

25 apply to a developer or builder of multiple residences except for
26 the residence that is occupied as the primary residence of the
27 developer or builder.

28 (c) If notice is provided in accordance with subsections (c)
29 and (d) of section twenty-one of this article, the owner is not
30 entitled to the protections of affirmative defenses or affirmative
31 partial defenses provided in this section and in section
32 twenty-one of this article.

33 (d) ‘Dwelling’ or ‘residence’ means any building or structure
34 intended for habitation, in whole or part, and includes, but is not
35 limited to, any house, apartment, mobile home, house trailer,
36 modular home, factory-built home, and any adjacent outbuilding
37 or structure which adjoins, is part of, belongs to, or is used in
38 connection with a dwelling and shall include, but not be limited
39 to, any garage, shop, shed, barn or stable.

NOTE: The purpose of this bill is to add language to the West Virginia Code providing for affirmative defenses against mechanic’s liens. The bill provides that property owners of single family dwellings or residences are not entitled to affirmative defenses to mechanics’ liens if notice is timely given of the liability for unpaid bills for work performed of materials supplied.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

