

# 1994 SESSION

## HOUSE SUBSTITUTE

LD3399198

### HOUSE BILL NO. 179

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 11, 1994)

(Patron Prior to Substitute—Delegate Davies)

*A BILL to amend and reenact § 43-1 of the Code of Virginia, relating to definitions with respect to mechanics' and materialmen's liens.*

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

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

§ 43-1. Definitions.

As used in this chapter, the term "general contractor" ~~shall include~~ *includes* contractors, laborers, mechanics, and persons furnishing materials, who contract directly with the owner, and the term "subcontractor" ~~shall include~~ *includes* all such contractors, laborers, mechanics, and persons furnishing materials, who do not contract with the owner but with the general contractor. As used in this chapter, the term "owner" shall not be construed to mean any person holding bare legal title under an instrument to secure a debt or indemnify a surety. As used in this chapter, the term "mechanics' lien agent" means a person (i) designated in writing by the owner of real estate or a person authorized to act on behalf of the owner of such real estate and (ii) who consents in writing to act, as the owner's designee for purposes of receiving notice pursuant to § 43-4.01. Such person shall be an attorney at law licensed to practice in the Commonwealth, a title insurance company authorized to write title insurance in the Commonwealth or one of its subsidiaries or licensed title insurance agents, or a financial institution authorized to accept deposits and to hold itself out to the public as engaged in the banking or savings institution business in the Commonwealth or a service corporation, subsidiary or affiliate of such financial institution. *Any such person may perform mechanics' lien agent services as any legal entity.* Provided that nothing herein shall be construed to affect pending litigation.

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