section and
7 knowingly and intentionally applies the proceeds to a use other
8 than paying those persons with whom ~~[he]~~ the contractor or
9 subcontractor contracted is guilty of a fourth degree felony
10 and shall be sentenced pursuant to the provisions of Section
11 31-18-15 NMSA 1978."