

STATEMENT OF PURPOSE

RS24380C2

This proposed legislation repeals a chapter and prohibits what is known as non-consensual common law liens. Liens are placed on property to secure financial interests which have either been granted consensually or imposed through due process of law. A non-consensual common law lien is typically placed on another person's assets without any stated rationale or legal basis. The person against whom the lien has been placed usually learns of it years later or when selling property or seeking credit. This proposed legislation prohibits such liens and provides an expedited procedure to remove the liens. Removing this type of lien, which is a vehicle for obvious abuse, does not take away or affect any other lien rights such as mechanics liens, mortgages, judgment liens, contractual liens or other liens provided for in law and which are obtained through consent or due process of law.

FISCAL NOTE

This should have no impact on the General Fund, and may save indirect expense for county recorders and local jurists, as well as citizens who have to expend sums to remove or resolve such liens.

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