

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 846

Introduced by Assembly Member Gallagher

February 26, 2015

An act to amend Section 8462 of the Civil Code, relating to liens.

LEGISLATIVE COUNSEL'S DIGEST

AB 846, as amended, Gallagher. Mechanic's lien: discretionary dismissal.

The California Constitution grants workers the right to a mechanic's lien for the value of labor and materials provided for the improvement of real property and authorizes the Legislature to provide for the speedy and efficient enforcement of these liens. Existing law authorizes a court to dismiss an action to enforce a mechanic's lien for want of prosecution if it is not brought to trial within 2 years after commencement of the action.

This bill would authorize a court to dismiss an action to enforce a mechanic's lien for want of prosecution if *a plaintiff does not make a good faith effort to effect service* ~~is not made~~ within 6 months after commencement of the action.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8462 of the Civil Code is amended to
2 read:

1 8462. Notwithstanding Section 583.420 of the Code of Civil
2 Procedure:

3 (a) If an action to enforce a lien is not brought to trial within
4 two years after commencement of the action, the court may in its
5 discretion dismiss the action for want of prosecution.

6 (b) If *a plaintiff does not make a good faith effort to effect*
7 service on an action to enforce a lien ~~is not made~~ within six months
8 after commencement of the action, the court may in its discretion
9 dismiss the action for want of prosecution.