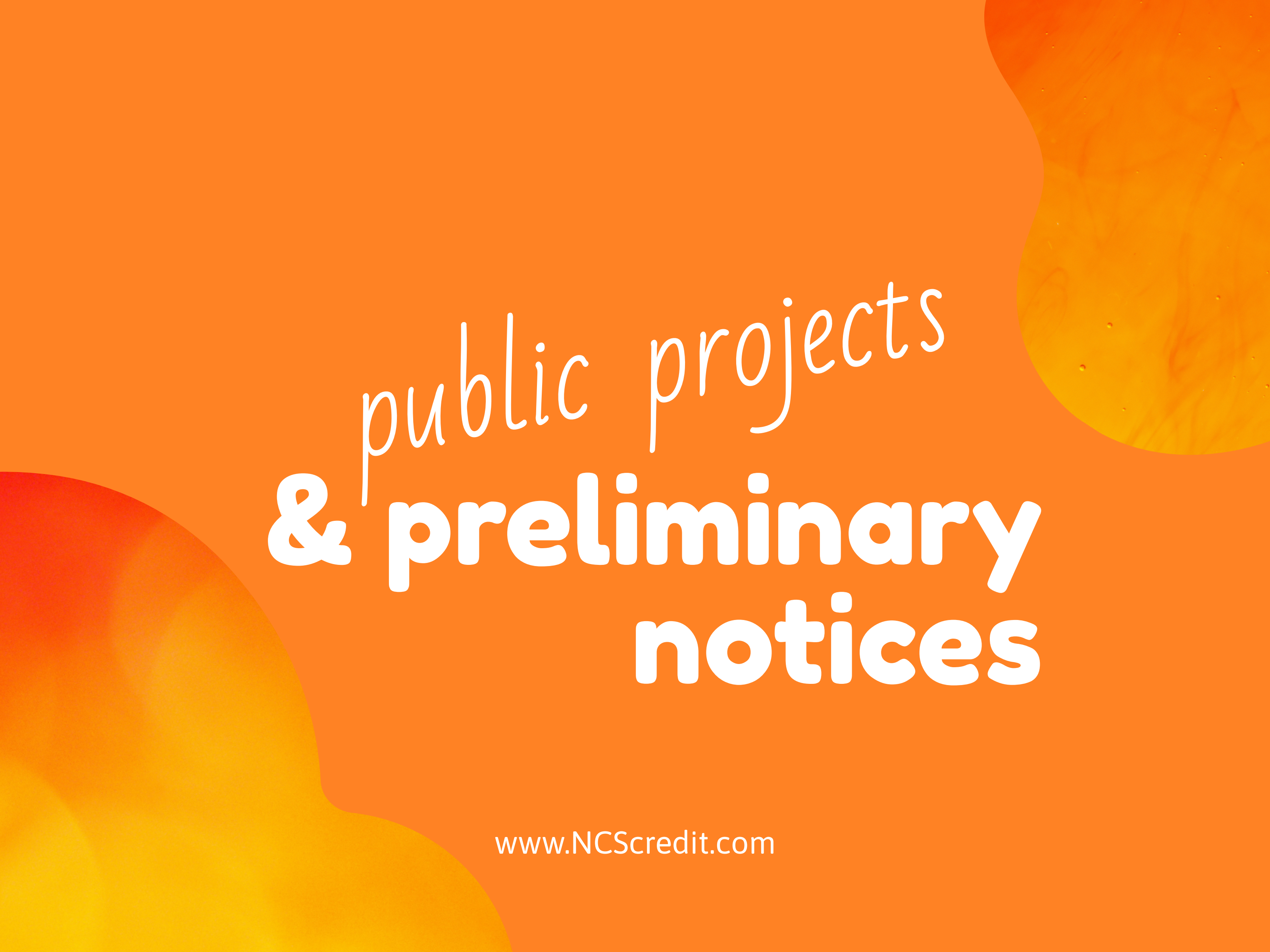
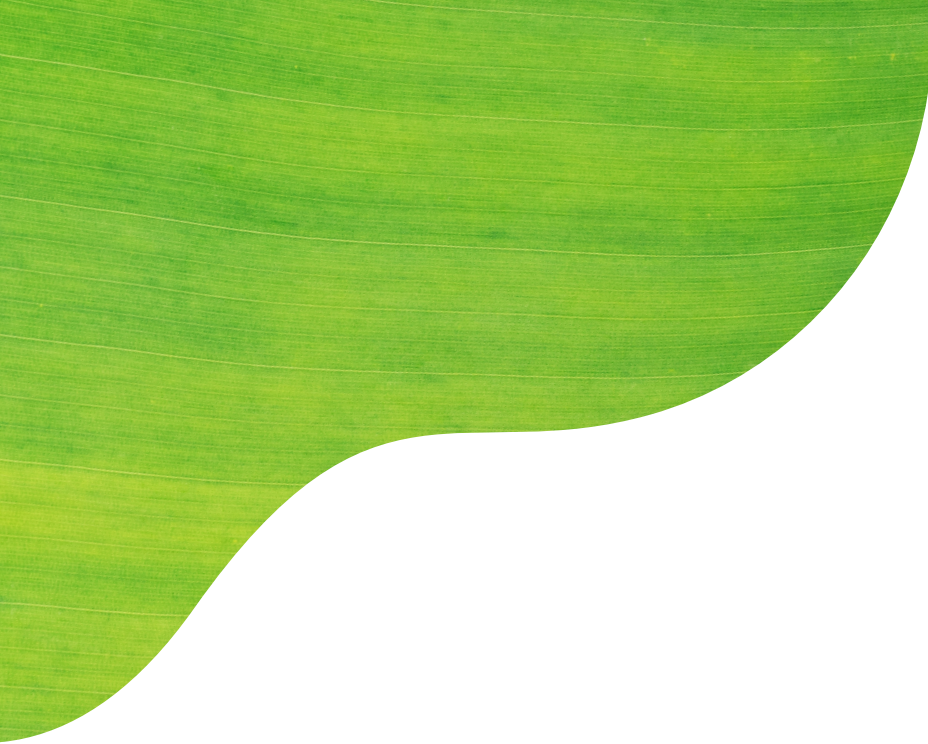




public projects & preliminary notices

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preliminary notices **not just for private projects**

Do you know there are **19** states that require a preliminary notice be served to protect bond claim or public improvement lien rights?

A common misconception is that preliminary notices are only required for private projects (securing mechanic's lien rights), but that's just not true.



which states have a preliminary notice requirement for public projects?

- Arizona
- California
- Florida
- Georgia
- Iowa
- Louisiana
- Massachusetts
- Michigan
- Montana
- Nevada
- New Jersey
- North Carolina
- Ohio
- South Carolina
- Texas
- Utah
- Washington
- Wisconsin
- Wyoming

Arizona

Serve notice upon the prime contractor within **20 days** from first furnishing materials or services.

A late notice may be served, but the bond claim, when later served, will only be effective for materials and services provided **20 days** prior to serving the notice and thereafter.

Serve an amended notice if the contract amount stated within your notice increases by 30% or more.

California

Serve notice upon the prime contractor and public entity within **20 days** from first furnishing materials or services.

A late notice may be served, but the stop notice or bond claim, when later served, will only be effective for materials and services provided **20 days** prior to serving the notice and thereafter.



Florida

Serve notice upon the prime contractor prior to or within **45 days** from first furnishing materials or services.

When supplying specially fabricated materials, serve notice prior to or within **45 days** from the date fabrication begins.

The notice must be received within the 45-day period.

Georgia

Serve Notice to Contractor upon the prime contractor within **30 days** after first furnishing materials or services, or within **30 days** from the filing of the Notice of Commencement, whichever is later.

Iowa

Serve notice upon the prime contractor within **30 days** of first furnishing materials or services.



Louisiana

Lessor's Notice: Serve a copy of the lease upon the owner and prime contractor within **10 days** after the equipment is first placed on the project site.

Notice of Non-Payment: Serve notice of non-payment upon the owner and prime contractor within **75 days** from the last day of the month for EACH month in which materials were furnished, but within the period in which a sworn statement must be filed.

Massachusetts

When furnishing specially fabricated materials, a notice may be served upon the prime contractor within **20 days from receiving final written approval for such materials.**

Serving the notice will protect the right to serve a bond claim even if the materials are not incorporated into the project.



Michigan

Serve notice upon the prime contractor within **30 days** from first furnishing materials or services.

.....

Montana

Serve notice upon the prime contractor after first furnishing, but within **30 days** from first furnishing materials or services.

Nevada

Serve notice upon the prime contractor after first furnishing materials or services, but within **30 days** from first furnishing materials or services.

A late notice may be served, but the bond claim, when later served, will only be effective for materials or services provided **30 days** prior to serving the notice and thereafter.



New Jersey

Bond Claim: Serve notice upon the prime contractor prior to furnishing materials or services.

A late notice may be served, but the bond claim, when later served, will only be effective for materials and services provided after serving the notice.

Municipal Mechanic's Lien: Serve notice upon the public entity within **20 days** from first furnishing materials or services.

A late notice may be served, but the lien, when later filed, will only be effective for materials and services provided after serving the notice.

North Carolina

Serve a Notice of Public Subcontract on the prime contractor within **75 days** from first furnishing materials or services.

A late notice may be served, but the bond claim, when later served, may only include materials or services provided within **75 days** prior to serving the Notice of Public Subcontract and thereafter.

South Carolina

Serve a Notice of Furnishing upon the principal of the bond **as soon as possible**. The bond claim, when later served, will be limited to the amount owed by the principal of the bond at the time the Notice of Furnishing was received.

Ohio

Serve notice upon the prime contractor within **21 days** from first furnishing materials or services.

A late notice may be served, but the bond claim or public improvement lien, when later served, will only be effective for materials and services provided **21 days** prior to serving the notice and thereafter.

Texas

Notice of specially fabricated materials: Serve notice upon the prime contractor no later than the **15th day of the second month** in which claimant received and accepted the order.

Notice of retainage: Serve notice upon the prime contractor no later than the **15th day of the second month** following first furnishing materials or services, stating the total dollar amount to be retained and the general nature of the retainage agreement.

Notice of non-payment: Serve notice upon the prime contractor no later than the **15th day of the second month** following each month in which materials or services were furnished.

Utah

File preliminary notice with the State Construction Registry within **20 days** from first furnishing materials or services or within **20 days** from the filing of a notice of commencement, whichever is later.

A late preliminary notice may be filed; however, the bond claim will only be enforceable for materials and services furnished **5 days** or later after the notice is filed.

Washington

Bond Claim: Serve notice upon the prime contractor within **10 days** from first furnishing materials or services.

Public Improvement Lien: Material suppliers must serve notice upon the prime contractor within **60 days** from first furnishing materials or services.

A late notice may be served, but the lien, when later filed, will only be effective for materials and services provided **60 days** prior to serving the notice and thereafter.

Wisconsin

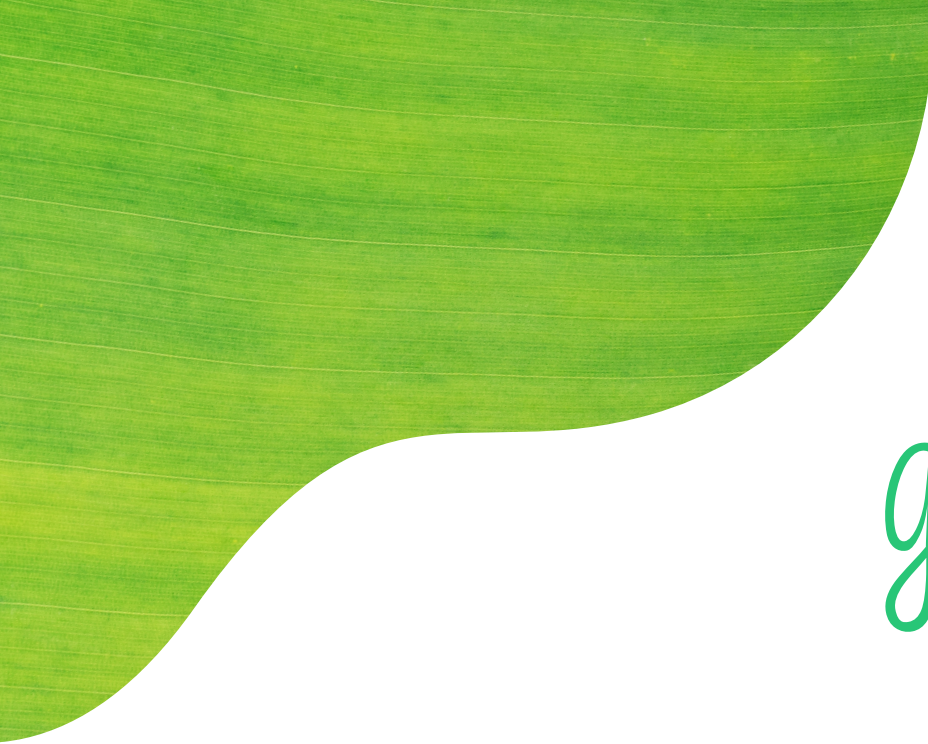
Serve notice upon the prime contractor
within **60 days** after first furnishing
materials or services.

Wyoming

Serve notice upon the prime contractor
within **60 days** from first furnishing
materials or services.

All 19!

- Arizona
- California
- Florida
- Georgia
- Iowa
- Louisiana
- Massachusetts
- Michigan
- Montana
- Nevada
- New Jersey
- North Carolina
- Ohio
- South Carolina
- Texas
- Utah
- Washington
- Wisconsin
- Wyoming



general guidelines **review statute carefully**

There may be circumstances where the notice is recommended but not required; frequently, when selling to the prime contractor on a public project, the notice isn't required.

Carefully review the information in **The National Lien Digest** or within each state's statute to confirm you are serving the proper notice upon the proper parties within the proper time frame.

Even if the notice isn't required, **it's a best practice to serve the notice so all parties within the ladder of supply are aware you are furnishing to the project!**



need help serving a
preliminary notice?

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NCS recommends retaining an attorney for each case.*