

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 43-11 of the Code of Virginia, relating to notices of materialman or*
 3 *laborer liens.*

4 [H 855]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 43-11 of the Code of Virginia is amended and reenacted as follows:**

8 § 43-11. How owner or general contractor made personally liable to subcontractor, laborer or
 9 materialman.

10 1. Any subcontractor or person furnishing labor or material to the general contractor or subcontractor,
 11 may give *a preliminary* notice in writing to the owner or his agent or the general contractor, stating the
 12 nature and character of his contract and the probable amount of his claim; ~~and~~.

13 2. *Additionally*, if such subcontractor, or person furnishing labor or material shall at any time after
 14 the work is done or material furnished by him and before the expiration of thirty days from the time
 15 such building or structure is completed or the work thereon otherwise terminated furnish the owner
 16 thereof or his agent and also the general contractor, or the general contractor alone in case he is the
 17 only one notified, with *a second notice stating* a correct account, verified by affidavit, of his *actual*
 18 claim against the general contractor or subcontractor, for work done or materials furnished and of the
 19 amount due, *then* the owner, or the general contractor, if he alone was notified, shall be personally liable
 20 to the claimant for the *actual* amount due to the subcontractor or persons furnishing labor or material by
 21 the general contractor or subcontractor, provided the same does not exceed the sum in which the owner
 22 is indebted to the general contractor at the time the *second* notice is given or may thereafter become
 23 indebted by virtue of his contract with the general contractor, or in case the general contractor alone is
 24 notified the sum in which he is indebted to the subcontractor at the time the *second* notice is given or
 25 may thereafter become indebted by virtue of his contract with the general contractor. But the amount
 26 which a person supplying labor or material to a subcontractor can claim shall not exceed the amount for
 27 which such subcontractor could file his claim.

28 3. Any bona fide agreement for deductions by the owner because of the failure or refusal of the
 29 general contractor to comply with his contract shall be binding upon such subcontractor, laborer or
 30 materialman.

31 4. The provisions of this section are subject to the qualification that before any such personal liability
 32 of the owner or general contractor herein provided for shall be binding the ~~notice two notices~~ herein
 33 required, with such ~~return~~ *returns* thereon as is sufficient under § 8.01-325, shall be recorded and
 34 indexed as provided in § 43-4.1 in the appropriate clerk's office; or the ~~notice two notices~~ herein
 35 required shall be mailed by registered or certified mail to and received by the owner or general
 36 contractor upon whom personal liability is sought to be imposed, and a return receipt therefor showing
 37 delivery to the addressee shall be prima facie evidence of receipt.

ENROLLED

HB855ER