

SB074\_L.004

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB26-074 be amended as follows:

1 Amend reengrossed bill, page 2, after line 1 insert:

2 "SECTION 1. In Colorado Revised Statutes, 38-22-128, **add** (2)  
3 and (3) as follows:

4 **38-22-128. Excessive amounts claimed.**

5 (2) AN AWARD BY A COURT HAVING JURISDICTION OF AN AMOUNT  
6 THAT IS LESS THAN THE AMOUNT FOR WHICH A PERSON'S LIEN WAS FILED  
7 DOES NOT RENDER THE AMOUNT EXCESSIVE FOR PURPOSES OF  
8 SUBSECTION (1) OF THIS SECTION IF THE PERSON HAD A GOOD FAITH BASIS  
9 TO BELIEVE THE LIEN AMOUNT WAS DUE AT TIME OF FILING.

10 (3) FOR PURPOSES OF THIS SECTION, AN AMOUNT IS "DUE" IF A  
11 PERSON REASONABLY BELIEVES, IN GOOD FAITH, THAT THE AMOUNT  
12 REPRESENTS THE VALUE OF THE LABOR, SERVICES, EQUIPMENT, OR OTHER  
13 MATERIALS OR PERSONS FURNISHED OR SUPPLIED TO A CONTRACTOR, AS  
14 DESCRIBED IN SECTION 38-22-101 (1), WHETHER OR NOT THE AMOUNT IS  
15 UNLIQUIDATED OR DISPUTED."

16 Renumber succeeding sections accordingly.

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