

Preliminary Notice Deadlines for Private Commercial & Residential Projects



- A statutory preliminary notice establishes your right to lien in the event of non-payment
- If serving a notice is not a statutory requirement, serve a non-statutory notice
- Be sure your notice includes thorough & accurate job information
- Notice deadlines are critical
- Make sure your notice meets any and all formatting requirements
- Play it safe and send all notices by certified mail with return receipt requested, or as otherwise dictated by statute

Serve Preliminary Notices

The first step to secure mechanic's lien rights on a private project may be to serve a preliminary notice. A preliminary notice is not a mechanic's lien, it's a prerequisite to filing a mechanic's lien and identifies you as a supplier of labor and/or materials to the construction project.

A preliminary notice does not reflect negatively upon the creditworthiness of your customer or any party within the ladder of supply.

A preliminary notice goes by different names depending on the state in which it's served. Some alternative names include: notice to contractor, notice to owner, notice of furnishing and prelien notice. (Be careful, a preliminary notice is not the same as a notice of intent to lien.)

Statutory Notice vs. Non-Statutory Notice

Statutory notices establish your right to lien in the event of non-payment.

These notices are governed by state law and typically must be served upon the general contractor and/or project owner within the specified timeframe.

However, it's recommended you serve the notice upon *all* parties within the ladder of supply to increase transparency and prioritize your payment.

In states where a preliminary notice is required, failure to send a notice or meet the stated deadline can invalidate your right to file a mechanic's lien on the project.

Currently, 43 states in the U.S. and one province in Canada have provisions for a preliminary notice to be served prior to filing the lien. However, not all 43 states require a notice for every project type (private vs. public). Be sure to review the statutory requirements carefully.

Non-Statutory notices are not required by state law and are served upon all parties within the ladder of supply. This type of notice is strictly a precautionary measure intended to prompt timely payment. Failure to serve a non-statutory notice does not affect your mechanic's lien rights.

Deadlines Matter

The deadline to serve your preliminary notice varies by state. In most cases, your notice must be served within a set timeframe from when labor and/or materials are first furnished on the project.

For example, a private project in the state of Ohio requires the preliminary notice to be served within 21 days from first furnishing, while a private project in Florida has a more lenient requirement of 45 days. Some states, such as Texas and Louisiana, require a preliminary notice to be sent for every month that payment is not received. These states require greater management of deadlines, which can slightly complicate the process.

Format Properly

Just as preliminary notices vary in name, type and deadline, each state has its own specific formatting requirements.

Some states are particular about seemingly small details such as font size and bold/italic/underlined words or phrases. There have even been cases where companies lose their mechanic's lien rights due to something as detailed as margin size. Review & re-review formatting requirements so you don't lose your lien rights.

Typically, preliminary notices must be sent by certified mail with return receipt requested or by registered mail. It's important to save a copy of the notice and receipt so that if/when you file a mechanic's lien on a project, you can prove compliance with the statute.





Commercial Projects

A notice is required on private projects in the following states to protect any future rights to file a lien claim. A notice must generally be served within the time frame listed below. Please refer to The National Lien Digest© state provisions page for complete information.

- **Alabama:** prior to furnishing, or as soon as possible after last furnishing
- **Alaska:** prior to furnishing
- **Arizona:** within 20 days from first furnishing
- **Arkansas:** within 75 days after last furnishing
- **California:** within 20 days from first furnishing
- **Colorado:** optional (as soon as possible)
- **Connecticut:** non-statutory notice recommended
- **Delaware:** non-statutory notice recommended
- **Florida:** within 45 days from first fabrication or first furnishing
- **Georgia:** within 30 days after first furnishing
- **Hawaii:** non-statutory notice recommended
- **Idaho:** non-statutory notice recommended
- **Illinois:** non-statutory notice recommended
- **Indiana:** non-statutory notice recommended
- **Iowa:** within 30 days after first furnishing
- **Kansas:** non-statutory notice recommended
- **Kentucky:** within 120 days from last furnishing
- **Louisiana:** lessor's notice 10 days after first furnishing; notice of non-payment 75 days from last day of each month furnished
- **Maine:** non-statutory notice recommended
- **Maryland:** within 120 days after last furnishing
- **Massachusetts:** within 30 days from first furnishing
- **Michigan:** within 20 days from first furnishing
- **Minnesota:** contractors selling to owner, 10 days from agreement; all others, 45 days from first furnishing
- **Mississippi:** within 30 days after first furnishing
- **Missouri:** contracting with the owner, prior to furnishing; rental equipment, within 15 days
- **Montana:** non-statutory notice recommended
- **Nebraska:** non-statutory notice recommended
- **Nevada:** within 31 days after first furnishing
- **New Hampshire:** prior to furnishing; serve monthly notices for additional furnishings
- **New Jersey:** optional, after first furnishing
- **New Mexico:** within 60 days from first furnishing
- **New York:** non-statutory notice recommended
- **North Carolina:** notice of furnishing, as soon as possible; notice to lien agent, within 15 days from first furnishing
- **North Dakota:** non-statutory notice recommended
- **Ohio:** within 21 days from first furnishing
- **Oklahoma:** within 75 days from last furnishing
- **Oregon:** within 8 business days from first furnishing
- **Pennsylvania:** searchable projects, 45 days after first furnishing; formal notice, 30 days prior to lien
- **Rhode Island:** contracting with the owner, prior to first furnishing
- **South Carolina:** as soon as possible
- **South Dakota:** within 60 days after last furnishing
- **Tennessee:** contracting with the owner, prior to furnishing; all others, within 90 days from the last day of each month of furnishing
- **Texas:** notice of specially fabricated materials by the 15th day of the 2nd month following acceptance of purchase order; notice of non-payment, by the 15th day of the 2nd month following each month of furnishing; notice of retainage, 30 days from last furnishing
- **Utah:** within 20 days from first furnishing
- **Vermont:** non-statutory notice recommended
- **Virginia:** non-statutory notice recommended
- **Washington:** prior to furnishing or within 60 days from first furnishing
- **West Virginia:** optional, prior to furnishing
- **Wisconsin:** within 60 days after first furnishing
- **Wyoming:** within 30 days from first furnishing; contractors, prior to receiving payment





Residential Projects

A notice is required on private projects in the following states to protect any future rights to file a lien claim. A notice must generally be served within the time frame listed below. Please refer to The National Lien Digest© state provisions page for complete information and to determine the definition of a Residential Project in the below context.

- **Alabama:** prior to furnishing, or as soon as possible
- **Alaska:** prior to furnishing
- **Arizona:** within 20 days from first furnishing
- **Arkansas:** prior to first furnishing; if more than 4 units, additional notice within 75 days after last furnishing
- **California:** within 20 days from first furnishing
- **Colorado:** optional (as soon as possible)
- **Connecticut:** non-statutory notice recommended
- **Delaware:** non-statutory notice recommended
- **Florida:** within 45 days from first fabrication or furnishing
- **Georgia:** within 30 days after first furnishing
- **Hawaii:** non-statutory notice recommended
- **Idaho:** when sold to owner, prior to contract
- **Illinois:** contractors, prior to payment; all others, 60 days from first furnishing
- **Indiana:** repair, 30 days from first furnishing; new construction, 60 days from first furnishing
- **Iowa:** as soon as possible; if prime contractor or owner/builder, 10 days from project commencement
- **Kansas:** new construction, notice of intent to perform prior to title passing; improvement, warning statement
- **Kentucky:** within 75 days from last furnishing
- **Louisiana:** notice of lien rights, prior to/when entering contract; lessor's notice 10 days after first furnishing; notice of non-payment 75 days from last day of each month furnished
- **Maine:** as soon as possible
- **Maryland:** within 120 days from last furnishing
- **Massachusetts:** within 30 days from first furnishing
- **Michigan:** within 20 days from first furnishing
- **Minnesota:** contractors selling to owner, 10 days from agreement; all others, 45 days from first furnishing
- **Mississippi:** within 10 days prior to filing a lien
- **Missouri:** varies for rental equipment, improvements, and new construction
- **Montana:** within 20 days from first furnishing
- **Nebraska:** as soon as possible
- **Nevada:** within 31 days after first furnishing; notice of intent at least 15 days prior to lien
- **New Hampshire:** prior to furnishing; serve monthly notices for additional furnishings
- **New Jersey:** within 60 days from last furnishing
- **New Mexico:** within 60 days from first furnishing
- **New York:** non-statutory notice recommended
- **North Carolina:** notice of furnishing, as soon as possible; notice to lien agent, within 15 days from first furnishing
- **North Dakota:** non-statutory notice recommended
- **Ohio:** within 21 days from first furnishing
- **Oklahoma:** within 75 days from last furnishing
- **Oregon:** within 8 business days from first furnishing
- **Pennsylvania:** searchable projects, 45 days after first furnishing; formal notice, 30 days prior to lien
- **Rhode Island:** contracting with the owner, prior to first furnishing
- **South Carolina:** as soon as possible
- **South Dakota:** within 60 days after last furnishing
- **Tennessee:** when contracting with owner, prior to furnishing
- **Texas:** notice of specially fabricated materials by the 15th day of the 2nd month following acceptance of purchase order; notice of non-payment, by the 15th day of the 2nd month following each month of furnishing; notice of retainage, 30 days from last furnishing
- **Utah:** within 20 days from first furnishing
- **Vermont:** non-statutory notice recommended
- **Virginia:** notice within 30 days from first furnishing
- **Washington:** prior to furnishing, within 10 days of first furnishing, or within 60 days from first furnishing
- **West Virginia:** optional, prior to furnishing
- **Wisconsin:** within 60 days after first furnishing; contractors, within 10 days after first furnishing
- **Wyoming:** within 30 days from first furnishing; contractors, prior to receiving payment





SecureYourTomorrow@NCScredit.com

www.NCScredit.com

800.826.5256

Collection Services | UCC Services | Notice & Mechanic's Lien Services | Education & Resources
SecureYourTomorrow@NCScredit.com | www.NCScredit.com | 800.826.5256

This is designed to provide a quick comparison of the notice requirements by state and does not address all variables. It is provided with the understanding that the publisher is not engaged in rendering legal advice. Action required in perfecting a claim varies from state to state and from case to case. NCS recommends retaining an attorney for each case.

updated 2.9.2021